

OKLAHOMA STATUTES
TITLE 10. CHILDREN

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§10-1.2. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-2. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-3. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-4. Repealed by Laws 2009, c. 233, § 156, emerg. eff. May 21, 2009.

§10-5. Renumbered as § 109.4 of Title 43 by Laws 2009, c. 233, § 197, emerg. eff. May 21, 2009.

§10-5.1. Repealed by Laws 2009, c. 233, § 157, emerg. eff. May 21, 2009.

§10-5.2. Renumbered as § 109.6 of Title 43 by Laws 2009, c. 233, § 198, emerg. eff. May 21, 2009.

§10-5A. Repealed by Laws 2009, c. 233, § 158, emerg. eff. May 21, 2009.

§10-6. Repealed by Laws 2009, c. 233, § 159, emerg. eff. May 21, 2009.

§10-6.5. Use of certain words in reference to children born out of wedlock prohibited.

A. On and after the date upon which this act becomes operative, the designations "illegitimate" or "bastard" shall not be used to designate a child born out of wedlock.

B. No person, firm, corporation, agency, organization, the State of Oklahoma nor any of its agencies, boards, commission officers or political subdivisions, nor any hospital, nor any institution supported by public funds, nor any employee of any of the above, shall use the term "illegitimate" or "bastard" in referring to or designating any child born on or after the operative date of this act.

Laws 1974, c. 297, § 1, operative July 1, 1974.

§10-7. Repealed by Laws 2009, c. 233, § 160, emerg. eff. May 21, 2009.

§10-8. Repealed by Laws 2009, c. 233, § 161, emerg. eff. May 21, 2009.

§10-9. Repealed by Laws 2009, c. 233, § 162, emerg. eff. May 21, 2009.

§10-10. Repealed by Laws 2009, c. 233, § 163, emerg. eff. May 21, 2009.

§10-11. Repealed by Laws 2009, c. 233, § 164, emerg. eff. May 21, 2009.

§10-12. Repealed by Laws 2009, c. 233, § 165, emerg. eff. May 21, 2009.

§10-13. Renumbered as § 209.2 of Title 43 by Laws 2009, c. 233, § 199, emerg. eff. May 21, 2009.

§10-14. Repealed by Laws 2009, c. 233, § 166, emerg. eff. May 21, 2009.

- §10-15. Renumbered as § 112.4 of Title 43 by Laws 2009, c. 233, § 200, emerg. eff. May 21, 2009.
- §10-16. Repealed by Laws 2009, c. 233, § 167, emerg. eff. May 21, 2009.
- §10-17. Repealed by Laws 2009, c. 233, § 168, emerg. eff. May 21, 2009.
- §10-17.1. Renumbered as § 2025.1 of Title 12 by Laws 2009, c. 233, § 201, emerg. eff. May 21, 2009.
- §10-18. Repealed by Laws 2009, c. 233, § 169, emerg. eff. May 21, 2009.
- §10-19. Renumbered as § 112.2A of Title 43 by Laws 2009, c. 233, § 202, emerg. eff. May 21, 2009.
- §10-20. Renumbered as § 1.1 of Title 76 by Laws 2009, c. 233, § 203, emerg. eff. May 21, 2009.
- §10-21. Renumbered as § 109.1 of Title 43 by Laws 1990, c. 188, § 4, eff. Sept. 1, 1990. (Also renumbered as § 112.1 of Title 43 by Laws 1990, c. 171, § 3, said renumbering is superceded by Laws 1990, c. 188, § 4).
- §10-21.1. Renumbered as § 112.4 of Title 43 by Laws 2009, c. 233, § 204, emerg. eff. May 21, 2009. Editorially renumbered as § 112.5 of Title 43 to avoid duplication in numbering.
- §10-21.2. Repealed by Laws 2009, c. 233, § 170, emerg. eff. May 21, 2009.
- §10-21.3. Repealed by Laws 2009, c. 233, § 171, emerg. eff. May 21, 2009.
- §10-21.4. Repealed by Laws 2009, c. 233, § 172, emerg. eff. May 21, 2009.
- §10-21.5. Repealed by Laws 2009, c. 233, § 173, emerg. eff. May 21, 2009.
- §10-21.6. Repealed by Laws 2009, c. 233, § 174, emerg. eff. May 21, 2009.
- §10-21.10. Child assessment in voluntary out-of-home placement.

A. Upon any voluntary out-of-home placement of a child by a parent into foster care with a child-placing agency, the child-placing agency shall conduct an assessment of the child in its custody which shall be designed to establish an appropriate plan for placement of the child. Following the assessment, the child-placing agency shall establish an individual treatment and service plan for the child. A copy of each plan shall be provided to the child if the child is twelve (12) years of age or older and to the child's parent or guardian. The plan shall at a minimum:

1. Be specific;
2. Be in writing;
3. Be prepared by the agency in conference with the child's parents;
4. State appropriate deadlines;
5. State specific goals for the treatment of the child;
6. Describe the conditions or circumstances causing the child to be placed in foster care;
7. Describe the services that are necessary to remedy and that have a reasonable expectation of remedying the conditions or circumstances causing the child to be placed in foster care;
8. State to whom the services will be delivered and who will deliver the services; and
9. Prescribe the time the services are expected to begin and the time within which expected results can reasonably be accomplished.

B. The child shall receive a complete medical examination within thirty (30) days of placement in foster care.

C. The child may receive such further diagnosis and evaluation as is necessary to preserve the physical and mental well-being of the child.

D. Subsequent to initial placement, the child placed in foster placement shall have a medical examination, at periodic intervals, but not less than once each year.

E. Prior to any proposed counseling, testing, or other treatment services, the court or child-placing agency shall first determine that the proposed services are necessary and appropriate.

F. If the assessment and medical examination disclose no physical, mental, or emotional reasons for therapeutic foster care, a child voluntarily placed with a child-placing agency shall be placed in a regular foster family home. If therapeutic foster care is required, the child may be placed only in foster homes that are certified as therapeutic foster homes pursuant to the Oklahoma Child Care Facilities Licensing Act.

Added by Laws 2009, c. 233, § 110, emerg. eff. May 21, 2009.

§10-22. Repealed by Laws 2013, c. 404, § 29, eff. Nov. 1, 2013.

§10-22.1. Legislative findings and intent - Foster care by grandparents or other relative.

A. The Oklahoma Legislature recognizes that:

1. Children who have been abused, who are dependent or neglected, or whose parents, for whatever reason, may be unable or unwilling to provide care for their children, are best served when they can be cared for by grandparents or other suitable relatives instead of placing those children in foster care with the State of Oklahoma; and

2. While grandparents or other relatives are often willing to provide for the care of children who can no longer remain with their parents, there may exist financial obstacles to the provision of such care, or there may be a need for other services to enable the children to remain with their grandparents or other relatives in order to prevent the entry of those children into the foster care system.

B. It is the intent of the Oklahoma Legislature in enacting this section to:

1. Recognize family relationships in which a grandparent or other relative within the third degree of relationship to the child is the head of a household that includes a child otherwise at risk of foster care placement by the Department of Human Services;

2. Enhance family preservation and stability by recognizing that most children in placements with grandparents and other relatives within the third degree of relationship to the child do not need intensive supervision of the placement by the courts or by the Department;

3. Provide additional placement options and incentives that will achieve permanency and stability for many children who are otherwise at risk of foster care placement by the Department because of abuse, abandonment, or neglect, but who may successfully be able to reside in the care of relatives within the third degree of relationship to the child; and

4. Reserve the limited casework and supervisory resources of the Department and the courts expended to care for children in state custody for those cases in which children do not have the option for safe, stable care within their immediate family.

C. The Department of Human Services shall establish and operate a relative support program pursuant to eligibility guidelines established in this section and by rules of the Department promulgated thereto which will divert children from the foster care program operated by the Department. The relative support program shall provide assistance to relatives within the third degree of relationship to a child who are caring for the child on a full-time basis, regardless of whether there is a court order granting custody of the child to the relative.

D. Grandparents or other such relatives who qualify for and participate in the relative support program are not required to be certified as foster parents or to meet the foster care requirements but shall be capable of providing a physically safe environment and a stable, supportive home for the children under their care.

E. Upon request by grandparents or other relatives who are caring for a child on a full-time basis, the Department shall complete a needs assessment on such grandparents or other relatives to determine the appropriate services and support needed by the child and the grandparents or other such relatives.

F. Within available funding specified by this section, the relative support program may provide grandparents or other suitable relatives with:

1. Case management services;
2. Monthly stipends or other financial assistance, family support and preservation services;
3. Flexible funds to enable the grandparents or other relatives to meet unusual or crisis expenditures, including but not limited to, making housing deposits, utility deposits, or to purchase beds, clothing and food;
4. Subsidized child care and after school care;
5. Respite care;
6. Transportation;
7. Counseling;
8. Support groups;
9. Assistance in accessing parental child support payments;
10. Aid in accessing food stamps, Social Security and other public benefits;
11. Information about legal options for relative caregivers;
12. Assistance for establishing a relative guardianship or relative custodianship for the child;
13. Available volunteer attorney services;
14. Mediation/family group conferencing; and
15. Community-based services and state or federal programs available to the child and relatives to support the child's safety, growth and health development.

G. Children living with grandparents or other relatives within the third degree of relationship to the child who are receiving assistance pursuant to this section shall be eligible for Medicaid coverage.

H. Subject to availability of funding, and as may be permitted by federal law or regulations governing the Department of Human Services' block grant for Temporary Assistance for Needy Families (TANF), the Department is specifically authorized to provide funding assistance from such block grant or other available funds for the development and operation of the relative support program by providing available funds which are not otherwise committed to or

necessary for the provision of the Statewide Temporary Assistance Responsibility System. In addition, the Department may use any other state, federal or private funds available to the Department for such purposes to implement the provisions of this section.

I. 1. In order to qualify for the receipt of any monthly stipend, the grandparent or other relative shall meet any eligibility criteria determined by the Department of Human Services.

2. Within limits of available funding, monthly stipends may be paid to grandparents or other relatives with the third degree of relationship to the child who have physical full-time custody of a child who would be unable to serve in that capacity without a monthly stipend because of inadequate financial resources, thus exposing the child to the trauma of potential placement in a shelter or in foster care placement by the Department of Human Services. The statewide average monthly rate for children in the legal custody of grandparents or other relatives who are not certified as foster homes shall not exceed the cost of providing foster care.

J. Additional assistance may be made available to qualified grandparents or other relatives within the third degree of relationship and children, based upon specific needs of the grandparent or other relative of the child and the specific needs of the child. Such assistance shall also be subject to available funding.

K. The relative support program established by the Department pursuant to this section may receive referrals from district courts of this state, from social service or child advocate agencies, from any other agency of this state, or other states or federal programs. In addition, the relative support program may be accessed directly by the grandparents or other relatives of the affected children by application made to the Department of Human Services.

L. The Department of Human Services may provide any services necessary to effectuate the purposes of this section by contract with any person or with any public or private entity.

M. The provisions of this section shall also be available to a legal guardian of a child who is within the fifth degree of relation to the child.

N. The Department of Human Services shall, pursuant to the provisions of the Administrative Procedures Act, promulgate any rules necessary to implement the provisions of this section.

O. As a part of the relative support program, the Department shall develop, publish, and distribute an informational brochure for grandparents and other relatives who provide full-time care for children. The information provided under the program authorized by this section may include, but is not limited to, the following:

1. The benefits available to children and grandparents or other relatives pursuant to this section providing full-time care;
2. The procedures to access the relative support program;

3. A list of support groups and resources located throughout the state;

4. Such other information deemed necessary by the Department; and

5. The brochure may be distributed through municipal and district courts, hospitals, public health nurses, child protective services, medical professional offices, county health departments, elementary and secondary schools, senior citizens centers, public libraries, local, city, county and state offices and community action agencies selected by the Department.

P. The Department of Human Services shall submit a report of the outcomes associated with the relative support program established pursuant to this section to the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the State Senate on or before January 15, 2002.

Added by Laws 2000, c. 385, § 4, eff. Nov. 1, 2000. Amended by Laws 2009, c. 233, § 3, emerg. eff. May 21, 2009.

§10-22.2. Investing in Stronger Oklahoma Families Act - Purpose - Comprehensive strategic plan - Information database - Family resource assistance - Partnerships - Brochure.

A. This section shall be known and may be cited as the "Investing in Stronger Oklahoma Families Act".

B. It is the intent of the Oklahoma Legislature in enacting the Investing in Stronger Oklahoma Families Act to provide assistance to guardians of children, adoptive parents and other "created families", to assist such guardians, adoptive parents and families to assume permanent custody of children in need of safe and permanent homes, and to enhance family preservation and the stability of these homes.

C. For purposes of implementing the Investing in Stronger Oklahoma Families Act, the Department of Human Services shall collaborate with appropriate local, state and federal agencies and private entities to develop by December 31, 2001, a comprehensive strategic state plan for investing in stronger families.

D. The comprehensive strategic state plan shall:

1. Set a goal to annually increase the number of programs for "created families" which will increase safe and permanent homes for children who are not in the custody of the Department but unable to reside with their biological parents and encourage and preserve the adoption or guardianship of and other legal custody arrangements for such children;

2. Develop and implement a statewide public awareness campaign which will inform preadoptive homes, adoptive homes and other persons desiring to obtain guardianship or other legal custody of a child, of the programs, grants and other assistance available to them;

3. Identify public and private resources, both within the agencies subject to the provisions of this section and within the state and within the communities;

4. Provide for coordination and collaboration among related efforts and programs;

5. Provide for contracts or agreements with public and private entities for utilization of identifiable financial resources from federal, state, local and private resources and coordinate those resources to fund-related services; and

6. Apply for grants and matching monies to assist in the implementation of the Investing in Stronger Oklahoma Families Act including, but not limited to, funds derived from the "Respect Life - Support Adoption" license plates.

E. As part of the development and implementation of the comprehensive strategic plan, the Department shall, as funds are available and using existing available state resources, develop an information database consisting of data on existing programs serving families who have taken on the responsibility of providing children with safe and permanent homes. In developing the information database, the Department shall coordinate with the Children's Coordinated Data System developed by the Oklahoma Commission on Children and Youth.

F. The Legislature hereby encourages the establishment of family resource assistance that links federal, state and local resources and programs and that creates collaborative and interorganizational partnerships between state governmental agencies and private and nonprofit entities and attorneys. Such agencies and private and nonprofit entities shall include, but not be limited to:

1. The Department of Human Services;
2. The State Department of Education;
3. The Oklahoma Department of Career and Technology Education;
4. The Oklahoma Department of Commerce;
5. The Oklahoma Employment Security Commission;
6. The Oklahoma Health Care Authority;
7. The State Department of Health;
8. The Oklahoma Commission on Children and Youth;
9. The State Department of Mental Health and Substance Abuse

Services;

10. The Department of Corrections;
11. The Oklahoma State Regents for Higher Education;
12. Community action agencies;
13. Local and municipal groups;
14. Substate planning groups;
15. Religious and charitable organizations;
16. Private child placement entities;
17. Public or private foundations; and

18. Representatives of the courts and attorneys who practice in adoption.

G. The Department shall enter into collaborative and interorganizational partnerships as necessary to provide assistance to guardians, adoptive parents and other "created families".

H. Within available funding specified by this section, the Department may provide created families with:

1. Case management services;
2. Flexible funds to enable the relatives, guardians, adoptive parents and other created families to meet unusual or crisis expenditures, including but not limited to, making housing deposits, utility deposits, or purchasing beds, clothing and food;
3. Child care and after school care;
4. Respite care;
5. Transportation;
6. Counseling;
7. Support groups;
8. Assistance in accessing parental child support payments;
9. Aid in accessing food stamps, Social Security and other public benefits;
10. Assistance for establishing a guardianship, adopting or obtaining custody of the child;
11. Available volunteer attorney services;
12. Mediation/family group conferencing; and
13. Community-based services and state or federal programs serving guardians of children, adoptive families and other created families.

I. The Department of Human Services may provide any services necessary to effectuate the purposes of this section by contract with any person or with any public or private entity.

J. The Department shall, pursuant to the provisions of the Administrative Procedures Act, promulgate any rules necessary to implement the provisions of this section.

K. For purposes of the Investing in Stronger Oklahoma Families Act, the Department shall, from funds available, develop, publish, and distribute an informational brochure for guardians, adoptive parents and other created families who provide full-time care for children. The information provided under the program authorized by this section may include, but is not limited to, the following:

1. The benefits that may be available to children and created families pursuant to this section providing full-time care;
2. The procedures to access the created families program;
3. A list of support groups and resources located throughout the state; and
4. Such other information deemed necessary by the Department.

Added by Laws 2001, c. 434, § 1, emerg. eff. June 8, 2001. Amended by Laws 2009, c. 233, § 4, emerg. eff. May 21, 2009.

§10-23. Repealed by Laws 2009, c. 233, § 175, emerg. eff. May 21, 2009.

§10-24. Repealed by Laws 2013, c. 404, § 29, eff. Nov. 1, 2013.

§10-24.1. Appointment of volunteer attorneys for indigent children not entitled to representation by Indigent Defense System.

Effective July 1, 1996, the duties and responsibilities for legal representation to indigent children who are subject to any proceeding or appeal provided for in the Oklahoma Children's Code, mental health proceeding and appeal, guardianship proceeding and appeal, private termination of parental rights proceeding and appeal, family law proceeding and appeal addressing custody or visitation and appeal, civil case in which the child is a defendant, criminal proceeding for a crime in which the child was a victim, and in-need-of-supervision proceeding shall no longer be provided by the Indigent Defense System, but shall be provided by volunteer attorneys appointed by the court pursuant to subsection K of Section 1355.8 of Title 22 of the Oklahoma Statutes.

Added by Laws 1996, c. 301, § 2, eff. July 1, 1996. Amended by Laws 2009, c. 233, § 6, emerg. eff. May 21, 2009.

§10-25. Repealed by Laws 1998, c. 415, § 52, emerg. eff. June 11, 1998.

§10-26. Renumbered as § 7202.1 of this title by Laws 1998, c. 415, § 51, emerg. eff. June 11, 1998.

§10-27. Renumbered as § 7202.2 of this title by Laws 1998, c. 415, § 51, emerg. eff. June 11, 1998.

§10-28. Repealed by Laws 1998, c. 415, § 52, emerg. eff. June 11, 1998.

§10-29. Repealed by Laws 1998, c. 415, § 52, emerg. eff. June 11, 1998.

§10-29.1. Repealed by Laws 1997, c. 366, § 60, eff. Nov. 1, 1997.

NOTE: In addition to repeal by Laws 1997, c. 366, § 60, this section was amended by Laws 1997, c. 386, § 16, to read as follows:

A. Whenever the mother of a child born out of wedlock who has custody of the child executes a relinquishment for the purpose of adoption pursuant to the provisions of Section 28 of this title, the person or agency to whom such relinquishment is made shall file a petition with the district court of the county in which the relinquishment

was executed for the termination of the parental rights of the persons entitled to notice pursuant to subsection B of this section unless such rights have been previously terminated or relinquished.

B. Persons entitled to notice, pursuant to this section, shall include:

1. Any person adjudicated by a court in this state to be the father of the child;

2. Any person who is recorded on the child's birth certificate as the child's father;

3. Any person who is openly living with the child and the child's mother at the time the proceeding is initiated or at the time the child was placed in the care of an authorized agency, and who is holding himself out to be the child's father;

4. Any person who has been identified as the child's father by the mother in a sworn statement;

5. Any person who was married to the child's mother within ten (10) months prior or subsequent to the birth of the child; and

6. Any person who has filed with the paternity registry an instrument acknowledging paternity of the child, pursuant to Section 55.1 of this title.

C. The court, as necessary, shall order the Department to provide the person or agency filing the petition with the name and address of any person on the registry established pursuant to Section 55.1 of this title who must be notified pursuant to the provisions of this section.

D. Notice and hearing pursuant to this section shall comply with the provisions of Section 7006-1.2 of this title. The notice shall also apprise such person of his legal rights and shall include a clear statement that failure to appear at the hearing shall constitute a denial of interest in the child which denial may result, without further notice of this proceeding or any subsequent proceeding, in the termination of his parental rights and the transfer of the child's care, custody or guardianship or in the child's adoption.

E. A person may waive their right to notice under this section. The waiver, signed by such person, shall include a statement affirming that the person signing the waiver understands that the waiver shall constitute grounds for the termination of the parental rights of such person pursuant to the provisions of this section and Section 60.6 of this title.

F. 1. At the hearing the court may, if it is in the best interest of the child:

- a. accept a relinquishment or consent to adoption executed by the father or putative father of the child, or
- b. determine that the consent of the father or putative father to the adoption of the child is not required and may terminate any parental rights which the father or putative father may have, or
- c. terminate the parental rights of the father or putative father, pursuant to the provisions of this section or Section 7006-1.1 of this title, or
- d. grant custody of the child to the father or putative father, if the court determines the person to be the father of the child.

2. The court shall terminate the rights of a father or putative father if he fails to appear at the hearing or has waived notice under this section.

G. No order of the court shall be vacated, annulled, or reversed upon the application of any person who was properly served with notice in accordance with this section but failed to appear or who waived notice pursuant to subsection E of this section.

H. An appeal may be taken from any final order, judgment, or decree rendered pursuant to this section to the Supreme Court by any person aggrieved thereby, in the manner provided for appeals from the court as provided in this subsection.

1. All appeals of cases concerning the relinquishment of a child or the termination of parental rights pursuant to this section shall be initiated by filing a petition in error in the Supreme Court within thirty (30) days of the filing of the order, judgment, or decree appealed from. The record on appeal shall be completed within thirty (30) days from the filing of the petition in error. Any response to the petition in error shall be filed within twenty (20) days from the filing of the petition in error.

2. The briefing schedule is established as follows:

- a. appellant's brief in chief shall be filed twenty (20) days after the trial court clerk notifies all parties that the record is complete and such notice has been filed in the office of the Clerk of the Supreme Court,

- b. appellee's answer brief shall be filed fifteen (15) days after the appellant's brief in chief is filed, and
- c. appellant's reply brief may be filed within ten (10) days after the appellee's answer brief is filed.

I. Any appeal when docketed shall have priority over all cases pending on said docket. Adjudication of the appeals and in any other proceedings concerning the relinquishment of the child or the termination of parental rights pursuant to this section shall be expedited by the Supreme Court.

§10-30. Repealed by Laws 1998, c. 415, § 52, emerg. eff. June 11, 1998.

§10-31. Repealed by Laws 1998, c. 415, § 52, emerg. eff. June 11, 1998.

§10-32. Renumbered as § 7202.4 of this title by Laws 1998, c. 415, § 51, emerg. eff. June 11, 1998.

§10-33. Repealed by Laws 1998, c. 415, § 52, emerg. eff. June 11, 1998.

§10-34. Repealed by Laws 1998, c. 415, § 52, emerg. eff. June 11, 1998.

§10-35. Repealed by Laws 1998, c. 415, § 52, emerg. eff. June 11, 1998.

§10-37. Repealed by Laws 1998, c. 415, § 52, emerg. eff. June 11, 1998.

§10-38. Renumbered as § 7202.3 of this title by Laws 1998, c. 415, § 51, emerg. eff. June 11, 1998.

§10-40. Short title.

Sections 1 through 10 of this act shall be known and may be cited as the "Oklahoma Indian Child Welfare Act".

Added by Laws 1982, c. 107, § 1, emerg. eff. April 6, 1982.

§10-40.1. Purpose - Policy of state.

The purpose of the Oklahoma Indian Child Welfare Act is the clarification of state policies and procedures regarding the implementation by the State of Oklahoma of the federal Indian Child Welfare Act, P.L. 95-608. It shall be the policy of the state to

recognize that Indian tribes and nations have a valid governmental interest in Indian children regardless of whether or not said children are in the physical or legal custody of an Indian parent or Indian custodian at the time state proceedings are initiated. It shall be the policy of the state to cooperate fully with Indian tribes in Oklahoma in order to ensure that the intent and provisions of the federal Indian Child Welfare Act are enforced. Added by Laws 1982, c. 107, § 2, emerg. eff. April 6, 1982. Amended by Laws 1994, c. 30, § 1, eff. Sept 1, 1994.

§10-40.2. Definitions.

For the purposes of the Oklahoma Indian Child Welfare Act:

1. "Indian" means a person who is a member of an Indian tribe;
2. "Indian child" means any unmarried or unemancipated person who is under the age of eighteen (18) and is either:
 - a. a member of an Indian tribe, or
 - b. is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe;
3. "Indian custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody and control has been transferred by the parent of such child; and
4. "Indian tribe" means any Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians.

Added by Laws 1982, c. 107, § 3, emerg. eff. April 6, 1982.

§10-40.3. Application of act - Exemptions - Determination of Indian status.

A. The Oklahoma Indian Child Welfare Act, in accordance with the federal Indian Child Welfare Act, applies to all child custody proceedings involving any Indian child except the following:

1. A child custody proceeding arising from a divorce proceeding;
- or
2. A child custody proceeding arising from an adjudication of delinquency, unless there has been a request for termination of parental rights.

B. Except as provided for in subsection A of this section, the Oklahoma Indian Child Welfare Act applies to all state voluntary and involuntary child custody court proceedings involving Indian children, regardless of whether or not the children involved are in the physical or legal custody of an Indian parent or Indian custodian at the time state proceedings are initiated.

C. The court shall seek a determination of the Indian status of the child in accordance with the preceding standard in the following circumstances:

1. The court has been informed by an interested party, an officer of the court, a tribe, an Indian organization or a public or private agency that the child is Indian; or

2. The child who is the subject of the proceeding gives the court reason to believe he is an Indian child; or

3. The court has reason to believe the residence or domicile of the child is a predominantly Indian community.

D. The court shall seek verification of the Indian status of the child from the Indian tribe or the Bureau of Indian Affairs. A determination of membership by an Indian tribe shall be conclusive. A determination of membership by the Bureau of Indian Affairs shall be conclusive in the absence of a contrary determination by the Indian tribe.

E. The determination of the Indian status of a child shall be made as soon as practicable in order to ensure compliance with the notice requirements of Section 40.4 of this title.

Added by Laws 1982, c. 107, § 4, emerg. eff. April 6, 1982. Amended by Laws 1994, c. 30, § 2, eff. Sept 1, 1994.

§10-40.4. Indian child custody proceedings - Notice.

A. In all Indian child custody proceedings of the Oklahoma Indian Child Welfare Act, including voluntary court proceedings and review hearings, the court shall ensure that the district attorney or other person initiating the proceeding shall send notice to the parents or to the Indian custodians, if any, and to the tribe that is or may be the tribe of the Indian child, and to the appropriate Bureau of Indian Affairs area office, by certified mail return receipt requested, except as provided by subsection B of this section. The notice shall be written in clear and understandable language and include the following information:

1. The name and tribal affiliation of the Indian child;

2. A copy of the petition by which the proceeding was initiated;

3. A statement of the rights of the biological parents or Indian custodians, and the Indian tribe:

a. to intervene in the proceeding,

b. to petition the court to transfer the proceeding to the tribal court of the Indian child, and

c. to request an additional twenty (20) days from receipt of notice to prepare for the proceeding; further extensions of time may be granted with court approval;

4. A statement of the potential legal consequences of an adjudication on the future custodial rights of the parents or Indian custodians;

5. A statement that if the parents or Indian custodians are unable to afford counsel, counsel will be appointed to represent them; and

6. A statement that tribal officials should keep confidential the information contained in the notice.

B. Notice of review hearings shall be sent, via regular first-class mail, to the tribe of the Indian child unless the tribe is present at the time the review hearing is set and consents to the date of the review. A tribe's right to notice under this section is not dependent on intervention into the case. The notice shall be evidenced by filing a certificate of mailing prior to the review hearing.

Added by Laws 1982, c. 107, § 5, emerg. eff. April 6, 1982. Amended by Laws 1994, c. 30, § 3, eff. Sept 1, 1994; Laws 2006, c. 136, § 2, eff. Nov. 1, 2006; Laws 2017, c. 81, § 1, eff. Nov. 1, 2017.

§10-40.5. Emergency removal of Indian child from parent or custodian - Order.

A. When a court order authorizes the emergency removal of an Indian child from the parent or Indian custodian of such child in accordance with 25 U.S.C. Section 1922, the order shall be accompanied by an affidavit containing the following information:

1. The names, tribal affiliations, and addresses of the Indian child, the parents of the Indian child and Indian custodians, if any;
2. A specific and detailed account of the circumstances that lead the agency responsible for the removal of the child to take that action; and
3. A statement of the specific actions that have been taken to assist the parents or Indian custodians so that the child may safely be returned to their custody.

B. No pre-adjudicatory custody order shall remain in force or in effect for more than thirty (30) days without a determination by the court, supported by clear and convincing evidence and the testimony of at least one qualified expert witness, that custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. However, the court may, for good and sufficient cause shown, extend the effective period of such order for an additional period of sixty (60) days.

Added by Laws 1982, c. 107, § 6, emerg. eff. April 6, 1982.

§10-40.6. Placement preference.

The placement preferences specified in 25 U.S.C. Section 1915, shall apply to all preadjudicatory placements, as well as preadoptive, adoptive and foster care placements. In all placements of an Indian child by the Oklahoma Department of Human Services (DHS), or by any person or other placement agency, DHS, the person or placement agency shall utilize to the maximum extent possible the services of the Indian tribe of the child in securing placement consistent with the provisions of the Oklahoma Indian Child Welfare Act. This requirement shall include cases where a consenting parent

evidences a desire for anonymity in the consent document executed pursuant to Section 60.5 of this title. If a request for anonymity is included in a parental consent document, the court shall give weight to such desire in applying the preferences only after notice is given to the child's tribe and the tribe is afforded twenty (20) days to intervene and request a hearing on available tribal placement resources which may protect parental confidentiality, provided that notice of such hearing shall be given to the consenting parent. Added by Laws 1982, c. 107, § 7, emerg. eff. April 6, 1982. Amended by Laws 1994, c. 30, § 4, eff. Sept 1, 1994.

§10-40.7. Agreements with Indian tribes for care and custody of Indian children.

The Director of the Department of Human Services and the Executive Director of the Office of Juvenile Affairs are authorized to enter into agreements with Indian tribes in Oklahoma regarding care and custody of Indian children as authorized by the Federal Indian Child Welfare Act, 25 U.S.C. Section 1919.

Added by Laws 1982, c. 107, § 8, emerg. eff. April 6, 1982. Amended by Laws 1997, c. 293, § 1, eff. July 1, 1997.

§10-40.8. Payment of foster care expenses under certain circumstances.

A. In the event the Department of Human Services has legal custody of an Indian child, and that child is placed with a tribally licensed or approved foster home, the state shall pay the costs of foster care in the same manner and to the same extent the state pays the costs of foster care to state-licensed or state-approved foster homes, provided that the tribe shall have entered into an agreement with the state pursuant to Section 8 herein, which shall require tribal cooperation with state plans required by federal funding laws.

B. The state shall pay the costs of foster care of a child placed with a tribally licensed or approved foster home where the placement is made by a tribe having jurisdiction of the proceeding, provided that the tribe shall have entered into an agreement with the state pursuant to Section 8 herein, which shall require tribal cooperation with state plans required by federal funding laws.

Added by Laws 1982, c. 107, § 9, emerg. eff. April 6, 1982.

§10-40.9. Records.

The Department of Human Services shall establish a single location where all records of every involuntary foster care, pre-adoptive placement and adoptive placement by the courts of any Indian child in the custody of the Department of Human Services or under Department of Human Services supervision will be available within seven (7) days of a request by the tribe of the Indian child or by the Secretary of Interior. The records shall include, but not be

limited to, all reports of the state caseworker, including a summary of the efforts to rehabilitate the parents of the Indian child, a list of the names and addresses of families and tribally approved homes contacted regarding placement, and a statement of reason for the final placement decision.

Added by Laws 1982, c. 107, § 10, emerg. eff. April 6, 1982.

§10-55. Repealed by Laws 1994, c. 356, § 36, eff. Sept. 1, 1994.

§10-55.1. Renumbered as § 7506-1.1 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-57. Repealed by Laws 1996, c. 297, § 29, emerg. eff. June 10, 1996.

§10-58. Renumbered as § 60.18b of this title by Laws 1996, c. 297, § 28, emerg. eff. June 10, 1996.

§10-60. Renumbered as § 7501-1.1 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.1. Renumbered as § 7501-1.3 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.2. Repealed by Laws 1997, c. 366, § 60, eff. Nov. 1, 1997.

§10-60.3. Renumbered as § 7503-1.1 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.4. Renumbered as § 7502-1.2 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.5. Renumbered as § 7503-2.1 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.5A. Repealed by Laws 1996, c. 297, § 29, emerg. eff. June 10, 1996.

§10-60.5B. Renumbered as § 7504-1.1 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.5C. Renumbered as § 7504-1.2 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.6. Renumbered as § 7505-4.2 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.7. Repealed by Laws 1997, c. 366, § 60, eff. Nov. 1, 1997.

NOTE: A former § 60.7 of this title, added by Laws 1957, p. 23, § 7 and last amended by Laws 1972, c. 196, § 1 was repealed by Laws 1973, c. 69, § 2, emerg. eff. April 27, 1973.

NOTE: In addition to repeal by Laws 1997, c. 366, § 60, this section was amended by Laws 1997, c. 386, § 18, to read as follows:

A. Prior to a court hearing on a petition for adoption without the consent of a parent or parents, as provided for in Section 60.6 of this title, the consenting parent, legal guardian, or person having legal custody of the child to be adopted shall file an application stating the reason that the consent of the other parent or parents is not necessary. The application shall be heard by the court and an order entered thereon in which said child is determined to be eligible for adoption pursuant to the provisions of Section 60.6 of this title.

B. Prior to a hearing on the application, notice shall be given the parent whose consent is alleged to be unnecessary. The notice of the application shall contain the name of each child for whom application for adoption is made, the date for hearing on the application, and the reason that said child is eligible for adoption without the consent of said parent. Notice shall be served upon said parent in the same manner as a summons is served in civil cases, not less than ten (10) days prior to the hearing. If said parent resides outside of the county, said notice shall be served upon said parent in the same manner as a summons is served in civil cases, not less than fifteen (15) days prior to the hearing. If the location of said parent is not known and this fact is attested to by affidavit of the consenting parent, legal guardian, or person having legal custody of the child, notice by publication shall be given by publishing notice one time in a newspaper qualified as a legal newspaper, pursuant to the laws relating to service of notice by publication, in the county where the petition for adoption is filed. The publication shall not be less than fifteen (15) days prior to the date of the hearing.

C. The provisions of this section shall not be construed to require notice to a parent whose parental rights have been previously terminated pursuant to Section 7006-1.1, 7006-1.2 or 29.1 of this title.

§10-60.7a. Renumbered as § 7505-1.3 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.9. Repealed by Laws 1997, c. 366, § 60, eff. Nov. 1, 1997.

§10-60.10. Renumbered as § 7503-2.7 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.11. Repealed by Laws 1997, c. 366, § 60, eff. Nov. 1, 1997.

§10-60.12. Renumbered as § 7505-3.1 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.13. Renumbered as § 7505-5.4 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.14. Renumbered as § 7505-6.3 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.15. Renumbered as § 7505-6.1 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.16. Renumbered as § 7505-6.5 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.17. Renumbered as § 7505-1.1 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.18. Renumbered as § 7505-6.6 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.18a. Renumbered as § 7505-1.4 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.18b. Renumbered as § 7505-7.2 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.19. Renumbered as § 7505-7.1 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.20. Renumbered as § 7502-1.4 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.21. Renumbered as § 7507-1.1 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.22. Renumbered as § 7501-1.2 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-60.23. Renumbered as § 60 of this title by Laws 1996, c. 297, § 28, emerg. eff. June 10, 1996.

§10-60.25. Renumbered as § 7510-1.1 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-60.26. Renumbered as § 7510-1.2 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-60.27. Renumbered as § 7510-1.3 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-60.28. Renumbered as § 7510-1.4 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-60.29. Renumbered as § 7510-1.5 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-60.30. Renumbered as § 7510-1.6 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-60.31. Renumbered as § 7510-2.1 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-60.32. Renumbered as § 7510-2.2 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-60.33. Renumbered as § 7510-2.3 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-60.34. Renumbered as § 7510-2.4 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-60.35. Renumbered as § 7510-2.5 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-60.51. Renumbered as § 7511-1.1 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-60.52. Renumbered as § 7511-1.2 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-60.53. Renumbered as § 7511-1.3 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-60.54. Renumbered as § 7511-1.4 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-60.55. Repealed by Laws 1997, c. 366, § 60 eff. Nov. 1, 1997.

§10-60.56. Renumbered as § 7511-1.5 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-61. Renumbered as § 7510-3.1 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-61.51. Renumbered as § 60.51 of this title by Laws 1995, c. 353, § 21, eff. Nov. 1, 1995.

§10-61.52. Renumbered as § 60.52 of this title by Laws 1995 c. 353, § 21, eff. Nov. 1, 1995.

§10-61.53. Renumbered as § 60.53 of this title by Laws 1995 c. 353, § 21, eff. Nov. 1, 1995.

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§10-61.55. Renumbered as § 60.55 of this title by Laws 1995, c. 353, § 21, eff. Nov. 1, 1995.

§10-61.56. Renumbered as § 60.56 of this title by Laws 1995, c. 353, § 21, eff. Nov. 1, 1995.

§10-62. Renumbered as § 7510-3.2 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-63. Renumbered as § 7510-3.3 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-70. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-71. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-76.1. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-77.1. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-78. Repealed by Laws 2007, c. 140, § 7, eff. Nov. 1, 2007.

§10-79. Repealed by Laws 1997, c. 403, § 21, eff. Nov. 1, 1997.

§10-80. Appeals.

Appeals may be taken in cases brought under the provisions of this Article, in the same manner and with like effect as in other actions in the district court.

R.L.1910, § 4410.

§10-81. Repealed by Laws 1985, c. 297, § 33, operative Oct. 1, 1985.

§10-82. Repealed by Laws 1991, c. 71, § 7, emerg. eff. April 15, 1991.

§10-83. Liability of mother and father to support and educate child - Enforcement - Change of child's surname.

A. Both the mother of a child born out of wedlock and an individual who has been legally determined to be the father of a child by acknowledgment or by judicial or administrative order are each liable for the support and education of the child.

B. 1. An action to establish or enforce the obligation of support and education may be brought by either parent, or other custodial person, or the guardian of the child, by the public authority chargeable with the support of the child, or by the child.

2. An action to enforce this obligation of support may be brought within the time period specified by paragraph 8 of subsection A of Section 95 of Title 12 of the Oklahoma Statutes.

3. If the parental rights of a mother or father are terminated in an adoption proceeding, the obligation to support the child ceases for the parent whose rights were terminated. Child support arrearages are not affected by the adoption of the child.

4. The court may order the payments made to either parent, other custodial person, or the guardian of the child, or to some other person, corporation or agency to administer under the supervision of the court.

C. An individual who has been legally determined to be the father of a child pursuant to the Uniform Parentage Act shall be ordered to pay all or a portion of the costs of the birth and the reasonable expenses of providing for the child, provided that liability for support provided before the determination of paternity shall be imposed for two (2) years preceding the filing of the action. The mother shall be liable for the reasonable expenses of providing for the child to the same extent as the father and subject to the same limitation of liability for any time she does not have custody of the child prior to the establishment of paternity or an order for support.

D. The amount of child support and other support including amounts provided for in subsection C of this section shall be ordered and reviewed in accordance with the child support guidelines provided in Section 118 of Title 43 of the Oklahoma Statutes. Interest shall accrue on the support amounts pursuant to Section 114 of Title 43 of the Oklahoma Statutes.

E. If both the mother and the father agree to change the surname of the child to that of the father, the court may order the name changed. Upon receipt of an order changing the child's surname, the State Department of Health, Division of Vital Records, shall correct its records and amend the birth certificate to reflect the name change.

Added by Laws 1965, c. 378, § 3, emerg. eff. June 29, 1965. Amended by Laws 1985, c. 297, § 4, operative Oct. 1, 1985; Laws 1987, c. 230, § 4, eff. Oct. 1, 1987; Laws 1989, c. 198, § 3, eff. Nov. 1, 1989; Laws 1990, c. 309, § 1, eff. Sept. 1, 1990; Laws 1991, c. 71, § 2, emerg. eff. April 15, 1991; Laws 1994, c. 356, § 4, eff. Sept. 1, 1994; Laws 1997, c. 402, § 2, eff. July 1, 1997; Laws 1998, c. 323, § 2, eff. Oct. 1, 1998; Laws 2006, c. 116, § 1, eff. Nov. 1, 2006; Laws 2012, c. 253, § 1, eff. Nov. 1, 2012; Laws 2014, c. 171, § 1, eff. Nov. 1, 2014.

§10-84. Repealed by Laws 2008, c. 99, § 6, eff. Nov. 1, 2008.

§10-85. Repealed by Laws 1994, c. 356, § 36, eff. Sept. 1, 1994.

§10-86. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-89. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-89.1. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-89.3. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-90.1. Repealed by Laws 1991, c. 71, § 7, emerg. eff. April 15, 1991.

§10-90.1A. Repealed by Laws 1991, c. 71, § 7, emerg. eff. April 15, 1991.

§10-90.2. Repealed by Laws 1991, c. 71, § 7, emerg. eff. April 15, 1991.

§10-90.3. Repealed by Laws 1991, c. 71, § 7, emerg. eff. April 15, 1991.

§10-90.4. Children born out of wedlock - Change of name.

A. At any time after a determination of paternity, the mother, father, custodian or guardian of the child may file a motion requesting the court to order that the surname of the child be changed to the surname of its father. The court shall thereafter set a hearing on said motion. Notice of the filing of the motion and the date of the hearing shall be served by process on all parties.

B. If, after said hearing, the judge finds that it is in the best interest of the child to bear the paternal surname, the court shall enter an order to that effect which shall include findings of fact as to each issue raised by the parties.

C. The practice, pleading, and proceedings as set forth in this section shall conform to the applicable rules prescribed by the Code of Civil Procedure.

Added by Laws 1986, c. 82, § 1, emerg. eff. April 3, 1986.

§10-90.5. Paternity action or action for arrearage of child support - Visitation rights of noncustodial parent.

In all cases of paternity and for arrearage of child support, the district court shall make inquiry to determine if the noncustodial parent has been denied reasonable visitation. If reasonable visitation has been denied by the custodial parent to the noncustodial parent, the district court shall include visitation provisions in the support order.

Added by Laws 1990, c. 309, § 2, eff. Sept. 1, 1990. Amended by Laws 1991, c. 71, § 4, emerg. eff. April 15, 1991; Laws 1998, c. 323, § 4, eff. Oct. 1, 1998.

§10-91. Authority of district courts.

The district courts shall have authority to confer upon minors the rights of majority concerning contracts, and to authorize and empower any person, under the age of eighteen (18) years, to transact business in general, or any business specified, with the same effect as if such act or thing were done by a person above that age; and every act done by a person so authorized shall have the same force and effect in law as if done by persons at the age of majority.

R.L.1910, § 4427; Laws 1973, c. 59, § 1, emerg. eff. April 27, 1973.

§10-92. Procedure to confer rights of majority - Petition - Jurisdiction and venue - Decree.

Any minor desiring to obtain the rights of majority for the purpose named in Section 91 of this title may, by his next friend, file a verified petition in the district court of the county in which such minor shall reside, or, if the minor is a nonresident of the State of Oklahoma, said verified petition shall be filed in the county in Oklahoma where said minor owns real estate, setting forth the age of the minor petitioner and that said petitioner is then and has been a bona fide resident of such county for at least one (1) year next before the filing of the petition, or that said minor is a nonresident owning property within the State of Oklahoma, and the cause for which the petitioner seeks to obtain the rights of majority. The petition should state whether or not the parents of the minor are living, and if living, their names and addresses; whether or not a guardian has been appointed for the minor and, if a guardian has been appointed, the guardian's name and address; who has legal custody of the minor and, if the person having legal custody is not a parent or the guardian, the name and address of the person who has custody. And the district court being satisfied that the said

petitioner is a person of sound mind and able to transact his affairs, and that the interests of the petitioner will be thereby promoted, may, in its discretion, order and decree that the petitioner be empowered to exercise the rights of majority for all purposes mentioned in this act.

R.L.1910, § 4428; Laws 1973, c. 18, § 1, eff. Oct. 1, 1973.

§10-93. Notice of hearing of petition to be given by certified mail and by publication in newspaper.

When the petition mentioned in 10 O.S. 1971, Section 92, is filed the court shall fix a day for the hearing thereof, which day shall be not less than fifteen (15) nor more than thirty (30) days from the date of the filing of the petition. Notice of the hearing of the petition shall be sent by certified mail, return receipt requested, delivery restricted to addressee only, to the parents of the minor, if living, to the guardian of the minor, if one has been appointed, or to the person who has custody of the minor if such person is other than parent or guardian of the minor, and if both of the minor's parents are dead, the court may order that notice be sent by certified mail, return receipt requested, delivery restricted to addressee only, to other relatives of the minor; provided, however, that no notice shall be sent to a person who endorses on the petition that notice of the day of the hearing is waived. Notice of the hearing shall be given by publication in some newspaper printed in the county where such petition is filed, and if there be none, then in some legal newspaper having a general circulation in the county one time, at least ten (10) days prior to the day set for the hearing of the said petition. Before the court may enter an order conferring majority rights in the hearing provided for herein, proof must be presented to the court at said hearing that notice was given to all persons entitled thereto as provided herein.

R.L.1910, § 4429; Laws 1973, c. 18, § 2, eff. Oct. 1, 1973.

§10-94. Costs.

The costs of the proceedings under this Article shall be paid by the minor petitioner.

R.L.1910, § 4430.

§10-114.6. Rehabilitation of juvenile offenders through court supervised work projects.

Every children's court, city court, county court or other court in this state possessing jurisdiction under existing law to try, punish, institutionalize or supervise minors is hereby further authorized to restrict any minor judicially determined to have committed a misdemeanor or act of vandalism or delinquency which in such court's judgment is not serious enough to warrant placement in

an institution, but is serious enough to require restitution for acts of delinquency, as follows:

(a) Every such minor may be provided suitable work on such public or civic projects, or other charitable programs as the judge might, in his own discretion, find to be appropriate.

(b) Time and supervision to perform such tasks may be provided at the court's discretion by an officer of any governmental agency, and funds to pay for this supervision shall be provided from the court fund of the court involved.

(c) No minor shall be required hereunder to perform what would be classed in a penal institution as "hard labor", nor to interrupt a bona fide educational program nor to be assigned to such work for more than six (6) weeks.

Laws 1965, c. 405, § 1, emerg. eff. July 5, 1965.

§10-116. County probation officer - Counties having population of 190,000 or more and city of 100,000 or more.

In each county of this state having a population of one hundred ninety thousand (190,000) or more and containing a city of one hundred thousand (100,000) population or more, as shown by the last Federal Decennial Census or any future Federal Decennial Census, there is hereby created the office of probation officer, who shall be a county officer charged with the supervision and care of the parolees of such county, and who shall maintain an office in the county building of that county.

Laws 1939, p. 227, § 1; Laws 1941, p. 19, § 1.

§10-116a. Appointment - Qualifications - Political activities - Application of act - United States and agencies, powers respecting - Arrests - Information - Seal.

(a) A majority of the courts of record of such county shall appoint a person of good character with training and experience in probation, parole or other related form of social case work.

(b) Said probation officer shall not in any manner be concerned in demanding, soliciting or receiving any assessments, subscriptions or contributions, whether voluntary or involuntary, to any political party. It shall be unlawful for any such person to be in any manner concerned with demanding or soliciting such assessments, subscriptions or contributions from any person.

Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment not exceeding one (1) year, or both, and in addition thereto any person so convicted shall forfeit his office or employment and shall not thereafter be employed by the courts in any capacity. It shall be the duty of the courts to dismiss from office

any officer or other employee thereof who shall violate any of the provisions of this section.

(c) The provisions of this act are hereby extended to all persons who, at the effective date thereof, may be on probation or parole, or eligible to be placed on probation or parole under existing laws, with the same force and effect as if this act had been in operation at the time such persons were placed on probation or parole or became eligible to be placed thereon as the case may be.

(d) Said probation officer shall have the authority to accept from the United States or any of its agencies and from the State of Oklahoma or any of its agencies, such advisory services, funds, equipment or supplies as may be made available to said officer for any of the purposes contemplated by this act, and to enter into such contracts and agreements with the United States, or any of its agencies, the State of Oklahoma or any of its agencies, as may be necessary, proper, and convenient, not contrary to the laws of this state.

(e) Any probation officer may arrest a probationer or parolee without a warrant or may deputize any other officer with power of arrest to do so by giving him a written statement setting forth that the probationer or parolee has, in the judgment of the probation officer, violated the conditions of probation.

(f) All penal, eleemosynary or other institution under the jurisdiction of the State of Oklahoma, and any law enforcement agency or officer of the state or of any city or county within this state shall furnish said probation officer with any and all information requested by him pertaining to any person placed on probation or under his jurisdiction.

(g) Said officer shall adopt an official seal of which the courts shall take judicial notice, said seal shall be placed upon all official correspondence or papers pertaining to any case coming within his jurisdiction.

Laws 1939, p. 227, § 2; Laws 1941, p. 19, § 1.

§10-116b. Duties of probation officer - Investigations.

It shall be the duty of the probation officer to perform any and all duties required of him by the aforementioned judges of such counties in the supervision, care, investigation, and rehabilitation of persons whose sentences are suspended by the judges of the courts of record of the county; and upon order of a district judge of such county he shall investigate any matter pending before said judge and report to him in the manner prescribed by said judge.

Laws 1939, p. 228, § 3; Laws 1941, p. 19, § 1.

§10-116c. Assistant probation officer - Salary.

In each county of this state wherein there is authorized to be appointed a probation officer under the provisions of 10 O.S.1951,

Section 116, there is hereby further authorized the appointment of an assistant probation officer, pursuant to the same method and qualifications as are required for the appointment of the probation officer, and such assistant probation officer shall be under the direction and supervision of the probation officer after such appointment and qualification. The salary of such assistant probation officer shall be determined and fixed by a majority of the judges of the courts of record of such county, at not more than Forty-eight Hundred Dollars (\$4,800.00) nor less than Thirty-six Hundred Dollars (\$3,600.00) per annum, payable monthly. In addition to such salary, the assistant probation officer shall receive Six Hundred Dollars (\$600.00) per annum, payable monthly out of the court fund of such county for expenses in attending to the duties of such office.

Laws 1939, p. 228, § 4; Laws 1941, p. 19, § 1; Laws 1943, p. 21, § 1; Laws 1947, p. 42, § 1; Laws 1949, p. 52, § 1; Laws 1953, p. 24, § 1; Laws 1961, p. 16, § 1.

§10-116d. Construction of act.

This act shall not be construed to repeal any existing acts pertaining to the employment or appointment of probation officers in an county of the state.

Laws 1939, p. 228, § 5; Laws 1941, p. 19, § 1.

§10-116e. Salary of probation officer.

In each county of this state having a population in excess of two hundred thousand (200,000), according to the Federal Decennial Census of 1960 or any succeeding Federal Decennial Census, the probation officer shall receive a salary of Six Thousand Dollars (\$6,000.00) per annum, payable monthly. In addition to such salary the probation officer shall receive Six Hundred Dollars (\$600.00) per annum, payable monthly out of the court fund of such county for expenses in attending to the duties of such office.

Laws 1947, p. 42, § 2; Laws 1951, p. 17, § 2; Laws 1953, p. 23, § 1; Laws 1957, p. 28, § 1; Laws 1961, p. 16, § 2.

§10-116f. Secretaries to probation officer - Duties - Salary.

The probation officer authorized under the provisions of 10 O.S.1951, Section 116, shall be authorized to employ not more than three secretaries, subject to confirmation of such appointment by a majority of the judges of the courts of record of such county, and such secretaries may be assigned, in addition to the normal duties of a secretary, certain responsibilities and powers relating to probational functions as the probation officer may direct upon approval of such assignment by such judges. The salary of such secretary shall be determined and fixed by such judges at not more

than Four Thousand Eight Hundred Dollars (\$4,800.00) nor less than Two Thousand Four Hundred Dollars (\$2,400.00) per annum. Laws 1949, p. 52, § 1; Laws 1953, p. 23, § 2; Laws 1957, p. 29, § 2; Laws 1961, p. 17, § 3; Laws 1965, c. 81, § 1, emerg. eff. May 3, 1965. Laws 1949, p. 52, § 1; Laws 1953, p. 23, § 2; Laws 1957, p. 29, § 2; Laws 1961, p. 17, § 3; Laws 1965, c. 81, § 1, emerg. eff. May 3, 1965.

§10-116g. Salaries in counties of over 200,000.

In counties having more than two hundred thousand (200,000) population according to the 1960 or any succeeding Federal Decennial Census, all salaries above set forth shall be paid one-half (1/2) out of the court fund and one-half (1/2) out of the general fund of such counties.

Laws 1961, p. 17, § 4.

§10-130.1. Repealed by Laws 2013, c. 404, § 29, eff. Nov. 1, 2013.

§10-130.2. Repealed by Laws 2013, c. 404, § 29, eff. Nov. 1, 2013.

§10-130.3. Repealed by Laws 2013, c. 404, § 29, eff. Nov. 1, 2013.

§10-130.4. Repealed by Laws 2013, c. 404, § 29, eff. Nov. 1, 2013.

§10-130.5. Repealed by Laws 2013, c. 404, § 29, eff. Nov. 1, 2013.

§10-130.6. Repealed by Laws 2013, c. 404, § 29, eff. Nov. 1, 2013.

§10-130.7. Repealed by Laws 2013, c. 404, § 29, eff. Nov. 1, 2013.

§10-130.8. Repealed by Laws 2013, c. 404, § 29, eff. Nov. 1, 2013.

§10-130.9. Repealed by Laws 2013, c. 404, § 29, eff. Nov. 1, 2013.

§10-131. Powers of county commissioners - Commitment of children to other institutions, associations or corporations.

The county commissioners of any county of this state having a population of not less than seventy-five thousand (75,000) persons, according to the last Decennial Federal Census, or any Decennial Federal Census hereafter taken, are hereby authorized and empowered, if they deem it necessary or expedient, to purchase a farm and to construct, establish, equip and maintain thereon, at the expense of the county, county supervised schools and homes for neglected and dependent boys and girls of such county, under the age of sixteen (16) years, who may be appointed to such schools by the district court of such county, and to make enlargements and additions thereto from time to time. Such commissioners shall also have power to

purchase farm equipment to be used in connection with such schools, to purchase materials, supplies and equipment for manual, vocational or other training or education, and to erect, enlarge, remodel, and repair such building, dormitories, residences, administration and school buildings, and barns and outbuildings as they may from time to time deem necessary or expedient.

Provided, that such county commissioners may rent a suitable site and buildings for such purpose, and purchase the necessary equipment and supplies therefor. Provided, further, that said county commissioners shall make no expenditures or contract for expenditures hereunder until a tax levy for such purposes shall have been made as hereinafter provided; and provided, further, that the district court of such county, may, in his discretion, commit dependent and neglected children to such other institutions as may be now or hereafter provided by law for such purposes, or to the care of some association or corporation willing to receive them, which said corporation or association embraces in its objects the purpose of caring for and obtaining homes for such neglected and dependent children.

Laws 1919, c. 297, p. 433, § 1; Laws 1925, c. 161, p. 257, § 1; Laws 1967, c. 367, § 1, emerg. eff. May 22, 1967.

§10-132. Tax levy.

For the purpose of purchasing sites, erecting or enlarging buildings, purchasing equipment, repairing or remodeling buildings or equipment and for the purpose of defraying the maintenance cost and current running expenses of such schools and homes, the excise board of each county hereby authorized to establish and conduct such schools and homes, is hereby authorized in addition to all other levies, to make an annual levy upon all property in the county subject to taxation upon an ad valorem basis, of not to exceed one-half (1/2) of one (1) mill per annum, which is hereby declared not to be a current expense, and to be for a special purpose, known as County Supervised School and Home Fund, in addition to the maximum levy for current expenses now provided by law.

Laws 1919, c. 297, p. 433, § 2; Laws 1925, c. 161, p. 257, § 1.

§10-133. Board of general supervision - Appointments - Salaries and removal of appointees.

The judge of the juvenile court, or children's court, or a judge of the district court, if there be no judge of the juvenile court or children's court, and the chairman of the board of county commissioners and a superintendent of a school district located in whole or in part in the county shall constitute a board of general supervision for such schools and homes. If there is more than one school district located in whole or in part in the county the superintendents of each school district shall rotate membership on

the board on an annual basis in a manner to be determined by the judge of the district court. They shall appoint a superintendent, matrons, teachers and such other persons as may, in their judgment, be necessary for the management of such schools and homes, and for instruction therein, and shall fix the salaries of such appointees, which salaries shall be paid monthly out of the funds derived from the tax levy provided for in this act. The said board shall also have power to remove any appointee at will.

Laws 1919, c. 297, p. 433, § 3; Laws 1925, c. 161, p. 257, § 1; Laws 1967, c. 367, § 2, emerg. eff. May 22, 1967; Laws 1993, c. 239, § 1, eff. July 1, 1993.

§10-134. Inmates - Eligibility - Appointment and attendance - Terms - Return to parents or guardians.

All boys or girls under the age of sixteen (16) years, residing in such county, and who may be adjudged to be dependent or neglected children, under existing laws, shall be eligible to appointment to such schools and homes, and the district court of such county shall have power to enforce their appointment and attendance thereat. The length of term for which such children shall be required to attend such schools and homes shall be determined by the board of supervision; provided, that nothing in this act shall be construed so as to prevent the said board from delivering any such child back to the parent or guardian at any time they may deem proper.

Laws 1919, c. 297, p. 434, § 4; Laws 1925, c. 161, p. 257, § 1; Laws 1967, c. 367, § 3, emerg. eff. May 22, 1967.

§10-135. Reports of children not attending school - Notice to parents or guardians - Investigations and reports - Power of district court.

It is hereby declared to be the duty of the superintendent of the school district in which the child resides, together with the truant and probation officers, to report to the district court the names of all children who are neglected or dependent and who are not attending school as provided by law, and upon the filing of such report, the judge of the district court shall cause the probation officer to serve notice upon the parents, guardian, or other person having such children in charge.

It shall be the duty of the probation officer under such notice, to investigate the condition of such children and to report the same to the judge of the district court. Upon such information, the judge of the district court may, if he deems it proper, cause such child or children to be placed in said schools and homes under the provisions of this act.

Laws 1919, c. 297, p. 434, § 5; Laws 1925, c. 161, p. 257, § 1; Laws 1993, c. 239, § 2, eff. July 1, 1993.

§10-136. Visits by parents, guardians and near relatives.

The parents, guardians, or near relatives of such children shall be permitted to visit such homes and see the children at any reasonable hour; provided, that the board of supervision or the superintendent shall be empowered to designate certain hours for visitation. No parents, relatives or guardian of any such children shall be allowed to board, take meals or sleep at such homes unless such persons be an employee at such homes and schools.

Laws 1919, c. 297, p. 434, § 6; Laws 1925, c. 161, p. 257, § 1.

§10-137. Guardian refusing to maintain child or send him to school - Delivery of child to court - Charge for board and clothing.

The guardian of any child who has an income or estate belonging to such child sufficient to educate and maintain such child and who refuses to maintain such child, or refuses to send him to school as provided by law, shall be compelled under the provisions of this Act, to deliver said child to the juvenile court; provided, that no charge of more than Fifteen Dollars (\$15.00) per month shall be made for board and other additional expenses necessary to clothe such child, and that the county judge or judge of the juvenile court or children's court may, by proper order, use any part of the estate of such child, or the income therefrom, for said purposes.

Laws 1919, c. 297, p. 434, § 7; Laws 1925, c. 161, p. 257, § 1; Laws 1967, c. 367, § 4, emerg. eff. May 22, 1967.

§10-151. Control vested in local boards of education.

The control of the education of all children in the State of Oklahoma, now located in or in the control or custody of any Orphanage, Charitable Institution or Organization, or hereafter located in, or placed under the control or in the custody of any such Orphanage, Charitable Institution or Organization, of whatsoever nature, not making provision for the education of the children under its care or control, from funds derived privately and not derived from public taxation, is hereby vested in the local board of education of the school district wherein such Orphanage, Charitable Institution or Organization is located. The provisions of this Act shall not apply to any institution in control of the State.

Laws 1921, c. 234, p. 259, § 1.

§10-152. Reports of number of children requiring school facilities.

The Manager, Superintendent, or party in control of any Orphanage, Children's Home or Charitable Institution or Organization receiving, controlling, or having in charge, any children known as orphans or wayward children of school age, whose education is not wholly provided for from funds provided for by such Orphanage, Children's Home, or Charitable Organization or Institution, shall not later than June 15th of each year, file a written report of the

number of children confined in the said Orphanage, Children's Home or other such Institution, giving their names, ages, residence of parents or guardians, if any, and the aggregate number of children under its control or custody, that it will be necessary to provide school facilities for during the ensuing school year. Said report shall be filed with the clerk of the school district wherein said Institution is located and shall be under oath of said Manager, Superintendent or party in charge.
Laws 1921, c. 234, p. 259, § 2.

§10-153. Inclusion of cost of education in school districts' budgets.

The Board of Education of any school district wherein is located any such Institution as is described in Section 2 hereof, shall in making up their annual budget, include therein under "Estimate items of receipt other than ad valorem taxes," and include as an asset, a sum equal to the aggregate number of children as shown by the report as set out in Section 2 hereof, multiplied by the per capita cost of education, per pupil, as shown by the clerk's report of the preceding year, less the total county and state apportionment to be collected by said district on account of said children, as shown by the Treasurer's report of the year previous.
Laws 1921, c. 234, p. 260, § 3. d

§10-154. School superintendents' reports of children attending schools.

At the beginning of the last month of each yearly term of school, the Superintendent of Public Schools of any school district affected by the provisions of this Act, shall make a written report of any and all children confined in any Institution as is defined in Section 2 hereof, who shall have attended or been in control of the public schools of said district during the current year, their ages, attendance, their progress made and promotions, if any. Said report shall be in triplicate under oath and filed with the clerk of the Board of Education.
Laws 1921, c. 234, p. 260, § 4.

§10-170.1. Renumbered as § 1-3-101 of Title 10A by Laws 2009, c. 233, § 222, emerg. eff. May 21, 2009.

§10-170.2. Emergency treatment.

In case of an accident requiring emergency treatment, nothing in this act shall be construed so as to prohibit any person having custody or control of a minor child from taking such steps as are necessary to insure such emergency treatment.
Added by Laws 1974, c. 208, § 2, emerg. eff. May 15, 1974.

§10-175.1. Legislative intent and purpose.

It is the intent and purpose of Sections 175.3 through 175.13 of this title to provide for a more efficient administration of the Children with Special Health Care Needs Program in Oklahoma and to:

1. Provide for a continuity of dependable funds to establish and conduct a program of medical care for children who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required by children generally;

2. Provide leadership in building and promoting a community-based system of services that is family-centered, comprehensive, coordinated, and culturally competent;

3. Cooperate with all public and private agencies and institutions interested in the care of children in making funds and resources of these public and private agencies and institutions available for the care of such children; and

4. Cooperate with the appropriate agency of the federal government in making effective the provisions of the Federal Social Security Act, 42 U.S.C., Section 301 et seq., relating to children with special health care needs and such other laws, provisions, or programs that the Congress has adopted or may adopt for the remedial care of such children, including, but not limited to, provisions for prevention, for locating such children and for providing medical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and aftercare for such children.

Added by Laws 1959, p. 29, § 1, eff. July 1, 1959. Amended by Laws 1992, c. 249, § 1, eff. Sept. 1, 1992; Laws 2004, c. 107, § 1, emerg. eff. April 15, 2004.

§10-175.2. Repealed by Laws 1992, c. 249, § 6, eff. Sept. 1, 1992.

§10-175.3. Definitions.

(a) The term "Commission" when used in this Act shall mean the Oklahoma Public Welfare Commission.

(b) The term "child" when used in this Act shall mean any person under twenty-one (21) years of age, whose parents, parent, spouse or legal guardian is financially unable to provide essential medical, dental, hospital, convalescent and nursing home care.

(c) The term "Director" when used in this Act shall mean the Director of Public Welfare, who shall be the administrative officer of the Commission.

(d) The term "Committee" when used in this Act shall mean the Professional Advisory Committee or other committees authorized by the Commission.

(e) The term "Chairman" when used in this Act shall mean the Chairman of the Professional Advisory Committee.

Laws 1959, p. 29, Section 3.

§10-175.4. Commission as agent of the state.

The Commission is hereby designated as the agency of the State responsible for and having authority for the administration and operation of the program of the services for children as stated in Section 5 of this Act, and to supervise generally the administration of any services related to this program but not administered directly under the Commission. The purposes of this program shall include the development, extension and improvement of services for locating such children and for providing medical, dental, corrective and other services and care, and facilities for diagnosis, hospitalization, treatment and aftercare.

Laws 1959 P. 30, Sec. 4.

§10-175.5. Rules and regulations.

(a) The Commission is hereby authorized and directed to formulate and to be responsible for the administration and operation of a comprehensive and detailed plan for the purposes specified in Section 175.1 et seq. of this title, and to make such rules and regulations as may be necessary or desirable for the administration of this plan and the implementation of the provisions of this act.

(b) The Commission shall receive and expend in accordance with such plan all necessary funds made available to it by the United States government, by the state or its political subdivisions, or by any other sources for such purposes.

(c) The Commission shall cooperate with the federal government, through its appropriate agency, in developing, extending, and improving such services, and in the administration of the plan.

(d) The Commission shall establish and maintain such methods of administration, including those necessary to establish and maintain a merit system of personnel administration, as are necessary for effective and efficient operation of the plan; shall maintain records and prepare reports of services rendered; and shall cooperate with health, medical, dental, nursing and welfare agencies and organizations, and with any other agency of this state charged with the administration of laws providing for the vocational or remedial rehabilitation of handicapped children.

(e) The Director is hereby authorized and directed to perform all the duties and functions now performed by the Director of the Oklahoma Commission for Crippled Children and such other duties relating to the Children with Special Health Care Needs Program as may be assigned to the Director by the Commission. The Director is hereby authorized and directed, subject to the control of the Commission, to set up in the Department of Public Welfare a unit to be charged primarily with responsibility in the field of health services for crippled children, including the planning, promoting and coordinating of crippled children's services. The Director is hereby

authorized to delegate to the Supervisor of such unit of the Department such authority as is necessary under the laws of the federal government and rules and regulations promulgated by the Secretary of Health, Education and Welfare, necessary to carry out the provisions of this act, subject to the administrative supervision of the Director.

(f) The Commission is authorized to create positions, fix salaries and employ necessary professional and clerical personnel, to appoint advisory committees or consultants, and to pay necessary travel expenses.

(g) The Commission shall have authority to provide for the expenditure of all funds for the administration and operation of the program as specified in this act, including payment for physician's and dentist's services if payment is recommended by the council of the Oklahoma State Medical Association or the Executive Council of the Oklahoma Dental Association.

(h) The Commission is hereby authorized and directed to formulate plans and procedures and to make such rules and regulations as may be necessary for the care of children with emergency conditions. Laws 1959, p. 30, § 5; Laws 1992, c. 249, § 2, eff. Sept. 1, 1992.

§10-175.6. Repealed by Laws 1993, c. 155, § 4, eff. July 1, 1993.

§10-175.7. Powers of Commission.

(a) The Commission is hereby authorized and empowered to approve or disapprove hospitals, convalescent homes, boarding homes, nursing homes or foster homes and to contract for their services on a basis not to exceed their per diem cost basis. The Commission is hereby also authorized and empowered to approve or disapprove professional personnel for the various types of services authorized and contemplated by this act, and to contract for their services.

(b) Only a person who has been duly licensed by the Board of Examiners in Optometry to practice optometry in this state, or a person who has been duly licensed by the State Board of Medical Licensure and Supervision to practice medicine or surgery in this state shall be employed or paid under the provisions of this act, or from appropriations made by this act, to examine the eyes of a visually handicapped child to determine whether or not he has a defective vision that can be corrected with lenses, or to fit and furnish lenses for any such child.

Added by Laws 1959, p. 31, § 7, eff. July 1, 1959. Amended by Laws 1987, c. 118, § 1, eff. July 1, 1987.

§10-175.8. Fund - State Treasurer.

(a) The State Treasurer shall receive all funds, and act as custodian thereof, granted to the State by the Federal Government for the purposes specified in this Act, and shall keep such funds in a

special account to be known by the title "Federal Crippled Children's Funds," and these funds shall be disbursed upon claims approved by the Director and filed with the Budget Director for payment.

(b) All monies, except reimbursement for expenditures from Federal sources, collected by the Commission through the authority of this Act, from parents, other persons, agencies, or counties shall be deposited with the State Treasurer, who shall act as custodian thereof, and shall keep such funds in a revolving fund, to be known by the title of "State Crippled Children's Fund," and these funds are hereby appropriated for the purposes specified in this Act and shall be disbursed upon claims approved by the Director and filed with the Budget Director for payment.

Laws 1959 P. 31, Sec. 8.

§10-175.9. Homes - Right to enter.

No person shall by virtue of this Act have any right to enter any home over the objection of the parent or guardian of a child and nothing in this Act shall be construed as limiting the power of the parent or guardian of a child. The Commission, however, with the consent of the parents, parent or legal guardian may provide necessary medical care and other services for a child as indicated in Sections 1 and 5 of this Act.

Laws 1959, p. 31, Sec. 9.

§10-175.10. Applications for crippled children's services.

(a) Applications for crippled children's services on behalf of a child may be made directly to the Commission by a court, by a county welfare director, or by a parent, physician, osteopath, dentist, county health official, child welfare worker or consultant, or by any other interested person or agency. The Director on behalf of the Commission may accept or reject any such application. Upon acceptance of an application, the Director on behalf of the Commission shall determine the extent of eligibility for care in accordance with the provisions of this Act; provided, that nothing in this Section shall interfere with the administration and operation of emergency plans and procedures as authorized in Section 175.5, subsection (h), of this Title.

(b) The Commission may collect in whole or in part reimbursement from the parent or other person or volunteer agency for services provided for the child, provided that no child shall be denied services because of financial inability on the part of the family or legal guardian.

(c) Any charges for services provided by the Commission under authority granted by this Act based upon application made by the county welfare director becomes payable to the Commission in whole or in part from the respective children's budget account, provided for in Section 175.11 of this Title. Collections shall be based upon

terms agreed upon by the Commission and the respective county welfare director.

(d) Any charges for services provided by the Commission under authority granted by this Act based upon application made by a county welfare director that are not reimbursed from the County Crippled Children's Budget Account and any charges for services provided by the Commission upon application made by a child welfare worker of the Department of Public Welfare become payable from the sums allocated and appropriated for the purpose of carrying out the provisions of this Act, upon certification and approval of the claims by the Director.

Added by Laws 1959, p. 32, § 10. Amended by Laws 1968, c. 414, § 7, emerg. eff. Jan. 13, 1969.

§10-175.12. Children's Hospital of Oklahoma.

(a) The Children's Hospital of Oklahoma, including its clinics and laboratories, is hereby designated as a service institution for the physically handicapped children of this state, which also serves as a teaching and training hospital for the School of Medicine of the University of Oklahoma. Payment for services by the Commission to the Children's Hospital of Oklahoma shall be based on the actual per diem cost of patient care exclusive of professional instructional expense. In the event that the Commission and Board of Regents of the University of Oklahoma cannot agree on a per diem charge for patients of the Commission, the Director of the Office of Management and Enterprise Services, with the approval of the Governor, is hereby authorized to establish a rate of pay which shall prevail. The Children's Hospital of Oklahoma shall grant the Commission a priority in the assignment of hospital services, which are to be distributed as equitably as is possible among the counties of this state.

(b) The Commission shall be obligated, insofar as practicable, to use the available facilities of the Children's Hospital of Oklahoma to a degree that will enable the University of Oklahoma School of Medicine to maintain its proper patient ratio for accreditation; Provided, that this provision shall not cause undue hardship to a patient.

Added by Laws 1959, p. 32, § 12, eff. July 1, 1959. Amended by Laws 1988, c. 326, § 1, emerg. eff. July 13, 1988; Laws 2012, c. 304, § 32.

§10-175.13. Deposit and use of monies.

All monies paid by the Commission to the Children's Hospital of Oklahoma shall be deposited in the Oklahoma Medical Center Disbursing Fund, and shall be used for the general operating expenses of the Children's Hospital of Oklahoma, including payment of personal services.

Added by Laws 1959, p. 33, § 13, eff. July 1, 1959. Amended by Laws 1988, c. 326, § 2, emerg. eff. July 13, 1988.

§10-175.20. Day treatment programs - Definition - Required programs and policies.

A. As used in Sections 603.4 and 7102 of this title and the Oklahoma Children's Code, "day treatment program" means nonresidential, partial hospitalization programs, day treatment programs, and day hospital programs in which children and adolescents are placed for psychiatric or psychological treatment. Day treatment programs shall serve children and adolescents who are experiencing severe psychiatric symptoms, disturbances of conduct, decompensating conditions affecting mental health, or severe developmental delays that seriously impair their capacity to function age-appropriately in their daily lives and that place them at risk of inpatient hospital, residential or other institutional care. Day treatment programs shall provide mental health ambulatory, active treatment programs that shall include therapeutic, coordinated and structured clinical services in a stable, therapeutic milieu, with the goal of preventing the need for or reducing the length of inpatient or institutional care, and reintegrating of the child into the school and the community. A day treatment program shall not mean an alternative school or alternative education program as such terms are defined in rules promulgated by the State Board of Education.

B. All day treatment programs shall adopt:

1. A patient and family bill of rights;
2. Grievance procedures for reporting complaints or grievances to the State Department of Health, the Department of Mental Health and Substance Abuse Services or the Office of Client Advocacy, and that are appropriate for the complaint or grievance; and
3. Policies governing the use of force, which shall be in compliance with the provisions of Section 7004-3.3 of this title.

C. The Commission for Human Services shall promulgate rules governing participation of a foster care family in the treatment of a child and in family therapy with a child when the child is in foster care.

Added by Laws 1995, c. 231, § 1, eff. Nov. 1, 1995. Amended by Laws 2001, c. 415, § 1, emerg. eff. June 5, 2001.

§10-361. Santa Claus Commission - Creation - Membership - Christmas presents.

There is hereby created a commission to be known as the Santa Claus Commission. The Commission shall consist of three (3) members to be appointed by the Executive Director of the Office of Juvenile Affairs. The Santa Claus Commission shall have authority to provide or purchase, in accordance with the procedures in the Oklahoma Central Purchasing Act, a Christmas present for every child who is in

the custody of the state residing in a child care institution of the Department of Human Services or the Office of Juvenile Affairs, a licensed child care institution or a group home or foster home, supported in whole or in part by the state, as defined by the Department of Human Services or the Office of Juvenile Affairs, who would not otherwise receive a present.

Added by Laws 1937, p. 100, § 1. Amended by Laws 1980, c. 144, § 1, emerg. eff. April 7, 1980; Laws 1983, c. 304, § 3, eff. July 1, 1983; Laws 1986, c. 42, § 1; Laws 1994, c. 45, § 1, eff. Sept. 1, 1994; Laws 1996, c. 247, § 1, eff. July 1, 1996.

§10-362. Meetings of Santa Clause Commission - Chairperson - Eligible recipients - Gifts and contributions.

The Executive Director of the Office of Juvenile Affairs shall appoint the chairperson of the Santa Claus Commission. The Commission shall meet at the call of the chairperson on at least a quarterly basis. The chairperson may call such other special meetings as may be necessary. The Commission shall work under the supervision and direction of the Office of Juvenile Affairs. Upon request of the Commission, the Department of Human Services and the Office of Juvenile Affairs shall provide the Commission with a list of the eligible institutions and number of children in such institutions which are eligible to receive gifts pursuant to Section 361 of this title. Said Commission is hereby expressly authorized to receive and accept, for and on behalf of the state, gifts and contributions from any person, firm, or individual, fairly and equally distributing such gifts and contributions to the children eligible for such gifts.

Added by Laws 1937, p. 100, § 2. Amended by Laws 1980, c. 144, § 2, emerg. eff. April 7, 1980; Laws 1983, c. 304, § 4, eff. July 1, 1983; Laws 1986, c. 42, § 2; Laws 1994, c. 45, § 2, eff. Sept. 1, 1994; Laws 1996, c. 247, § 2, eff. July 1, 1996.

§10-363. Claims - Approval and payment.

All claims for the purchase of gifts under the terms and provisions of Sections 361 through 363 of this title shall be approved by the Executive Director of the Office of Juvenile Affairs and paid out of the funds herein as established by and for the benefit of the Santa Claus Commission.

Added by Laws 1937, p. 101, § 3. Amended by Laws 1983, c. 304, § 5, eff. July 1, 1983; Laws 1985, c. 178, § 9, operative July 1, 1985; Laws 1986, c. 42, § 3; Laws 1994, c. 45, § 3, eff. Sept. 1, 1994; Laws 1996, c. 247, § 3, eff. July 1, 1996.

§10-401. Purpose and policy of law - Minimum standards.

A. Sections 401 through 418 of this title shall be known and may be cited as the "Oklahoma Child Care Facilities Licensing Act".

B. It is the declared purpose and policy of the Oklahoma Child Care Facilities Licensing Act, to:

1. Ensure maintenance of minimum standards for the care and protection of children away from their own homes;

2. Encourage and assist the child care facility toward maximum standards; and

3. Work for the development of sufficient and adequate services for child care through joint work of public, private and voluntary agencies. Whenever possible, child care facilities should help to preserve and restore family life for children.

C. In order to provide care for children in child care facilities, a license shall be obtained from the Department of Human Services, which is issued on the basis of meeting minimum standards which are essential for the health and welfare of the child or children placed for care with such agencies and individuals.

D. The Child Care Facilities Licensing Division within the Department of Human Services shall work with representatives from municipalities to develop a single child care licensure procedure for use by state and local entities.

Added by Laws 1953, p. 17, § 1. Amended by Laws 1963, c. 89, § 1, emerg. eff. May 23, 1963; Laws 1993, c. 122, § 1, emerg. eff. April 29, 1993; Laws 2001, c. 174, § 1, eff. Nov. 1, 2001; Laws 2002, c. 158, § 1, eff. Jan. 1, 2003; Laws 2009, c. 230, § 1, emerg. eff. May 21, 2009.

§10-402. Definitions.

As used in the Oklahoma Child Care Facilities Licensing Act:

1. "Adult" means an individual eighteen (18) years of age or older;

2. "Child" or "minor" means any person who has not attained the age of eighteen (18) years;

3. "Child care center" means a program that operates thirty (30) or more hours per week;

4. "Child care facility" means any public or private child care residential facility, child-placing agency, foster family home, child care center, part-day program, out-of-school time program, day camp, drop-in program, program for sick children, family child care home, or large family child care home providing either full-time or part-time care for children away from their own homes;

5. "Child-placing agency" means an agency that arranges for or places a child in a foster family home, adoptive home, or independent living program;

6. "Foster family home" means the private residence of a family which provides foster care services to a child, and includes a specialized foster home, a therapeutic foster family home, or a kinship care home;

7. "Foster parent eligibility assessment" includes a criminal background investigation, including, but not limited to, a national criminal history records search based upon the submission of fingerprints, a home assessment, and any other assessment required by the Department of Human Services, the Office of Juvenile Affairs, or any child-placing agency pursuant to the provisions of Section 1-7-106 of Title 10A of the Oklahoma Statutes. A foster parent eligibility assessment shall be similar to the procedures used by the Department of Public Safety for determining suitability of an individual for employment as a highway patrol officer;

8. "Department" means the Department of Human Services;

9. "Division" means the section within the Department that is assigned responsibilities pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act;

10. "Family child care home" means a family home which provides care and supervision for seven or fewer children for part of the twenty-four-hour day. The term "family child care home" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or with caretakers in the child's own home;

11. "Full-time care" means continuous care given to a child beyond a minimum period of twenty-four (24) hours;

12. "Large family child care home" means a residential family home which provides care and supervision for eight to twelve children for part of the twenty-four-hour day;

13. "Part-day child care program" means a program that provides care and supervision for children and that operates for more than fifteen (15) and up to thirty (30) hours per week;

14. "Program" means the business entity that provides care, supervision, and learning opportunities for children;

15. "Rap back" means a notification from the Oklahoma State Bureau of Investigation to the Department of subsequent criminal activity of individuals whose criminal background checks have been completed pursuant to the requirements of the Oklahoma Child Care Facilities Licensing Act;

16. "Residential child care facility" means a twenty-four-hour residential facility where children live together with or are supervised by adults who are not their parents or relatives;

17. "Responsible entity" means an individual who is authorized to obligate the business; and

18. "Specialized service professional" means an individual from an academic discipline or field of expertise who provides individualized services to a child, such as behavioral or physical therapists.

Added by Laws 1953, p. 18, § 2. Amended by Laws 1963, c. 89, § 2, emerg. eff. May 23, 1963; Laws 1986, c. 263, § 2, operative July 1, 1986; Laws 1992, c. 228, § 1, emerg. eff. May 19, 1992; Laws 1993, c.

122, § 2, emerg. eff. April 29, 1993; Laws 1998, c. 414, § 15, emerg. eff. June 11, 1998; Laws 1999, c. 233, § 1, eff. Nov. 1, 1999; Laws 2001, c. 174, § 2, eff. Nov. 1, 2001; Laws 2009, c. 230, § 2, emerg. eff. May 21, 2009; Laws 2011, c. 266, § 1, eff. Nov. 1, 2011; Laws 2013, c. 308, § 1, eff. Nov. 1, 2013.

§10-403. Exemptions from application of act.

A. The provisions of the Oklahoma Child Care Facilities Licensing Act shall not apply to:

1. Care provided in a child's own home or by relatives;
2. Informal arrangements which parents make with friends or neighbors for the occasional care of their children;
3. Care provided by an attorney-in-fact authorized by Section 700 of this title who exercises parental or legal authority on a continuous basis for not less than twenty-four (24) hours and without compensation for the intended duration of the power of attorney;
4. Programs in which school-aged children three (3) years of age and older are participating in home-schooling;
5. Programs that serve children three (3) years of age and older and that are operated during typical school hours by a public school district;
6. Programs that serve children three (3) years of age and older and that are operated during typical school hours by a private school that offers elementary education in grades kindergarten through third grade;
7. Summer youth camps, summer programs or after-school programs for children who are at least four (4) years of age, that are accredited by a national standard-setting agency or church camp accreditation program, or are accredited by, chartered by or affiliated with a national non-profit organization;
8. Programs in which children attend on a drop-in basis and parents are on the premises and readily accessible;
9. A program of specialized activity or instruction for children that is not designed or intended for child care purposes including, but not limited to, scouts, 4-H clubs and summer resident youth camps, programs that limit children from enrolling in multiple sessions because of the type of activity or ages accepted and single-activity programs such as academics, athletics, gymnastics, hobbies, art, music, dance and craft instruction;
10. Any child care facility that:
 - a. provides care and supervision for fifteen (15) or fewer hours per week,
 - b. operates less than ten (10) weeks annually,
 - c. operates in the summer for less than eight (8) hours per day, or
 - d. provides care and supervision for school-aged children only in a center-based program for twenty-one (21) or

fewer hours a week and is located in a county with a population of less than one hundred thousand (100,000) according to the latest Federal Decennial Census;

11. Facilities whose primary purpose is medical treatment;

12. Boarding schools that have education as their primary purpose and that are recognized as accredited by the State Board of Education. To be exempt, such programs shall:

- a. have classroom facilities that are not used for residential living,
- b. not have been granted nor have assumed legal custody of any child attending the facility, and
- c. adhere to standard educational holiday and seasonal recess periods to permit students reasonable opportunities to return to their primary places of residence with parents or legal guardians;

13. Day treatment programs and maternity homes operated by a licensed hospital;

14. Juvenile facilities certified by the Office of Juvenile Affairs or certified by any other state agency authorized by law to license such facilities;

15. A program where children are not enrolled by the parents and are free to come and go;

16. A program in tribal land as defined at 25 U.S.C.A. 1903 (10); and

17. A program on a military base or federal property.

B. The provisions of the Oklahoma Child Care Facilities Licensing Act shall be equally incumbent upon all private and public child care facilities.

Added by Laws 1953, p. 18, § 3. Amended by Laws 1963, c. 89, § 3, emerg. eff. May 23, 1963; Laws 1993, c. 122, § 3, emerg. eff. April 29, 1993; Laws 1998, c. 386, § 3, eff. July 1, 1998; Laws 1999, c. 233, § 2, eff. Nov. 1, 1999; Laws 2000, c. 385, § 6, eff. Nov. 1, 2000; Laws 2001, c. 174, § 3, eff. Nov. 1, 2001; Laws 2004, c. 187, § 1, eff. Nov. 1, 2004; Laws 2009, c. 230, § 3, emerg. eff. May 21, 2009; Laws 2013, c. 308, § 2, eff. Nov. 1, 2013; Laws 2014, c. 172, § 3, emerg. eff. April 28, 2014; Laws 2017, c. 377, § 1, emerg. eff. June 6, 2017; Laws 2018, c. 190, § 1, eff. Nov. 1, 2018.

§10-404. Minimum requirements and desirable standards.

A. 1. The Department of Human Services, in consultation with the Oklahoma Commission on Children and Youth, shall appoint advisory committees of representatives of child care facilities and others to recommend minimum requirements and desirable standards for promulgation by the Department.

2. Committee members shall be appointed for a three-year term, with a two-consecutive-term limit. The committees shall include

representation for all categories of facilities licensed by the Department and shall be comprised as follows:

- a. the Residential Children's Services subcommittee shall include at a minimum:
 - (1) a representative of a statewide organization representing children in care arrangements outside their own home,
 - (2) a representative of a statewide organization providing residential services to youth in state custody,
 - (3) a recipient or former recipient of youth services for children in state custody,
 - (4) a representative of a statewide organization promoting adoption services,
 - (5) a parent or guardian providing foster care to a child or children in state custody,
 - (6) a representative from a nonpublic, long-term residential care facility for children in state custody,
 - (7) a representative from an organization promoting the interests of Native American children in state custody,
 - (8) a provider of medical services for children,
 - (9) a practicing behavioral health services provider,
 - (10) a representative from an agency providing child-placing services, and
 - (11) other appropriate representatives at the discretion of the Department of Human Services and Commission on Children and Youth,
- b. the Child Care Centers subcommittee shall include at a minimum:
 - (1) a representative of a statewide organization advocating for children in care arrangements outside their own home,
 - (2) a representative of a statewide organization conducting programs for school-age children,
 - (3) a parent or guardian with a child attending a licensed child care facility,
 - (4) a representative of a licensed child care facility in a rural area,
 - (5) a representative of a statewide organization advocating for licensed child care facilities owned or operated by Native Americans,
 - (6) a representative of a licensed child care facility in an urban/suburban area,

- (7) a representative of a statewide organization advocating for programs provided under the Head Start program,
 - (8) a representative with knowledge of child care programs offered by career technology center in this state,
 - (9) a representative of a statewide organization advocating for early childhood education programs,
 - (10) a representative of a statewide organization providing resources and referrals to child care facilities,
 - (11) a provider of medical services for children, and
 - (12) other appropriate representatives at the discretion of the Department of Human Services and Commission on Children and Youth,
- c. the Child Care Homes subcommittee shall include at a minimum:
- (1) a representative of a statewide organization advocating for children in care arrangements outside their own home,
 - (2) a parent or guardian with a child receiving care at a licensed child care home,
 - (3) a representative of a licensed child care home in a rural area,
 - (4) a representative of a statewide organization advocating for licensed child care facilities owned or operated by Native Americans,
 - (5) a representative of a licensed child care home in an urban/suburban area,
 - (6) a representative of a statewide organization advocating for early childhood education programs,
 - (7) a representative of a statewide organization providing resources and referrals to child care facilities,
 - (8) a provider of medical services for children, and
 - (9) other appropriate representatives at the discretion of the Department of Human Services and Commission on Children and Youth, and
- d. the Quality Rating and Improvement System subcommittee shall include representatives of child care centers and child care homes currently licensed by the State and other members as determined by the Department of Human Services and the Commission on Children and Youth.

3. The Department shall create a Child Care Facility Peer Review Board whose purpose shall be to participate in the Department's grievance process. A majority of the Board shall be representatives of child care facilities. The Department shall promulgate rules

specifying the duties of the Child Care Facility Peer Review Board in the grievance process.

4. The advisory committee shall designate two people to serve on the Department's Stars Administrative Review Panel. At least one designee shall be the owner or operator of a licensed child care center.

B. Child care facilities shall not allow children to be left alone in the care of any person under eighteen (18) years of age without supervision or sixteen (16) years of age with supervision as delineated by the Department's rules. Child care centers and family child care homes shall not:

1. Use soft or loose bedding, including, but not limited to, blankets, in sleeping equipment or in sleeping areas used only for infants;

2. Allow toys or educational devices in sleeping equipment or in a sleeping area used only for infants; or

3. Place a child in sleeping equipment or in a sleeping area which has not been previously approved for use as such by the Department.

C. The Department shall promulgate rules establishing minimum requirements and desirable standards as may be deemed necessary or advisable to carry out the provisions of the Oklahoma Child Care Facilities Licensing Act.

D. Such rules shall not be promulgated until after consultation with the State Department of Health, the State Department of Education, the Oklahoma State Bureau of Investigation, the State Fire Marshal, the Commission on Children and Youth, the Oklahoma Department of Mental Health and Substance Abuse Services and any other agency deemed necessary by the Department. Not less than sixty (60) days' notice, by regular mail, shall be given to all current licensees before any changes are made in such rules.

E. In order to improve the standards of child care, the Department shall advise and cooperate with licensees, the governing bodies and staff of licensed child care facilities and assist the staff through advice of progressive methods and procedures, and suggestions for the improvement of services.

F. The Department may participate in federal programs for child care services, and enter into agreements or plans on behalf of the state for that purpose, in accordance with federal laws and regulations.

Added by Laws 1953, p. 18, § 4. Amended by Laws 1963, c. 89, § 4, emerg. eff. May 23, 1963; Laws 2000, c. 385, § 7, eff. Nov. 1, 2000; Laws 2001, c. 174, § 4, eff. Nov. 1, 2001; Laws 2004, c. 187, § 2, eff. Nov. 1, 2004; Laws 2008, c. 296, § 2, eff. Nov. 1, 2008; Laws 2009, c. 230, § 4, emerg. eff. May 21, 2009; Laws 2012, c. 225, § 1, eff. Nov. 1, 2012; Laws 2013, c. 308, § 3, eff. Nov. 1, 2013; Laws 2016, c. 282, § 2, eff. July 1, 2016; Laws 2016, c. 377, § 1, eff.

Nov. 1, 2016; Laws 2018, c. 190, § 2, eff. Nov. 1, 2018; Laws 2018, c. 280, § 1; Laws 2019, c. 25, § 3, emerg. eff. April 4, 2019.

NOTE: Laws 2018, c. 73, § 1 repealed by Laws 2019, c. 25, § 4, emerg. eff. April 4, 2019.

§10-404.1. Child care facility permit or license - Criminal history records search - Foster parent eligibility.

A. On and after November 1, 2013:

1. Prior to the issuance of a permit or license, owners and responsible entities making a request to establish or operate a child care facility shall have:

- a. an Oklahoma State Courts Network search conducted by the Department,
- b. a Restricted Registry search conducted by the facility,
- c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection,
- d. a criminal history records and sex offender registry search conducted by an authorized source, when the individual has lived outside this state within the last five (5) years,
- e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act and conducted by the Department of Human Services,
- f. a search of any available child abuse and neglect registry within a state the individual has resided in within the last five (5) years,
- g. search of the nontechnical services worker abuse registry maintained by the State Department of Health pursuant to Section 1-1950.7 of Title 63 of the Oklahoma Statutes, and
- h. a search of the community services worker registry maintained by the Department of Human Services pursuant to Section 1025.3 of Title 56 of the Oklahoma Statutes;

2. Prior to the employment of an individual:

- a. an Oklahoma State Courts Network search, conducted by the Department, shall be requested and received by the facility; provided however, if twenty-four (24) hours has passed from the time the request to the Department was made, the facility may initiate employment, notwithstanding the provisions of this paragraph,
- b. a Restricted Registry search shall be conducted by the facility with notification of the search submitted to the Department,
- c. a national criminal history records search pursuant to paragraph 10 of this subsection shall be submitted,
- d. a criminal history records and sex offender registry search conducted by an authorized source, when the

- individual has lived outside this state within the last five (5) years, shall be submitted to the Department,
- e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act shall be conducted by the Department and received by the facility,
 - f. a search of any available child abuse and neglect registry within a state the individual has resided in within the last five (5) years,
 - g. search of the nontechnical services worker abuse registry maintained by the State Department of Health pursuant to Section 1-1950.7 of Title 63 of the Oklahoma Statutes, and
 - h. a search of the community services worker registry maintained by the Department of Human Services pursuant to Section 1025.3 of Title 56 of the Oklahoma Statutes;

3. Prior to allowing unsupervised access to children by employees or individuals, including contract employees and volunteers and excluding the exceptions in paragraph 8 of this subsection:

- a. Oklahoma State Courts Network search results, conducted by the Department, shall be received by the facility,
- b. a Child Care Restricted Registry search shall be conducted by the facility with notification of the search submitted to the Department,
- c. national criminal history records search results pursuant to paragraph 10 of this subsection shall be received by the facility,
- d. a criminal history records and sex offender registry search conducted by an authorized source, when the individual has lived outside this state within the last five (5) years shall be submitted to the Department,
- e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act shall be conducted by the Department and received by the facility,
- f. a search of any available child abuse and neglect registry within a state the individual has resided in within the last five (5) years,
- g. search of the nontechnical services worker abuse registry maintained by the State Department of Health pursuant to Section 1-1950.7 of Title 63 of the Oklahoma Statutes, and
- h. a search of the community services worker registry maintained by the Department of Human Services pursuant to Section 1025.3 of Title 56 of the Oklahoma Statutes;

4. Prior to the issuance of a permit or license and prior to the residence of adults who subsequently move into a facility, adults

living in the facility excluding the exception in paragraph 7 of this subsection shall have:

- a. an Oklahoma State Courts Network search conducted by the Department and the facility shall be in receipt of the search results,
- b. a Restricted Registry search conducted by the facility with notification of the search submitted to the Department,
- c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection,
- d. a criminal history records and sex offender registry search conducted by an authorized source, when the individual has lived outside this state within the last five (5) years,
- e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act conducted by the Department and received by the facility,
- f. a search of any available child abuse and neglect registry within a state the individual has resided in within the last five (5) years,
- g. search of the nontechnical services worker abuse registry maintained by the State Department of Health pursuant to Section 1-1950.7 of Title 63 of the Oklahoma Statutes, and
- h. a search of the community services worker registry maintained by the Department of Human Services pursuant to Section 1025.3 of Title 56 of the Oklahoma Statutes;

5. Children who reside in the facility and turn eighteen (18) years of age excluding the exception in paragraph 7 of this subsection shall have:

- a. an Oklahoma State Courts Network search conducted by the Department,
- b. a Restricted Registry search conducted by the facility with notification of the search submitted to the Department,
- c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection, and
- d. a search of the Department of Corrections' files pursuant to the Sex Offenders Registration Act conducted by the Department and received by the facility;

6. Prior to review of or access to fingerprint results, owners, responsible entities, directors, and other individuals who have review of or access to fingerprint results shall have a national criminal history records search pursuant to paragraph 10 of this subsection;

7. Provisions specified in paragraphs 4 and 5 of this subsection shall not apply to residents who are receiving services from a residential child care facility;

8. A national criminal history records search pursuant to paragraph 10 of this subsection shall not be required for volunteers who transport children on an irregular basis when a release is signed by the parent or legal guardian noting their understanding that the volunteer does not have a completed national criminal history records search. The provisions in paragraph 3 of this subsection shall not be required for specialized service professionals who are not employed by the program and have unsupervised access to a child when a release is signed by the parent or legal guardian noting his or her understanding of this exception. These exceptions shall not preclude the Department from requesting a national fingerprint or an Oklahoma State Bureau of Investigation name-based criminal history records search or investigating criminal, abusive, or harmful behavior of such individuals, if warranted;

9. A national criminal history records search pursuant to paragraph 10 of this subsection shall be required on or before November 1, 2016, for existing owners, responsible entities, employees, individuals with unsupervised access to children, and adults living in the facility, as of November 1, 2013, unless paragraph 6 of this subsection applies;

10. The Department shall require a national criminal history records search based upon submission of fingerprints that shall:

- a. be conducted by the Oklahoma State Bureau of Investigation and the Federal Bureau of Investigation pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes and the federal National Child Protection Act and the federal Volunteers for Children Act with the Department as the authorized agency,
- b. be submitted and have results received between the Department and the Oklahoma State Bureau of Investigation through secure electronic transmissions,
- c. include Oklahoma State Bureau of Investigation rap back, requiring the Oklahoma State Bureau of Investigation to immediately notify the Department upon receipt of subsequent criminal history activity, and
- d. be paid by the individual or the facility;

11. The Director of the Department, or designee, shall promulgate rules that may authorize an exception to the fingerprinting requirements for individuals who have a severe physical condition which precludes such individuals from being fingerprinted;

12. The Director of the Department, or designee, shall promulgate rules that ensure individuals obtain a criminal history

records search, not to include the re-submission of fingerprints, not less than once during each five (5) year period;

13. Any individual who refuses to consent to the criminal background check or knowingly makes a materially-false statement in connection with such criminal background check shall be ineligible for ownership of, employment of or residence in a child care facility; and

14. The Office of Juvenile Affairs shall require national criminal history records searches, as defined by Section 150.9 of Title 74 of the Oklahoma Statutes, which shall be provided by the Oklahoma State Bureau of Investigation for the purpose of obtaining the national criminal history records search, including Rap Back notification of and through direct request by the Office of Juvenile Affairs on behalf of any:

- a. operator or responsible entity making a request to establish or operate a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by the Office of Juvenile Affairs,
- b. employee or applicant of a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by the Office of Juvenile Affairs, or
- c. persons allowed unsupervised access to children, including contract employees or volunteers, of a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by the Office of Juvenile Affairs.

B. 1. a. On and after September 1, 1998:

- (1) any child-placing agency contracting with a person for foster family home services or in any manner for services for the care and supervision of children shall also, prior to executing a contract, complete:
 - (a) a foster parent eligibility assessment for the foster care provider except as otherwise provided by divisions (2) and (4) of this subparagraph, and
 - (b) a national criminal history records search based upon submission of fingerprints for any adult residing in the foster family home through the Department of Human Services pursuant to the provisions of Section 1-7-106 of Title 10A of the Oklahoma Statutes, except as otherwise provided by divisions (2) and (4) of this subparagraph,

- (2) the child-placing agency may place a child pending completion of the national criminal history records search if the foster care provider and every adult residing in the foster family home has resided in this state for at least five (5) years immediately preceding such placement,
 - (3) a national criminal history records search based upon submission of fingerprints to the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the foster family home,
 - (4) provided, however, the Director of Human Services or the Director of the Office of Juvenile Affairs, or a designee, may authorize an exception to the fingerprinting requirement for a person residing in the home who has a severe physical condition which precludes such person's being fingerprinted, and
 - (5) any child care facility contracting with any person for foster family home services shall request the Office of Juvenile Affairs to conduct a juvenile justice information system review, pursuant to the provisions of Sections 2-7-905 and 2-7-308 of Title 10A of the Oklahoma Statutes, for any child over the age of thirteen (13) years residing in the foster family home, other than a foster child, or who subsequently moves into the foster family home. As a condition of contract, the child care facility shall obtain the consent of the parent or legal guardian of the child for such review.
- b. The provisions of this paragraph shall not apply to foster care providers having a contract or contracting with a child-placing agency, the Department of Human Services or the Office of Juvenile Affairs prior to September 1, 1998. Such existing foster care providers shall comply with the provisions of this section, until otherwise provided by rules of the Department or by law.
2. a. (1) On and after September 1, 1998, except as otherwise provided in divisions (2) and (4) of this subparagraph, prior to contracting with a foster family home for placement of any child who is in the custody of the Department of Human Services or the Office of Juvenile Affairs, each Department shall complete a foster parent eligibility assessment, pursuant to the provisions

of the Oklahoma Child Care Facilities Licensing Act, for such foster family applicant. In addition, except as otherwise provided by divisions (2) and (4) of this subparagraph, the Department shall complete a national criminal history records search based upon submission of fingerprints for any adult residing in such foster family home.

- (2) The Department of Human Services and Office of Juvenile Affairs may place a child pending completion of the national criminal history records search if the foster care provider and every adult residing in the foster family home has resided in this state for at least five (5) years immediately preceding such placement.
 - (3) A national criminal history records search based upon submission of fingerprints conducted by the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the foster family home.
 - (4) The Director of Human Services or the Director of the Office of Juvenile Affairs or their designee may authorize an exception to the fingerprinting requirement for any person residing in the home who has a severe physical condition which precludes such person's being fingerprinted.
- b. The provisions of this paragraph shall not apply to foster care providers having a contract or contracting with a child-placing agency, the Department of Human Services or the Office of Juvenile Affairs prior to September 1, 1998. Such existing foster care providers shall comply with the provisions of this section, until otherwise provided by rules of the Department or by law.

3. The Department of Human Services or the Office of Juvenile Affairs shall provide for a juvenile justice information system review pursuant to Section 2-7-308 of Title 10A of the Oklahoma Statutes for any child over the age of thirteen (13) years residing in a foster family home, other than the foster child, or who subsequently moves into the foster family home.

C. The Department or the Board of Juvenile Affairs shall promulgate rules to identify circumstances when a criminal history records search or foster parent eligibility assessment for an applicant or contractor, or any person over the age of thirteen (13) years residing in a private residence in which a child care facility is located, shall be expanded beyond the records search conducted by

the Oklahoma State Bureau of Investigation or as otherwise provided pursuant to this section.

D. Except as otherwise provided by the Oklahoma Children's Code and subsection F of this section, a conviction for a crime shall not be an absolute bar to employment, but shall be considered in relation to specific employment duties and responsibilities.

E. 1. Information received pursuant to this section by an owner, administrator, or responsible entity of a child care facility, shall be maintained in a confidential manner pursuant to applicable state and federal laws.

2. The information, along with any other information relevant to the ability of the individual to perform tasks that require direct contact with children, may be released to another child care facility in response to a request from the child care facility that is considering employing or contracting with the individual unless deemed confidential by state and federal laws.

3. Requirements for confidentiality and recordkeeping with regard to the information shall be the same for the child care facility receiving the information in response to a request as those provided for in paragraph 1 of this subsection for the child care facility releasing such information.

4. Information received by any facility certified by the Office of Juvenile Affairs may be released to another facility certified by the Office if an individual is being considered for employment or contract, along with any other relevant information, unless the information is deemed confidential by state or federal law. Any information received by the Office shall be maintained in a confidential manner pursuant to applicable state and federal law.

F. 1. It shall be unlawful for individuals who are required to register pursuant to the Sex Offenders Registration Act to work with or provide services to children or to reside in a child care facility and for any employer who offers or provides services to children to knowingly and willfully employ or contract with, or allow continued employment of or contracting with individuals who are required to register pursuant to the Sex Offenders Registration Act. Individuals required to register pursuant to the Sex Offenders Registration Act who violate any provision of Section 401 et seq. of this title shall, upon conviction, be guilty of a felony punishable by incarceration in a correctional facility for a period of not more than five (5) years and a fine of not more than Five Thousand Dollars (\$5,000.00) or both such fine and imprisonment.

2. Upon a determination by the Department of any violation of the provisions of this section, the violator shall be subject to and the Department may pursue:

- a. an emergency order,
- b. license revocation or denial,
- c. injunctive proceedings,

- d. an administrative penalty not to exceed Ten Thousand Dollars (\$10,000.00), and
- e. referral for criminal proceedings.

3. In addition to the penalties specified by this section, the violator may be liable for civil damages.

Added by Laws 1990, c. 186, § 1, eff. Sept. 1, 1990. Amended by Laws 1993, c. 122, § 4, emerg. eff. April 29, 1993; Laws 1995, c. 142, § 8, eff. July 1, 1995; Laws 1995, c. 222, § 1, eff. Nov. 1, 1995; Laws 1996, c. 200, § 1, eff. Nov. 1, 1996; Laws 1997, c. 389, § 20, eff. Nov. 1, 1997; Laws 1998, c. 5, § 1, emerg. eff. March 4, 1998; Laws 1998, c. 414, § 16, emerg. eff. June 11, 1998; Laws 1999, c. 2, § 1, emerg. eff. March 3, 1999; Laws 2000, c. 177, § 1, eff. July 1, 2000; Laws 2001, c. 174, § 5, eff. Nov. 1, 2001; Laws 2003, c. 213, § 1, eff. July 1, 2003; Laws 2008, c. 296, § 3, eff. Nov. 1, 2008; Laws 2009, c. 230, § 5, emerg. eff. May 21, 2009; Laws 2011, c. 266, § 2, eff. Nov. 1, 2011; Laws 2013, c. 308, § 4, eff. Nov. 1, 2013; Laws 2015, c. 115, § 1, eff. Nov. 1, 2015; Laws 2016, c. 307, § 1, eff. Nov. 1, 2016; Laws 2017, c. 109, § 1, eff. Nov. 1, 2017.

NOTE: Laws 1997, c. 260, § 1 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998. Laws 2017, c. 253, § 1 repealed by Laws 2018, c. 304, § 3, emerg. eff. May 10, 2018.

§10-404.2. Demarion's Law - Short title.

This act shall be known and may be cited as "Demarion's Law".

Added by Laws 2008, c. 58, § 1, eff. Nov. 1, 2008.

§10-404.3. Demarion's Law - Mandatory liability insurance for facilities

A. A child care facility shall maintain general liability insurance coverage as defined by Section 707 of Title 36 of the Oklahoma Statutes of at least Two Hundred Thousand Dollars (\$200,000.00) for each occurrence of negligence. An insurance policy or contract required under this section shall cover injury to a child due to negligence that occurs while the child is in the care of the child care facility.

B. The Department of Human Services shall promulgate rules providing for a standard form to be signed and dated by an insurance agent licensed in this state stating that the child care facility has an unexpired and uncanceled insurance policy or contract of at least Two Hundred Thousand Dollars (\$200,000.00) that meets the requirements of this section. This form shall be completed annually and shall be maintained by the child care facility. Upon request, the form shall be made available to the Department to determine compliance with licensing requirements.

C. Should the child care facility for financial reasons or for lack of availability of an underwriter willing to issue a policy be unable to secure the insurance required under subsection A of this

section, should the policy limits be exhausted, or if the child care facility reports self-insurance in accordance with state law the child care facility shall:

1. Post a conspicuous notice at the facility indicating the facility does not have liability insurance coverage pursuant to this section or reports self-insurance in accordance with state law;
2. Notify the Department that coverage is not provided or that the facility reports self-insurance in accordance with state law; and
3. Keep a form signed by the parent or legal guardian of each child that he or she has been told that the child care facility does not carry at least Two Hundred Thousand Dollars (\$200,000.00) of general liability insurance.

D. The Department shall promulgate rules providing for a standard notice form for the facility to post which indicates the facility does not carry liability insurance or reports self-insurance in accordance with state law. The form required pursuant to paragraph 1 of subsection C of this section shall be:

1. Printed with lettering that is legible and in at least three-fourths-inch boldfaced type;
2. Placed at the main entrance of the facility in a conspicuous location; and
3. Copied and provided to the parent or legal guardian of each child under supervision of the child care facility.

E. In no case shall the inability to secure coverage serve to indemnify the child care facility due to negligence.

F. The insurance policy or contract shall be maintained at all times in an amount as required by this section, except as provided for in subsection C of this section.

G. Each child care facility shall maintain a copy of the most recent compliance file onsite. The Department shall promulgate rules providing for a standard notice form for the facility to post which indicates:

1. The facility has a copy of the most recent compliance files onsite for inspection upon request of a parent or guardian of each child under the supervision of the child care facility; and
2. Such files are also made available for public inspection by the Department.

H. The forms required pursuant to this subsection shall be:

1. Printed with lettering that is legible and in at least three-fourths-inch boldfaced type;
2. Placed at the main entrance of the facility in a conspicuous location; and
3. Copied and provided to the parent or legal guardian of each child under supervision of the child care facility.

I. The requirements for posting provided by subsection D and G of this section shall not apply to:

1. Licensed child-placing agencies;

2. Licensed residential child care facilities; or
3. Department-certified child care facilities.

J. The Department may promulgate rules requiring liability insurance for facilities listed in subsection I of this section.

K. Failure by a child care facility to comply with the provisions of this section is grounds for suspension or revocation of the child care facility license under the Oklahoma Child Care Facilities Licensing Act.

L. The Department shall promulgate rules to implement the provisions of this section.

Added by Laws 2008, c. 58, § 2, eff. Nov. 1, 2008. Amended by Laws 2009, c. 136, § 1, emerg. eff. May 8, 2009; Laws 2010, c. 45, § 1, eff. Nov. 1, 2010; Laws 2013, c. 308, § 5, eff. Nov. 1, 2013; Laws 2016, c.283, § 1, emerg. eff. May 9, 2016.

§10-405. Necessity and issuance of license - Temporary authorization.

A. No child care facility may be operated or maintained in this state, unless licensed or temporarily authorized by the Department of Human Services, except for the shelters certified by the Office of Juvenile Affairs pursuant to Section 2-7-202 of Title 10A of the Oklahoma Statutes; No new child care facility may be established without the prior approval of the Department, which shall be granted only after the Department is satisfied that the facility will meet minimum standards for a license to operate.

B. The Department shall not grant approval for a permit, or a license for a new child care facility to receive and care for children until:

1. All background investigation requirements are met pursuant to Section 404.1 of this title; and

2. All required training including, but not limited to, cardiopulmonary resuscitation (CPR), first aid, health and safety training, and minimum education requirements pursuant to licensing requirements have been completed for any person left alone with children.

C. The incorporation or domestication of a corporation organized for the purpose of operating a child care facility shall not exempt such corporation from compliance with the provisions of Sections 401 through 418 of this title.

D. An application for a license shall be made on forms provided by the Department and in the manner prescribed. Temporary authorization may be granted to allow the Department to investigate the activities and standards of care of the applicant. The Department may issue a license once it is satisfied that the applicant meets the requirements as provided in Sections 401 through 418 of this title. All licenses shall be in force unless revoked as authorized by Section 407 of this title.

Added by Laws 1953, p. 19, § 5. Amended by Laws 1963, c. 89, § 5, emerg. eff. May 23, 1963; Laws 1993, c. 122, § 5, emerg. eff. April 29, 1993; Laws 1999, c. 130, § 1, emerg. eff. April 26, 1999; Laws 2001, c. 174, § 6, eff. Nov. 1, 2001; Laws 2008, c. 296, § 4, eff. Nov. 1, 2008; Laws 2009, c. 338, § 1, eff. July 1, 2009; Laws 2011, c. 266, § 3, eff. Nov. 1, 2011; Laws 2012, c. 353, § 1, emerg. eff. June 8, 2012; Laws 2013, c. 308, § 6, eff. Nov. 1, 2013.
NOTE: Laws 2009, c. 230, § 6 repealed by Laws 2010, c. 2, § 1, emerg. eff. March 3, 2010.

§10-405.1. Comprehensive state plan for child care facilities - Federal requirements - Submission to Legislature.

A. The Department of Human Services shall collaborate with other appropriate agencies to develop a comprehensive Oklahoma state plan for child care.

B. The comprehensive plan shall:

1. Meet all requirements for child care state plans as periodically determined by the United States Department of Health and Human Services Administration for Children and Families Child Care Bureau; and

2. Be submitted to the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Senate on a biannual basis.

Added by Laws 1998, c. 386, § 2, eff. July 1, 1998. Amended by Laws 2008, c. 296, § 5, eff. Nov. 1, 2008.

§10-405.2. Online child care database.

A. The Department of Human Services shall promulgate rules to establish and maintain an online database accessible to the public that contains information including, but not limited to:

1. The name, address, and phone number of all child care centers licensed by the Department of Human Services, and the name, address, and phone number of all child care homes licensed by the Department; and

2. A summary of substantiated complaint records and inspection reports generated by the Department.

B. Child care licensing records and inspection reports shall be maintained by the facility and be posted or made available to individuals pursuant to the licensing requirements promulgated by the Department.

Added by Laws 2008, c. 296, § 8, eff. Nov. 1, 2008. Amended by Laws 2009, c. 230, § 7, emerg. eff. May 21, 2009; Laws 2011, c. 266, § 4, eff. Nov. 1, 2011; Laws 2013, c. 308, § 7, eff. Nov. 1, 2013.

§10-405.3. Online Restricted Registry.

A. The Department of Human Services shall promulgate rules to establish and maintain the Restricted Registry, accessible to the public through an online database, to address:

1. A procedure for recording individuals on the restricted registry resulting from:

- a. a substantiated finding of abuse or neglect, as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, by an individual when the abuse or neglect occurred to a child while in the care of a facility licensed, certified, operated or contracted by or with the Department or the Office of Juvenile Affairs. The provisions of this subparagraph shall apply to:
 - (1) the Central Oklahoma Juvenile Center, the Oklahoma Juvenile Center for Girls and the Southwest Oklahoma Juvenile Center upon the effective date of this act, and
 - (2) facilities licensed by, certified by or contracting with the Office of Juvenile Affairs after November 1, 2018,
- b. a revocation or denial of a child care facility license, and
- c. a specified criminal history of an individual, as defined by rules promulgated by the Department;

2. A procedure to provide notice and an opportunity for review prior to recording an individual on the restricted registry;

3. Disclosure requirements for information on the restricted registry; and

4. A procedure to prohibit licensure, ownership, employment, unsupervised access to children or residence in a facility or program licensed, certified, operated or contracted with by the Department or the Office of Juvenile Affairs.

B. The Restricted Registry shall include, but not be limited to:

1. The full name of the individual;
2. Information necessary to identify the individual; and
3. The date the individual was recorded on the restricted

registry.

C. Nothing in this section shall be construed as to permit the placement of an operator of a child care facility on the Restricted Registry unless the operator:

1. Is the subject of a substantiated finding of child abuse or neglect;
2. Has been subject to a revocation or denial of a child care facility license; or
3. Has a specified criminal history, as defined by rules promulgated by the Department.

Added by Laws 2008, c. 296, § 9, eff. Nov. 1, 2008. Amended by Laws 2011, c. 266, § 5, eff. Nov. 1, 2011; Laws 2013, c. 308, § 8, eff.

Nov. 1, 2013; Laws 2015, c. 158, § 1, eff. Nov. 1, 2015; Laws 2017, c. 253, § 2, eff. Nov. 1, 2017.

§10-405.4. Education requirements for child care center director - Master teacher - Replacement - Floor space requirements.

A. Any person with a bachelor's degree or postgraduate degree shall be considered as having met the educational requirements for a director of a full-time child care center required by the Department of Human Services. Nothing in this section shall be construed as to affect annual continuing education requirements. The director of a child care center may also qualify as a master teacher for children of all ages.

B. Any person replacing a master teacher at a child care center shall be granted a one-year probationary period to fulfill the educational qualifications required by the Department for a master teacher. The Department may extend the probationary period an additional year as long as the person is actively pursuing that goal.

C. Licensed child care facilities opened or expanded before November 1, 2016, shall have thirty-five (35) square feet of floor area per infant in rooms occupied only by infants. New construction and existing space not previously licensed for child care after November 1, 2016, shall have forty (40) square feet of floor area per infant in rooms occupied only by infants.

Added by Laws 2016, c. 382, § 1. Amended by Laws 2018, c. 76, § 1, eff. Nov. 1, 2018.

§10-405.5. Continuation of license upon inheritance or purchase of a facility.

A. An individual who inherits or purchases a licensed child care facility and operates the facility with the same personnel employed by the previous owner may continue to operate the facility under the same license and at the same star rating as the previous owner for a period of ninety (90) calendar days.

B. The Department of Human Services shall be notified of any change of ownership of a licensed child care facility by the next Department of Human Services business day and prior to the new owner assuming operations of the facility.

C. If individuals who receive ownership of a licensed child care facility through purchase or inheritance have met all requirements for owners of child care facilities by the end of the ninety-calendar-day period established in subsection A of this section, they may continue to operate the facility at the same star rating. If all requirements have not been met, the facility may not care for children until the facility is authorized to do so by the Department.

D. Nothing in this section shall be construed as prohibiting the Department from exercising its authority to revoke the license of a child care facility as provided in Section 407 of Title 10 of the

Oklahoma Statutes during the ninety-calendar-day period established in subsection A of this section.

Added by Laws 2017, c. 233, § 1, eff. Sept. 1, 2017.

§10-406. Investigations - Notice of violation - Confidentiality - Anonymous complaint system.

A. 1. Except as provided in paragraph 2 of this subsection, the Department of Human Services shall have authority at any reasonable time to investigate and examine the conditions of any child care facility in which a licensee or applicant hereunder receives and maintains children, and shall have authority at any time to require the facility to provide information pertaining to children in its care.

2. When the Department of Human Services is reviewing the star rating of a child care program with a capacity of fifty or more, the comprehensive visit to inspect and examine the program shall be scheduled with the administration of the program at least one (1) week in advance of the visit, if requested by the child care facility.

B. 1. The State Department of Health may visit any licensee or applicant at the request of the Department to advise on matters affecting the health of children and to inspect the sanitation of the buildings used for their care.

2. The State Fire Marshal may visit any licensee or applicant at the request of the Department to advise on matters affecting the safety of children and to inspect the condition of the buildings used for their care.

C. 1. Upon receipt of a complaint against any child care facility alleging a violation of the provisions of the Oklahoma Child Care Facilities Licensing Act, or any licensing standard promulgated by the Department, the Department shall conduct a full investigation. If upon investigation, it is determined that there are reasonable grounds to believe that a facility is in violation of the Oklahoma Child Care Facilities Licensing Act or of any standard or rule promulgated pursuant thereto, the Department shall:

- a. document the complaint,
- b. provide the complaint allegations in writing to the facility involved and, upon written request by the child care facility, provide a summary of the facts used to evaluate the completed complaint, and
- c. document the facility's plan for correcting any substantiated violations.

2. If the Department determines there has been a violation and the violation has a direct impact on the health, safety or well-being of one or more of the children cared for by the facility, the Department shall notify the facility and require correction of the violation.

3. The Department shall notify the facility that failure to correct the confirmed violation can result in the revocation of the license, the denial of an application for a license, the issuance of an emergency order or the filing of an injunction pursuant to the provisions of Section 409 of this title.

4. If the facility refuses to correct a violation or fails to complete the plan of correction, the Department may issue an emergency order, revoke the license, or deny the application for a license. Nothing in this section or Section 407 of this title shall be construed as preventing the Department from denying an application, revoking a license, or issuing an emergency order for a single violation of this act, or the rules of the Department as provided in Section 404 of this title.

D. Upon the completion of the investigation of a complaint against any child care facility alleging a violation of the provisions of the Oklahoma Child Care Facilities Licensing Act or any licensing standard promulgated thereto by the Department, the Department shall clearly designate its findings on the first page of the report of the investigation. The findings shall state whether the complaint was substantiated or unsubstantiated.

E. Information obtained by the Department or Oklahoma Child Care Services concerning a report of a violation of a licensing requirement, or from any licensee regarding children or their parents or other relatives shall be deemed confidential and privileged communications, shall be properly safeguarded, and shall not be accessible to anyone except as herein provided, unless upon order of a court of competent jurisdiction. Provided, however, this provision shall not prohibit the Department from providing a summary of allegations and findings of an investigation involving a child care facility that does not disclose identities but that permits parents to evaluate the facility.

F. The Department shall promulgate rules to establish and maintain a grievance process that shall include an anonymous complaint system for reporting and investigating complaints or grievances about employees of the Department who retaliate against a child care facility or facility employee.

Added by Laws 1953, p. 19, § 6. Amended by Laws 1963, c. 89, § 6, emerg. eff. May 23, 1963; Laws 1993, c. 122, § 6, emerg. eff. April 29, 1993; Laws 1995, c. 222, § 2, eff. Nov. 1, 1995; Laws 1999, c. 130, § 2, emerg. eff. April 26, 1999; Laws 2001, c. 174, § 7, eff. Nov. 1, 2001; Laws 2004, c. 187, § 3, eff. Nov. 1, 2004; Laws 2008, c. 296, § 6, eff. Nov. 1, 2008; Laws 2009, c. 230, § 8, emerg. eff. May 21, 2009; Laws 2013, c. 308, § 9, eff. Nov. 1, 2013; Laws 2018, c. 73, § 2, eff. Nov. 1, 2018; Laws 2019, c. 368, § 1, eff. Nov. 1, 2019.

§10-406.1. Indian tribe-operated child care facility - Inspection agreement.

A. If an Indian tribe in this state that operates a child care facility elects to apply for a license for the facility pursuant to the Oklahoma Child Care Facilities Licensing Act, the Department of Human Services, the State Department of Health, and the State Fire Marshal may enter into an agreement with the Indian tribe to allow the state to conduct any inspections of the facility necessary to comply with the licensing provisions of the Oklahoma Child Care Facilities Licensing Act.

B. As part of the agreement authorizing the state to conduct inspections as provided in this section, the state and the Indian tribe may agree to a payment of a fee by the Indian tribe to the state in an amount not to exceed the reasonable cost to the state to conduct the inspections.

Added by Laws 2007, c. 85, § 1, eff. Nov. 1, 2007.

§10-407. Revocation of license or refusal to issue or renew - Emergency action - Citation.

A. The Department of Human Services may revoke or deny issuance of the license of any child care facility found to be in violation of any provision of this act or the rules of the Department, as provided in Section 404 of this title.

B. 1. No license shall be revoked or issuance denied unless and until such time as the licensee or applicant shall have been given at least thirty (30) days' notice in writing of the grounds of the proposed revocation or denial.

2. At the time the facility is given notice in writing of the revocation or denial of a license, the Department shall also advise parents of children attending the facility and the child care resource and referral organization within one (1) business day of such action by verbal, electronic, or written notification and the posting of an announcement in the facility.

3. If the revocation or denial is protested within thirty (30) days of receipt of notice, by writing addressed to the Department, the Department, or its authorized agency, shall conduct a hearing at which an opportunity shall be given to the licensee or applicant to present testimony and confront witnesses.

4. Notice of the hearing shall be given to the licensee or applicant by personal service or by delivery to the proper address by certified mail, return receipt requested, at least two (2) weeks prior to the date thereof.

5. If notice of the proposed revocation or denial of a license is not protested, the license shall be revoked or denied.

C. 1. Nothing in this section or Section 406 of this title shall be construed as preventing the Department from taking emergency action as provided by this subsection.

2. For the purposes of this subsection, "emergency" means a situation that poses a direct and serious threat to the health, safety, or welfare of any child cared for by the facility.

3. Whenever the Department finds, after an investigation, that an emergency exists requiring immediate action to protect the health, safety, or welfare of any child cared for by a facility licensed, authorized, or providing unlicensed care except as exempted by the provisions of the Oklahoma Child Care Facilities Licensing Act, the Department may without notice or hearing issue an emergency order stating the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency including, when necessary, removing children from the facility and prohibiting the facility from providing services to children pending a hearing on the matter.

- a. An emergency order shall be effective immediately. Any person to whom an emergency order is directed shall comply with the emergency order immediately but, upon written request to the Department on or before the tenth day after receipt of the emergency order, shall be afforded a hearing on or before the tenth day after receipt of the request by the Department.
- b. On the basis of such hearing, the Department shall continue the order in effect, revoke it, or modify it.
- c. Any person aggrieved by the order continued after the hearing provided for in this subsection may appeal to the district court of the area affected within ten (10) days. The appeal when docketed shall have priority over all cases pending on the docket, except criminal cases.

D. The Department shall establish a process to review the initial determination of the closure of a facility due to an emergency pursuant to the licensing requirements promulgated by the Department.

E. The Department shall continue to monitor any facility whose license has been revoked, denied, or who has had an emergency order issued for a period of thirty (30) days after the action becomes final.

F. In addition to any other remedy authorized by this act, a CLEET-certified officer may issue a citation for a violation of any provision of this act or rules of the Department as provided in Section 404 of this title. The fine shall not be less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for every day the facility maintains and receives children after:

1. An emergency order has been issued; or
2. An application for a license has been denied or the license has been revoked.

G. One-half (1/2) of the funds collected pursuant to subsection F of this section shall be deposited in the Quality of Care Development Fund established in Section 10 of this act and one-half (1/2) shall be retained by the law enforcement agency represented by the CLEET-certified officer.

Added by Laws 1953, p. 19, § 7. Amended by Laws 1963, c. 89, § 7, emerg. eff. May 23, 1963; Laws 1993, c. 122, § 7, emerg. eff. April 29, 1993; Laws 1999, c. 130, § 3, emerg. eff. April 26, 1999; Laws 2001, c. 174, § 8, eff. Nov. 1, 2001; Laws 2008, c. 296, § 7, eff. Nov. 1, 2008; Laws 2013, c. 308, § 10, eff. Nov. 1, 2013.

§10-408. Appeals.

A. Any licensee or applicant aggrieved by the decision of the Department of Human Services under Section 407 of this title may, within ten (10) days after the revocation or denial of the license, appeal to the district court of the county in which the child care facility is maintained and operated by filing with the clerk of the court a verified petition. Notice of such appeal shall be served on the Director of the Department within five (5) days of the date of its filing.

B. The licensee or applicant shall, within twenty (20) days of the filing of the appeal, file with the clerk of such court a transcript of the proceedings held pursuant to Section 407 of this title. The district court shall thereupon be vested with jurisdiction to review the proceedings of the Department; provided that, if the Department prevails, the judgment of the district court shall be that the decision of the Department be affirmed, and if the licensee or applicant prevails, the judgment of the court shall be that the revocation be set aside or the license issued or renewed, as the case may be. Pending the hearing of the appeal, the action of the Department revoking or denying the license or the granting thereof shall be stayed; provided, after the filing of an appeal, the district court, upon application by the Department and after an appropriate hearing, may grant a restraining order to enforce the decision of the Department.

Added by Laws 1953, p. 20, § 8. Amended by Laws 1963, c. 89, § 8, emerg. eff. May 23, 1963; Laws 1993, c. 122, § 8, emerg. eff. April 29, 1993; Laws 1999, c. 130, § 4, emerg. eff. April 26, 1999; Laws 2001, c. 174, § 9, eff. Nov. 1, 2001; Laws 2011, c. 266, § 6, eff. Nov. 1, 2011.

§10-409. Injunction.

Any person or child care facility may be enjoined from maintaining and operating such facility for violations of any provisions of this act by suit brought in the name of the state by the Attorney General of Oklahoma or by a district attorney.

Added by Laws 1953, c. 20, § 9. Amended by Laws 1963, c. 89, § 9, emerg. eff. May 23, 1963; Laws 2013, c. 308, § 11, eff. Nov. 1, 2013.

§10-410. Violations - Punishment.

Any person or agent, representative, or officer of any child care facility who violates any of the provisions of the Oklahoma Child Care Facilities Licensing Act shall, upon conviction, be deemed guilty of a misdemeanor and punished in accordance with the provisions of Section 10 of Title 21 of the Oklahoma Statutes. Whenever any agent, representative, or officer of any child care facility shall be convicted under authority of this act, such conviction shall be sufficient ground for the revocation of the entity's license.

Added by Laws 1953, p. 20, § 10. Amended by Laws 1963, c. 89, § 10, emerg. eff. May 23, 1963; Laws 2001, c. 174, § 10, eff. Nov. 1, 2001.

§10-410.1. Quality of Care Development Fund.

There is established in the State Treasury a revolving fund to be known as the "Quality of Care Development Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all fines collected by the Department of Human Services pursuant to Section 407 of this title and shall, in addition to any other monies made available for such purpose, be available to the Director solely to support the continued improvement of the child care facilities in this state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2008, c. 296, § 10, eff. Nov. 1, 2008. Amended by Laws 2012, c. 304, § 33.

§10-411. Certificate of immunization as condition for admission to day care facility - Waiver.

A. No person, firm, corporation, partnership or other legal entity operating a day care center or day care home in this state shall cause or permit a minor child two (2) months of age or older to be admitted to such facility unless and until the parent, guardian, or other related person of such child presents certification from a licensed physician or authorized representative of any state or local department of public health that such child has received or will receive immunization at the medically appropriate time against diphtheria, pertussis, tetanus, haemophilus influenzae type B (HIB), measles (rubeola), rubella, hepatitis A, varicella, and poliomyelitis; or presents such certification that the child is likely to be immune as a result of the disease. Provided, however, that in the event the parent, guardian, or other person presenting a child for admission to a day care center or day care home certifies

in writing that a family emergency exists, the requirement imposed by this section may be waived for a period not to exceed thirty (30) days. Such certification shall be made prior to the provision of care. No such waiver shall be knowingly permitted more than once for any child.

B. The State Board of Health, by rule, may alter the list of immunizations required under this section after notice and hearing. Any change in the list of immunizations required shall be submitted to the next regular session of the Legislature and such change shall remain in force and effect unless and until a concurrent resolution of disapproval is passed. Hearings shall be conducted by the State Board of Health, or such officer, agents or employees as the State Board of Health may designate for that purpose. The State Board of Health shall give appropriate notice of the proposed change in the list of immunizations required and of the time and place for hearing. The change shall become effective on a date fixed by the State Board of Health. Any change in the list of immunizations required may be amended or repealed in the same manner as provided for its adoption. Proceedings pursuant to this subsection shall be governed by the Administrative Procedures Act.

Added by Laws 1979, c. 141, § 1, emerg. eff. May 3, 1979. Amended by Laws 1992, c. 13, § 1, emerg. eff. March 24, 1992; Laws 1998, c. 177, § 1, eff. Nov. 1, 1998; Laws 1998, c. 412, § 1, eff. Nov. 1, 1998.

NOTE: Laws 1998, c. 95, § 1 repealed by Laws 1998, c. 412, § 8, eff. Nov. 1, 1998.

§10-412. Manner and frequency of immunizations - Enforcement of act.

A. The immunizations required by this act, and the manner and frequency of their administration, as prescribed by the State Board of Health, shall conform to recognized standard medical practices in this state. The State Department of Health shall supervise and secure the enforcement of the required immunization program.

B. The Department of Human Services shall render reasonable assistance to the State Department of Health in the enforcement of the provisions of this act. This assistance shall be in the form of revocation or denial of the license of any facility not in compliance with this act.

Added by Laws 1979, c. 141, § 2, emerg. eff. May 3, 1979. Amended by Laws 2001, c. 174, § 11, eff. Nov. 1, 2001.

§10-413. Exemptions.

Any minor child, through his or her parent or guardian, may submit to the health authority charged with the enforcement of the immunization laws, a certificate of a licensed physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child; or upon receipt of a written statement by the parent or guardian objecting to such

immunizations because of religious or other reasons, then such child shall be exempt from the provisions of this act.
Added by Laws 1979, c. 141, § 3, emerg. eff. May 3, 1979. Amended by Laws 2001, c. 174, § 12, eff. Nov. 1, 2001.

§10-414. Administration of immunizations - Persons eligible - Indigent persons.

The immunizations shall be administered by, or under the direction of, a licensed physician, or by any local or state health department. If the parent or guardian is unable to pay, the State Department of Health shall provide, without charge, the immunization materials required by this act.

Laws 1979, c. 141, § 4, emerg. eff. May 3, 1979.

§10-415. Child with reportable contagious disease to be excluded from day care facility.

Any child afflicted with a reportable contagious disease shall be excluded from attending a day care center or day care home until such time as the period of communicability has elapsed as determined by a licensed physician or health department official. Such exclusion shall be reported to a local health department official.

Laws 1979, c. 141, § 5, emerg. eff. May 3, 1979.

§10-416. Repealed by Laws 1993, c. 122, § 9, emerg. eff. April 29, 1993.

§10-417. Repealed by Laws 1993, c. 122, § 9, emerg. eff. April 29, 1993.

§10-418. Authority to obtain evidence - Administration of oaths.

When conducting investigations of complaints as provided in this article, the Department of Public Welfare shall have the power to summon any person to appear and produce such books and papers as shall be designated in the summons, and to give testimony under oath concerning the matter and institution under investigation. The Department shall have the power to administer oaths to such persons as may be summoned and to enforce all such powers as are given to notaries public when they are taking depositions.

R.L.1910, § 8100; Laws 1978, c. 244, § 35, eff. July 1, 1978. Renumbered from Title 74, § 180 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982.

§10-419. Repealed by Laws 2009, c. 230, § 9, emerg. eff. May 21, 2009.

§10-420. Child Care Center Bill of Rights.

The Child Care Center Bill of Rights includes if a child care center or employee provides written documentation of completion of required training, the child care center shall not be found in noncompliance if computer documentation is not updated by the training provider.

Added by Laws 2015, c. 371, § 1, emerg. eff. June 4, 2015.

§10-430. Repealed by Laws 2009, c. 230, § 10, emerg. eff. May 21, 2009.

§10-440. Office of Child Care - Establishment - Qualification for federal child care and development block grant funds - Duties.

There is hereby established within the Department of Human Services the Office of Child Care. The Office of Child Care shall:

1. Develop a state child care plan to qualify for federal child care and development block grant funds.

Such plan shall:

- a. Provide to the maximum extent practicable that parents or guardians of each eligible child be given the option to enroll such child with a child care provider that has a grant or contract for the provision of child care services with the Department of Human Services, which is selected by the parent or guardian, or to receive a child care certificate, as defined in Chapter 6 of the Omnibus Budget Reconciliation Act of 1990, of value commensurate with the subsidy value of child care services provided through contract or grant;
- b. Provide that nothing in the plan shall preclude the use of child care certificates for sectarian child care services if freely chosen by the parents;

2. Oversee distribution of state and federal funds related to child care;

3. Provide technical assistance to employers who are interested in exploring child care benefits and community child care needs;

4. Assist the Oklahoma Department of Commerce in promoting Oklahoma as a state that cares about families and children;

5. Address barriers that limit the availability of care for children with handicaps, infants, school-age children and children whose parents work nontraditional hours;

6. Provide oversight, training and technical assistance to resource and referral programs;

7. Coordinate the provision of training statewide for child care providers;

8. Increase community awareness of the need for quality child care which is both available and affordable;

9. Serve as a clearinghouse for child care data, resources and initiatives;

10. Cooperate with the Office of Management and Enterprise Services regarding child care benefits for state employees; and

11. Advise parents that no outside child care can ever be as effective and beneficial as devoted loving care within the home, and encourage parents to care for their children themselves, in their own home, whenever possible.

Added by Laws 1991, c. 147, § 1. Renumbered from Title 63, § 1-240 by Laws 2012, c. 253, § 6, eff. Nov. 1, 2012. Amended by Laws 2012, c. 304, § 479.

NOTE: Laws 1991, c. 147, § 1, as renumbered by Laws 2012, c. 253, § 6 repealed by Laws 2013, c. 15, § 2, emerg. eff. April 8, 2013.

§10-441. Termination of act.

This act shall terminate upon removal of any federal funds to be used in administering the program.

Added by Laws 1991, c. 147, § 2. Renumbered from Title 63, § 1-241 by Laws 2012, c. 253, § 6.

§10-451. Repealed by Laws 1998, c. 246, § 40, eff. Nov. 1, 1998.

§10-452. Transfer of property, contracts and funds.

(a) All personal properties, records, equipment, and supplies now owned and in use by the above named institutions shall be transferred to and become the property of the Oklahoma Public Welfare Commission.

(b) All contracts, leases, and such other agreements as may have been entered into by the Board of Managers, relative to the above named institutions, and such responsibilities as are in effect on the effective date of this act shall be assumed by and become binding upon the Oklahoma Public Welfare Commission and Department of Public Welfare.

(c) All unexpended funds to the credit of the above named institutions shall be transferred by the State Treasurer to the State Department of Public Welfare and placed in a separate account with said State Treasurer. The account shall be known as the "State Homes and Training Schools Operation Fund."

Laws 1961, p. 18, § 2.

§10-453. Definitions.

(a) The term "Commission" when used in this act shall mean the Oklahoma Public Welfare Commission.

(b) The term "Director" when used in this act shall mean the Director of Public Welfare, who shall be the administrative officer of the Commission.

(c) The term "Department" when used in this act shall mean the State Department of Public Welfare.

Laws 1961, p. 18, § 3.

§10-454. Powers and duties of Commission and Director.

(a) The Commission is hereby authorized and directed to formulate and to be responsible for the administration and operation of a comprehensive and detailed plan for the purposes specified and as provided in Title 10 as compiled in O.S.1951, Sections 187, 211 - 223, 291 - 296, 301 - 304, and 311 - 327, inclusive, as amended, where not inconsistent with the provisions of this act.

(b) The Commission shall receive and expend in connection with such plan all funds made available to it by the United States Government, by the state or its political subdivisions, or by any other source for such purposes.

(c) The Commission shall establish and maintain such methods of administration, including those necessary to establish and maintain a merit system of personnel administration, as are necessary for the effective and efficient operation of the plan; shall maintain records and prepare reports of services rendered; and shall cooperate with law enforcement, health, medical, and welfare agencies and organizations, and with any other agency of this state and the political subdivisions charged with the administration of laws relating to juvenile delinquents.

(d) The Director of Public Welfare is hereby authorized and directed to perform those duties and functions now performed by the Board of Managers and Superintendents for such juvenile delinquents of said institutions and such other duties relating to this act as may be assigned by the Commission.

(e) The Commission is authorized to create positions, fix salaries, and employ necessary professional and clerical personnel.

(f) The Commission shall have authority to provide for the expenditure of all funds for the administration and operation of the institutions as specified in this act.

Laws 1961, p. 18, § 4.

§10-455. Laws not inconsistent to remain in effect.

All laws now in effect contained in Title 10, Chapters 9, 10, 11, 13, 14, and 15, Sections 187, 211 - 223, 291 - 296, 301 - 304, and 311 - 327, inclusive, as set out in Title 10, O.S.1951, as amended, not inconsistent herewith, relative to what children are to be released or returned, duties of state agent, offenses, commitment by juvenile courts and other courts of record, transportation expenses, placing children into private homes, indenture and adoption, the report of treatment, records kept in each institution, limitation of expenditures, annual reports of said institutions, and also the laws now in force relative to food, clothing, and bedding, uniform plan of credits, the daily journal to be kept by the superintendent of each institution, and such other laws as are not in conflict with this act are declared to remain in full force and effect.

Laws 1961, p. 18, § 5.

§10-458. Repealed by Laws 1998, c. 246, § 40, eff. Nov. 1, 1998.

§10-501. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-502. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-503. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-504. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-505. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-506. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-507. Repealed by Laws 1994, c. 356, § 36, eff. Sept. 1, 1994.

§10-508. Repealed by Laws 2006, c. 116, § 62, eff. Nov. 1, 2006.

§10-531. Repealed by Laws 2016, c. 224, § 1.

§10-532. Repealed by Laws 2016, c. 224, § 1.

§10-533. Repealed by Laws 2016, c. 224, § 1.

§10-534. Repealed by Laws 2016, c. 224, § 1.

§10-535. Repealed by Laws 2016, c. 224, § 1.

§10-536. Repealed by Laws 2016, c. 224, § 1.

§10-537. Repealed by Laws 2016, c. 224, § 1.

§10-551. Authorization.

The technique of heterologous artificial insemination may be performed in this State by persons duly authorized to practice medicine at the request and with the consent in writing of the husband and wife desiring the utilization of such technique for the purpose of conceiving a child or children.

Laws 1967, c. 305, § 1, emerg. eff. May 11, 1967.

§10-552. Status of child.

Any child or children born as the result thereof shall be considered at law in all respects the same as a naturally conceived

legitimate child of the husband and wife so requesting and consenting to the use of such technique.

Laws 1967, c. 305, § 2, emerg. eff. May 11, 1967.

§10-553. Persons authorized - Consent.

No person shall perform the technique of heterologous artificial insemination unless currently licensed to practice medicine in this State, and then only at the request and with the written consent of the husband and wife desiring the utilization of such technique. The said consent shall be executed and acknowledged by both the husband and wife and the person who is to perform the technique, and the judge having jurisdiction over adoption of children, and an original thereof shall be filed under the same rules as adoption papers. The written consent so filed shall not be open to the general public, and the information contained therein may be released only to the persons executing such consent, or to persons having a legitimate interest therein as evidenced by a specific court order.

Laws 1967, c. 305, § 3, emerg. eff. May 11, 1967.

§10-554. Legal status of child or children born as result of heterologous oocyte donation.

Any child or children born as a result of a heterologous oocyte donation shall be considered for all legal intents and purposes, the same as a naturally conceived legitimate child of the husband and wife which consent to and receive an oocyte pursuant to the use of the technique of heterologous oocyte donation.

Added by Laws 1990, c. 272, § 8, eff. Sept. 1, 1990.

§10-555. Rights, obligations and interest of oocyte donor respecting child and child respecting donor.

An oocyte donor shall have no right, obligation or interest with respect to a child born as a result of a heterologous oocyte donation from such donor. A child born as a result of a heterologous oocyte donation shall have no right, obligation or interest with respect to the person who donated the oocyte which resulted in the birth of the child.

Added by Laws 1990, c. 272, § 9, eff. Sept. 1, 1990.

§10-556. Human embryo transfer and donation - Consents - Legal rights, obligations or interests.

A. 1. No person shall perform the technique of human embryo transfer unless currently licensed to practice medicine in this state, and then only at the request and with the written consent of the husband and wife desiring to receive the human embryo transfer. In addition, the written consent of the husband and wife donating the human embryo shall be obtained by the physician.

2. The written consent of the husband and wife desiring to receive the human embryo transfer shall be executed and acknowledged by both the husband and wife, by the physician who is to perform the technique, and by any judge of a court having adoption jurisdiction in this state. The original of the executed consent shall be filed with the court in conformity to Section 553 of Title 10 of the Oklahoma Statutes.

3. The original of the written consent of the husband and wife donating the human embryo shall be filed with the court by the physician performing the technique.

4. The written consents so filed shall not be open to the general public. The information contained therein, may be released only to persons having a legitimate interest therein as evidenced by a specific court order.

B. 1. Any child or children born as a result of a human embryo transfer donation shall be considered for all legal intents and purposes, the same as a naturally conceived legitimate child of the husband and wife that consent to and receive a human embryo transfer.

2. The husband and wife donating the human embryo shall be relieved of all parental responsibilities for any child or children resulting from the human embryo transfer.

C. The husband and wife donating the embryo shall have no right, obligation or interest with respect to a child born as a result of the donation or to the property of the child by descent or distribution.

D. A child born as a result of an embryo transfer donation shall have no right, obligation or interest with respect to the husband and wife who donated the embryo.

E. The transfer and donation of human embryos pursuant to this section shall not be construed as trafficking in children if:

1. The human embryo is donated by the biological parents of the embryo;

2. The human embryo is not at anytime offered for sale or sold; and

3. The human embryo transfer and donation is made pursuant to the provisions of this section.

Added by Laws 2000, c. 188, § 1, emerg. eff. May 8, 2000.

§10-557. Short title - Oklahoma Gestational Agreement Act.

Sections 1 through 26 of this act shall be known and may be cited as the "Oklahoma Gestational Agreement Act".

Added by Laws 2019, c. 433, § 1, emerg. eff. May 23, 2019.

§10-557.1. Policy.

It is the policy of the State of Oklahoma to allow private parties to enter into gestational agreements in order to help facilitate the birth of children to parents who are not otherwise

able to conceive or carry them, to allow the gestational carriers of such children to be properly compensated for providing this important and selfless undertaking and to provide a mechanism to ensure that gestational agreements will be enforced and that the expectations of the parties to gestational agreements will be protected.
Added by Laws 2019, c. 433, § 2, emerg. eff. May 23, 2019.

§10-557.2. Definitions.

As used in the Oklahoma Gestational Agreement Act:

1. "Act" means the Oklahoma Gestational Agreement Act;
2. "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes, but is not limited to, intrauterine insemination, donation of eggs, donation of embryos, in vitro fertilization and transfer of embryos and intracytoplasmic sperm injection;
3. "Court" means any district court of competent jurisdiction as provided in this act;
4. "Donor" means an individual who contributes a gamete or gametes or an embryo or embryos for the purpose of assisted reproduction with no claim to present or future parental rights or obligations to any resulting child and who is not an intended parent, gestational carrier or gestational spouse;
5. "Gamete" means either the ovum (egg) or the spermatozoon (sperm);
6. "Gestational agreement" means a written contract between the gestational carrier, the gestational spouse if applicable, the intended parents and, optionally, one or more donors, if applicable, which sets forth the obligations, rights and duties of the parties to a gestational carrier arrangement;
7. "Gestational carrier" means a woman, whether married or unmarried, who is neither an intended parent nor a donor and who agrees to become pregnant with the genetic child of one or more intended parents and/or one or more donors by means of assisted reproduction pursuant to a gestational carrier arrangement;
8. "Gestational carrier arrangement" means the process by which a gestational carrier attempts to become pregnant with a child through assisted reproduction using any number of gametes or embryos that are provided by one or more intended parents and/or one or more donors, who may or may not be genetically related to any intended parent, and carry and give birth to such child with the intention that such child will be solely the legal child of the intended parents. A gestational carrier arrangement does not include any attempt to conceive, implant or carry a child to which the gestational carrier or gestational spouse has made any genetic contribution;
9. "Gestational spouse" means the spouse of the gestational carrier if the gestational carrier is married at the time the

gestational carrier enters into the gestational agreement. The term does not apply to any person the gestational carrier marries after the gestational carrier enters into the gestational agreement. Unless context clearly requires otherwise, any reference to a gestational spouse in this act and any action required of a gestational spouse by this act or any prohibition applicable to a gestational spouse by this act shall not apply if the gestational carrier was not married to such person at the time the gestational carrier entered into the gestational agreement;

10. "Intended parent" means any person who intends to become the lawful parent of a child conceived, implanted or carried pursuant to a gestational agreement. The term "intended parent" shall mean both intended parents or, if only one intended parent is party to the gestational agreement, then it shall mean such singular intended parent unless context clearly requires otherwise;

11. "Mental health consultation" means an in-person meeting with a licensed mental health professional for the purposes of educating the participants about the effects and potential consequences of their participation in a gestational carrier arrangement, and of evaluating any potential psychological issues and risks posed by a party to a gestational carrier arrangement, including, but not limited to, the intended parent or parents or the gestational carrier's mental health, external and environmental factors, ability to manage relationships, potential attachment issues, and ability to carry out his or her obligations, rights and duties under a gestational carrier arrangement;

12. "Mental health professional" means an individual who:

- a. holds a master's or doctoral degree in the field of psychiatry, psychology, counseling, social work, psychiatric nursing or marriage and family therapy, and
- b. is duly licensed, certified, authorized or registered under the laws of a state to practice in the mental health field; and

13. "Spouse of the gestational carrier" means a person to whom the gestational carrier is married, whether or not such person is a gestational spouse under this act.

Added by Laws 2019, c. 433, § 3, emerg. eff. May 23, 2019.

§10-557.3. Gestational agreement - Legal contract.

A. Any prospective gestational carrier who meets the requirements for gestational carriers pursuant to the Oklahoma Gestational Agreement Act and the gestational spouse, if applicable, may enter into a gestational agreement with one or more intended parents of a child to be conceived pursuant to such gestational agreement.

B. A gestational agreement must meet the minimum requirements under this act, including validation by the court. A gestational

agreement that conforms to these requirements and has been validated in compliance with this act is a legal contract and is legally enforceable.

C. A gestational agreement under this act shall be governed by Oklahoma law, and this act shall control over any other law which conflicts with the express terms of this act insofar as such other law relates to the creation, validation or enforcement of gestational agreements, the rights and obligations of the parties thereto and any children born as a result thereof.

D. A gestational carrier arrangement carried out under a validated gestational agreement in compliance with this act shall not be considered trafficking in children.

Added by Laws 2019, c. 433, § 4, emerg. eff. May 23, 2019.

§10-557.4. Gestational carrier - Qualifications.

A. In order to serve as a gestational carrier under a gestational agreement, the gestational carrier must:

1. Be at least twenty-one (21) years of age at the time she enters into the gestational agreement;

2. Have given birth to at least one child;

3. Have been a resident of Oklahoma for at least ninety (90) consecutive days immediately preceding the date she enters into the gestational agreement, unless one or more intended parent has been a resident of Oklahoma for at least ninety (90) consecutive days immediately preceding the date the gestational carrier enters into the agreement;

4. Have completed a physical medical evaluation relating to the anticipated pregnancy; and

5. Have completed a mental health consultation.

B. Each intended parent of a child to be born pursuant to a gestational carrier agreement must have completed a mental health consultation.

Added by Laws 2019, c. 433, § 5, emerg. eff. May 23, 2019.

§10-557.5. Necessary parties to agreement - Requirements.

A. The following persons, and only the following persons, are necessary parties to a gestational agreement, and a gestational agreement shall not be validated if all such applicable necessary parties have not joined in the gestational agreement in compliance with the Oklahoma Gestational Agreement Act:

1. The gestational carrier;

2. The gestational spouse, if applicable; and

3. Each intended parent of a child to be born pursuant to a gestational carrier arrangement.

B. The following requirements apply to the necessary parties to a gestational agreement, and failure to meet such requirements shall prevent a court from validating the gestational agreement:

1. The gestational carrier, the gestational spouse, if applicable, and each intended parent must be at least twenty-one (21) years of age at the time the parties enter into the gestational agreement;

2. No more than two intended parents may be party to a gestational agreement;

3. If an intended parent is married, then that intended parent's spouse must be a party to the gestational agreement as an intended parent;

4. If there are two intended parents that are party to a gestational agreement, then they must be married to each other; and

5. No person may be a party to a gestational agreement under this act if such person is in the United States illegally pursuant to the immigration laws of the United States in effect at the time of a gestational agreement.

Added by Laws 2019, c. 433, § 6, emerg. eff. May 23, 2019.

§10-557.6. Agreement requirements - Validation.

A. A gestational agreement must meet the following requirements in order for it to be validated:

1. The gestational agreement must be in writing;

2. The gestational agreement must be acknowledged before a notary public by each of the parties;

3. All parties to the gestational agreement must be represented by legal counsel regarding the gestational agreement, and the parties to the gestational agreement may share legal counsel provided that the gestational carrier and gestational spouse, if applicable, must have legal counsel that is separate and independent from the legal counsel for the intended parents; and

4. The gestational agreement must contain a written statement, signed by each party's legal counsel, identifying which parties to the gestational agreement such counsel represents and stating that such counsel has advised such parties of the potential legal consequences of entering into the gestational agreement.

B. A gestational agreement must contain terms providing each of the following in order for it to be validated:

1. That each party to the gestational agreement consents to personal jurisdiction in the courts of Oklahoma for all matters connected with the gestational agreement and all matters concerning the parentage of any child born as part of the gestational carrier arrangement;

2. That the gestational carrier agrees to pregnancy by means of assisted reproduction;

3. That the gestational carrier and the gestational spouse, if applicable, relinquish all parental rights and obligations with respect to any child contemplated by the gestational agreement that is conceived or implanted through assisted reproduction and shall

surrender all legal and physical custody of that child to the intended parents immediately upon birth of that child;

4. That the intended parents shall be the sole parents of any child born pursuant to the gestational carrier arrangement and that such intended parents shall be entitled to and shall accept legal and physical custody of the child and all parental rights and obligations with respect to such child immediately upon the child's birth, regardless of the mental or physical condition of such child or the number of such children; provided, however, that such child is not a genetic child of the gestational carrier or the gestational spouse;

5. That the gestational carrier, the gestational spouse, if applicable, and each intended parent agree to exchange throughout the period covered by the gestational agreement all relevant information regarding their respective health;

6. That any gametes used in the assisted reproduction procedure shall be retrieved from an intended parent or a donor and not the gestational carrier or the gestational spouse;

7. The identity of one or more physicians or one or more medical facilities that will or may perform the assisted reproduction procedure contemplated by the gestational agreement;

8. A statement acknowledging that at least one or more physicians or medical facilities that will or may perform the assisted reproduction procedure as provided by the gestational agreement has informed the necessary parties to the gestational agreement of:

- a. the rate of successful conceptions and births attributable to the procedure, including the most recent published outcome statistics of the procedure at the facility at which it will be performed,
- b. the potential for and risks associated with the implantation of multiple embryos and consequent multiple births resulting from the procedure,
- c. the nature of and expenses related to the procedure,
- d. the health risks associated with, as applicable, fertility drugs used in the procedure, egg retrieval procedures and egg or embryo transfer procedures, and
- e. reasonably foreseeable psychological effects resulting from the procedure; and

9. The identity of which party or parties are responsible for the reasonable medical, legal and travel expenses associated with the gestational carrier arrangement, including providing for who is responsible for those expenses if the gestational agreement is terminated.

C. The Oklahoma Gestational Agreement Act shall not apply to any child conceived by means of sexual intercourse, and a gestational agreement shall not apply to any child so conceived.

D. The inclusion in a gestational agreement of any one or more of the following provisions shall not constitute cause for a court to deny the validation of the gestational agreement, and such provisions in a validated gestational agreement shall be enforceable:

1. The gestational carrier's agreement to undergo all medical examinations, treatments and fetal monitoring procedures recommended for the success of the pregnancy by the physician providing care to the gestational carrier during the pregnancy;

2. The gestational carrier's agreement to abstain from any activities that the intended parents or the physician providing care to the gestational carrier during the pregnancy reasonably believe to be harmful to the pregnancy or the future health of any resulting child, including, without limitation, smoking, drinking alcohol, using nonprescribed drugs, using prescription drugs not authorized by a physician aware of the pregnancy, exposure to radiation or any other activity proscribed by a health care provider;

3. The agreement of the intended parents to pay the gestational carrier reasonable compensation;

4. The agreement of the intended parents to pay for or reimburse the gestational carrier or any spouse of the gestational carrier for reasonable expenses, including, without limitation, medical, legal or other professional expenses or lost time from work related to the gestational carrier arrangement or the gestational agreement; and

5. Any other agreement of the parties not contrary to this act or any other applicable law.

Added by Laws 2019, c. 433, § 7, emerg. eff. May 23, 2019.

§10-557.7. Validated agreement required prior to transfer of gametes or embryos.

A. A gestational agreement must be validated as provided by the Oklahoma Gestational Agreement Act prior to the transfer of gametes or embryos to the gestational carrier for the purpose of conception or implantation under a gestational carrier arrangement.

B. Nothing in this act shall prohibit any of the following, undertaken in compliance with applicable law, even though a gestational agreement is not yet validated:

1. The gestational carrier from undertaking a medical or hormonal regimen designed to increase the likelihood of conception or implantation;

2. One or more intended parents or one or more donors from undertaking a medical or hormonal regimen designed to aid in the production or vitality of gametes;

3. The acquisition, retrieval, collection, creation, growth, testing or storage of gametes from one or more intended parents or one or more donors; or

4. The acquisition, retrieval, collection, creation, growth, testing or storage of embryos derived from the gametes of one or more intended parents or one or more donors.

Added by Laws 2019, c. 433, § 8, emerg. eff. May 23, 2019.

§10-557.8. Limited enforceability of an unvalidated agreement.

A. A gestational agreement that is not validated as provided by the Oklahoma Gestational Agreement Act is unenforceable except to the extent expressly provided by this act.

B. The parent-child relationship for a child born as a result of an assisted reproduction procedure under a gestational agreement that is not validated as provided by this act is determined as otherwise provided by Oklahoma law.

C. A gestational agreement that has not been validated shall nonetheless be enforceable to the extent it requires any party under such gestational agreement to pay for or to reimburse any other party for any medical, legal or travel expenses incurred pursuant to the gestational agreement.

Added by Laws 2019, c. 433, § 9, emerg. eff. May 23, 2019.

§10-557.9. Procedure to obtain court validation.

The following shall be the procedure to request that the court validate a gestational agreement:

1. Any one or more of the parties to a gestational agreement shall file a petition to validate the gestational agreement in a district court having jurisdiction as provided by the Oklahoma Gestational Agreement Act;

2. A petition to validate the gestational agreement shall, at a minimum, provide:

- a. the names and current addresses, if known, of each party to the gestational agreement,
- b. allegations setting forth the satisfaction of this act's requirements for a gestational agreement and the parties thereto,
- c. if any of the parties to a gestational agreement have not joined the petition, the identity of such parties and, if known, the reasons such parties have not joined the petition,
- d. whether or not any assisted reproduction procedures have taken place as part of the gestational carrier arrangement and, if so, the date of each such procedure and whether such procedures have resulted in pregnancy of the gestational carrier, and
- e. a request that the court validate the gestational agreement, as well as a request setting forth any additional relief sought in connection with the validation of the gestational agreement;

3. A complete, unredacted copy of the gestational agreement must be attached to the petition;

4. The petitioner shall attach affidavits, declarations, statements, other evidence or any combination thereof to the petition to support the allegations in the petition regarding the satisfaction of the requirements of this act and to aid the court in its determination of whether the requirements to validate the gestational agreement have been met; and

5. Any party not joining the petition to validate shall be served with a copy of the petition to validate and a summons in the same manner as in civil cases. After being so duly served, the nonjoining party shall answer and respond to the petition to validate within ten (10) days and shall provide allegations and evidence to aid the court in its determination of whether the requirements to validate the gestational agreement have been met. The failure of any nonjoining party to answer or otherwise respond after being duly served shall not prevent the court from validating a gestational agreement if the requirements of this act are otherwise satisfied. Added by Laws 2019, c. 433, § 10, emerg. eff. May 23, 2019.

§10-557.10. Required findings to validate an agreement - Court order of validation - Review - Deficiencies.

A. A court may validate a gestational agreement only as provided by this section.

B. A gestational agreement may be validated under the Oklahoma Gestational Agreement Act only if the court finds by a preponderance of the evidence that:

1. The court has jurisdiction over all parties to the gestational agreement;

2. The parties to the gestational agreement meet all the requirements set forth in this act for such parties and all necessary parties to the gestational agreement have entered into the gestational agreement;

3. The gestational agreement meets all the requirements for gestational agreements set forth in this act;

4. The medical evidence provided shows that the intended parent is unable to carry a pregnancy to term and give birth to a child or is unable to carry a pregnancy to term and give birth to a child without unreasonable risk to the intended parent's physical or mental health or to the health of the unborn child;

5. Each party to the gestational agreement has been advised by legal counsel in compliance with this act and has voluntarily entered into and understands the terms of the gestational agreement;

6. The gestational carrier has given birth to at least one child and carrying another pregnancy to term and giving birth to another child would not pose an unreasonable risk to that child's health or the physical or mental health of the gestational carrier; and

7. The intended parents have made guardianship provisions for the prospective child by amending their existing estate planning documents or by executing estate planning documents containing such provisions if they previously had no existing estate planning documents.

C. If the court finds that the requirements of subsection B of this section are satisfied, then the court shall render an order that:

1. Validates the gestational agreement and declares that the intended parents will be the sole parents of any child born under the gestational agreement;

2. Orders that each intended parent who is a party to the gestational agreement be listed as a parent on such child's certificate of birth to be filed with the state registrar of vital statistics as provided by Oklahoma law and that neither the gestational carrier nor any spouse of the gestational carrier shall be listed on said certificate of birth;

3. Orders the hospital, birthing facility or any other medical facility where such child is born to recognize the intended parents as the legal parents of such child for all purposes immediately upon the birth of such child; and

4. Unless the gestational agreement provides otherwise, orders the hospital, birthing facility or any other medical facility where such child is born to grant the intended parents the following rights:

- a. the right to immediate custody of and access to such child upon birth,
- b. the right to name such child,
- c. the right to make any and all health decisions regarding such child upon birth, and
- d. the right to be designated as the people to be issued armbands or other security devices identifying them as the parents of such child. The gestational carrier and any spouse of the gestational carrier shall not receive such armbands or security devices unless it is medically necessary for such child's welfare.

D. For good cause shown, a court may validate a gestational agreement even though it was not validated at the time of transfer of gametes or embryos to the gestational carrier for the purpose of conception or implantation, provided that such gestational agreement was entered into by all necessary parties to the gestational agreement prior to the time of transfer of such gametes or embryos to the gestational carrier for the purpose of conception or implantation, and provided that the court finds that all other requirements needed to validate a gestational agreement under this act have been satisfied.

E. The court may rely solely on affidavits, declarations, testimony, other competent evidence or any combination thereof in making its determination as to whether the requirements to validate a gestational agreement have been satisfied. A court need not conduct an evidentiary hearing if it finds that the documentary evidence supplied by the parties petitioning to validate a gestational agreement is sufficient to show by a preponderance of the evidence that the requirements to validate the agreement are satisfied.

F. The court's determination as to whether or not the requirements to validate a gestational agreement have been satisfied is subject to review only for abuse of discretion.

G. If the court determines that the gestational agreement does not meet the necessary requirements to be validated, the court shall issue an order identifying with specificity each deficiency that it found which prevents it from validating the gestational agreement. The parties may thereafter amend the gestational agreement or cure any other identified deficiencies and thereafter file an amended petition to validate the gestational agreement. The same requirements shall apply to validating an amended gestational agreement as would apply to validating an original gestational agreement. The parties may amend as many times as needed to cure any deficiencies identified by the court.

Added by Laws 2019, c. 433, § 11, emerg. eff. May 23, 2019.

§10-557.11. Rights of child - Parent-child relationship.

A. Upon the validation by the court of a gestational agreement conforming with the requirements of the Oklahoma Gestational Agreement Act, any child born as a result of an assisted reproduction procedure to a gestational carrier under the gestational agreement shall be considered at law in all respects the same as a naturally conceived legitimate child of the intended parents. The parent-child relationship shall exist solely between such intended parents and such child regardless of the fact that the gestational carrier gave birth to the child or that the spouse of the gestational carrier is or was married to the gestational carrier at or before the time of such birth. The gestational carrier and any spouse of the gestational carrier if she is married shall have no parental rights or obligations with respect to such child.

B. A person acting in the capacity of a donor shall not be a parent of a child conceived as a result of assisted reproduction under a gestational carrier arrangement and shall have no rights or obligations with respect to such child.

Added by Laws 2019, c. 433, § 12, emerg. eff. May 23, 2019.

§10-557.12. Notice of birth to be filed with court - Court order.

A. Upon the birth of a child to a gestational carrier under a validated gestational agreement, the intended parents shall file a

notice of the birth with the court not later than twenty-one (21) days after the birth occurs.

B. Upon receiving notice of the birth, the court shall render an order that:

1. Confirms that the intended parents are the child's parents;
2. If necessary, requires the gestational carrier and any spouse of the gestational carrier if she is married to surrender the child to the intended parents; and
3. If necessary, requires the state registrar of vital statistics to issue a birth certificate naming the intended parents as the child's sole parents.

C. If the intended parents fail to file the notice required by subsection A of this section, the gestational carrier or an appropriate state agency may file the notice required by that subsection. On a showing that an order validating the gestational agreement was rendered in accordance with the Oklahoma Gestational Agreement Act, the court shall order that the intended parents are the child's parents and are financially responsible for the child.

D. If a person alleges that a child born to a gestational carrier:

1. Did not result from assisted reproduction; or
 2. Is a genetic child of the gestational carrier or the gestational spouse, such that either the gestational carrier or the gestational spouse made a genetic contribution to any gamete from which the child was conceived or the embryo from which the child was grown,
- the court shall order that scientifically accepted parentage testing in compliance with Oklahoma law be conducted to determine the child's parentage. If the court determines that any of the allegations in paragraph 1 or 2 of this subsection are true, the Oklahoma Gestational Agreement Act shall not apply and the parentage, rights and obligations of the parties and the child shall be determined as otherwise provided by Oklahoma law. Any action related to such allegations may only be brought within one hundred eighty (180) days after the birth of the child and not afterward. The preceding sentence shall be interpreted as a statute of repose and not as a statute of limitations.

Added by Laws 2019, c. 433, § 13, emerg. eff. May 23, 2019.

§10-557.13. Amendments to agreement must be validated.

A. If the parties to a validated gestational agreement desire to amend it, the amended gestational agreement must be validated to be enforceable.

B. To validate amendments to a previously validated gestational agreement, an amended petition must be filed in the same cause as the petition under which the gestational agreement was originally validated. The amended petition must identify the amendments the

parties seek to make to the gestational agreement, and said parties must attach a copy of the amended gestational agreement.

C. The court shall apply the same requirements and utilize the same procedures in determining whether to validate the amended gestational agreement as are used in determining whether to validate any other gestational agreement.

D. Upon validation of the amended gestational agreement, the amended gestational agreement shall supersede any earlier versions of the gestational agreement, and the earlier versions of the gestational agreement shall be of no further force or effect.

E. A validated gestational agreement may not be amended to change the identity of the gestational carrier, the gestational spouse, if applicable, or any intended parent. In such instances, the validated gestational agreement must be terminated in compliance with the Oklahoma Gestational Agreement Act, and the gestational agreement with the new parties must be validated in a separate action.

F. Nothing in this section shall prevent a gestational agreement that has not been previously validated from being amended as to any matter or term by agreement of the parties. Any such amended gestational agreement must still be validated in compliance with this act in order for it be enforceable.

Added by Laws 2019, c. 433, § 14, emerg. eff. May 23, 2019.

§10-557.14. Termination of agreement.

A. In no event may a gestational agreement be terminated after the gestational carrier becomes pregnant by means of assisted reproduction.

B. Other than as prohibited by subsection A of this section, a gestational agreement may be terminated by any party thereto as permitted by the terms of the agreement under the following procedures:

1. Any of the parties to a validated gestational agreement may seek to terminate the gestational agreement by first giving written notice of termination of the gestational agreement to each other party to the gestational agreement;

2. A person who sends the notice to terminate a validated gestational agreement shall file notice of the termination with the appropriate court. The court shall thereafter enter an order vacating the validation of the gestational agreement and terminating the gestational agreement. As necessary, prior to issuing the order vacating the validation and terminating the gestational agreement, the court may consider evidence to confirm the gestational carrier is not pregnant by means of assisted reproduction;

3. A validated gestational agreement is not terminated until an order vacating the validation and terminating the gestational agreement has been entered by the court;

4. If a gestational agreement has not been validated, it may be terminated by any of the parties thereto by such party sending a written notice of termination to the other parties to the gestational agreement. It is not necessary for a court to enter an order terminating a gestational agreement that has not been validated;

5. The notice of termination required by this section shall be served upon the other parties to the gestational agreement in the same manner as summons is served in civil cases;

6. Upon receipt of a notice to terminate a gestational agreement, the gestational carrier shall not undergo any assisted reproductive procedure to transfer any gametes or embryos to the gestational carrier for the purpose of conception or implantation as part of the gestational carrier arrangement unless otherwise permitted by the court;

7. No party to a gestational agreement shall be liable to any other party for damages for terminating a gestational agreement in accordance with this section; provided, however, that termination of a gestational agreement, whether validated or not, shall not relieve any party of the duty to pay for or to reimburse any other party for any medical, legal or travel expenses incurred pursuant to the gestational agreement prior to its termination which would otherwise be owed if the gestational agreement had not been terminated, and a party having a duty to pay or reimburse such expenses shall be liable to pay or reimburse such expenses; and

8. Notwithstanding anything in this act to the contrary, within one (1) year of the termination of a gestational agreement, whether validated or not, any party to the gestational agreement may file a written petition with the court that terminated a gestational agreement seeking to reinstate the gestational agreement and requesting the court validate the gestational agreement. The party filing such petition shall serve such petition on all other parties to the gestational agreement in the same manner as serving a petition in a civil case in Oklahoma. In any such case, the sole basis upon which the court may reinstate the gestational agreement and validate it is if the court finds through competent evidence that the gestational carrier became pregnant by means of an assisted reproduction procedure contemplated by the gestational agreement that was performed before the party seeking to terminate the gestational agreement served upon the gestational carrier the written notice of termination of the gestational agreement. If the court so finds, and if all the requirements to validate a gestational agreement under this act are otherwise met, the termination of the gestational agreement shall be null and void, and the court shall enter an order reinstating the gestational agreement as if it had never been terminated and validating the gestational agreement. The court, taking into account the health and well-being of the gestational carrier and the child with which she is pregnant, may order any

scientifically acceptable genetic or medical testing allowed by law to aid it in its findings, may assess the costs of such testing to the party or parties the court deems appropriate and may wait to make its ruling on the reinstatement and validation of the gestational agreement until after the birth of the child.

Added by Laws 2019, c. 433, § 15, emerg. eff. May 23, 2019.

§10-557.15. Proceedings governed by Code of Civil Procedure - Confidentiality.

Unless otherwise provided by the Oklahoma Gestational Agreement Act, any proceedings conducted pursuant to this act will be governed by the Code of Civil Procedure of the State of Oklahoma. All such proceedings, any pleadings, motions, documents or records associated therewith and the identities of the parties to a gestational agreement are all to be kept confidential, and any such proceedings shall be held in closed court without the admittance of any person other than interested parties and their counsel. It is the intent of this section that the same standards of confidentiality, inspection and disclosure applied to cases of adoption in this state shall apply to the proceedings and papers related to gestational agreements under this act.

Added by Laws 2019, c. 433, § 16, emerg. eff. May 23, 2019.

§10-557.16. Venue and jurisdiction.

Venue and jurisdiction for all matters arising out of or related to a gestational agreement shall lie only in the district court of the county where the gestational carrier resided at the time the gestational agreement was entered into or in the district courts of Tulsa County or Oklahoma County. Upon the filing of a petition to validate gestational agreement, and regardless of any change in residency of the gestational carrier, the court in which such petition was properly filed shall have continuing and exclusive jurisdiction over all matters arising out of or related to the gestational agreement until the date a child born to the gestational carrier during the period covered by the gestational agreement reaches one hundred eighty (180) days of age.

Added by Laws 2019, c. 433, § 17, emerg. eff. May 23, 2019.

§10-557.17. Compensation to gestational carrier.

A. A gestational carrier may receive reimbursement for expenses and economic losses resulting from participation in the gestational carrier arrangement contemplated by a gestational agreement.

B. A gestational carrier may be paid a reasonable compensation for carrying a child pursuant to a gestational agreement. The compensation, if any, paid to a gestational carrier must be negotiated in good faith between the parties; the amount of such compensation must be set forth in the gestational agreement; and the

compensation may in no manner be conditioned upon the purported quality or any genome-related traits of the sperm, eggs, gametes, embryos or resulting child; provided, that nothing in this section prohibits compensation that is conditioned on the number of embryos implanted, the number of assisted reproduction procedures undertaken for the gestational carrier to become pregnant, the number of children with which the gestational carrier becomes pregnant or the duration of the pregnancy.

Added by Laws 2019, c. 433, § 18, emerg. eff. May 23, 2019.

§10-557.18. Donors may be parties to the agreement.

A. Any one or more donors that will be supplying any gametes or embryos in connection with a gestational carrier arrangement may be, but are not required to be, a party to the gestational agreement, and any consents required of such donor or such donor's physician by Oklahoma law may be incorporated into the gestational agreement.

B. If one or more donors will be supplying any gametes or embryos in connection with a gestational carrier arrangement, any consents otherwise required by Oklahoma law to be filed with a court in connection with such donation may be filed with the court as part of the petition to validate gestational agreement, regardless of whether or not such consents are part of the gestational agreement. Filing such consents with the petition to validate shall be deemed to be compliance with any filing requirements for such consents otherwise required by Oklahoma law, including the provisions of Sections 552 through 556, inclusive, of Title 10 of the Oklahoma Statutes. If such consents are filed with the court as part of the petition to validate, then validation of the gestational agreement by the court shall satisfy any requirements otherwise set forth in Oklahoma law for a judge's approval, execution or acknowledgment of such consents.

C. This act shall not affect any other law regarding the allowance or prohibition of compensation paid to any donor for that donor's contribution of gametes or embryos.

Added by Laws 2019, c. 433, § 19, emerg. eff. May 23, 2019.

§10-557.19. Gametes or embryos of the gestational carrier or gestational spouse.

No gamete or embryo to which the gestational carrier or the gestational spouse has contributed any genetic material may be used in the assisted reproduction procedure set forth in a gestational agreement covered by the Oklahoma Gestational Agreement Act. Any agreement which calls for the use of a gamete or embryo to which the gestational carrier or gestational spouse has contributed genetic material falls outside the applicability of this act.

Added by Laws 2019, c. 433, § 20, emerg. eff. May 23, 2019.

§10-557.20. Parents to be listed on certificate of birth.

Upon the birth of a child contemplated by a validated gestational agreement, the intended parents under such validated gestational agreement shall be listed as the parents on the child's certificate of birth that is to be filed with the state registrar of vital statistics as provided by Oklahoma law, and neither the gestational carrier nor any spouse of the gestational carrier if she is married shall be listed on said certificate of birth.

Added by Laws 2019, c. 433, § 21, emerg. eff. May 23, 2019.

§10-557.21. Death of intended parent prior to birth of child - Testamentary and inheritance rights.

A. In the event that an intended parent predeceases the birth of a child contemplated by a validated gestational agreement, the terms and conditions of the gestational agreement shall remain in full force and effect, and upon birth the resulting child shall be delivered into the sole care and custody of the surviving intended parent, if an intended parent so survives. If there are no surviving intended parents, the child shall be delivered into the sole care and custody of the guardian nominated in the estate planning documents of the intended parents. If no such guardian will accept or is fit to accept the sole care and custody of the child, or if no valid estate planning documents of the intended parents are then in effect, the child shall be delivered into the sole care and custody of a guardian designated by the court as provided by Oklahoma law, and in such instances nothing in the Oklahoma Gestational Agreement Act shall prohibit a gestational carrier or gestational spouse from being designated by the court as the child's guardian.

B. Any child conceived by assisted reproduction and pursuant to the terms of a validated gestational agreement shall have all testamentary and inheritance rights from the intended parents and shall have no testamentary or inheritance rights from the gestational carrier or any spouse of the gestational carrier if she is married. The intended parents shall have testamentary and inheritance rights from the resulting child as parents, and the gestational carrier and any spouse of the gestational carrier if she is married shall have no testamentary or inheritance rights from the resulting child as parents.

Added by Laws 2019, c. 433, § 22, emerg. eff. May 23, 2019.

§10-557.22. Marriage or divorce of a gestational carrier.

A. The marriage of a gestational carrier after she enters into a gestational agreement does not affect the gestational agreement. In such instances, the consent of the person who became the spouse of the gestational carrier after the gestational carrier entered into the gestational agreement is not required in order for the court to validate the gestational agreement, and such person need not be party

to the validation proceedings. The spouse of the gestational carrier in such instances shall not be presumed to be the parent of any resulting child.

B. The divorce or separation of the gestational carrier and any spouse of the gestational carrier shall not affect the validation or enforceability of such gestational agreement or the ability of the court to validate such gestational agreement that otherwise complies with this act.

Added by Laws 2019, c. 433, § 23, emerg. eff. May 23, 2019.

§10-557.23. Laboratory or clinical error.

A. If a gestational agreement has been validated and if, because of a laboratory error or clinical error, the resulting child under such gestational agreement is not genetically related to one or more of the intended parents or one or more of the donors who donated to the intended parent or parents and if, in the absence of such error, the child should have been so genetically related, then the intended parents under the gestational agreement shall nonetheless be considered the parents of the child, unless a determination to the contrary is made by a court of competent jurisdiction in an action which may only be brought by one or more genetic parents of the resulting child within one hundred eighty (180) days after the birth of the child.

B. Nothing in the Oklahoma Gestational Agreement Act shall create, affect or diminish any cause of action that a person may have under Oklahoma law for a laboratory error or clinical error occurring as part of an assisted reproduction procedure.

Added by Laws 2019, c. 433, § 24, emerg. eff. May 23, 2019.

§10-557.24. Breach of agreement.

A. This section shall govern the breach of validated gestational agreements and any gestational agreements that have not been validated, but only to the extent those nonvalidated gestational agreements are otherwise enforceable under the Oklahoma Gestational Agreement Act.

B. In the event of a breach of a gestational agreement or noncompliance with the requirements of this act, the court shall determine the respective rights and obligations of the parties to the gestational agreement based solely on the evidence of the original intent of the parties and the provisions of this act.

C. Except as otherwise provided by this act or an express term of the gestational agreement, the gestational carrier, the gestational spouse and any intended parent shall be entitled to any remedy available at law or equity for breach of the gestational agreement or noncompliance with any requirement of this act.

D. Notwithstanding any breach of the gestational agreement, the remedy of specific performance shall not be available to the extent

the ordering of such remedy would require the gestational carrier or any other party to be impregnated or undergo an assisted reproduction procedure.

E. The breach of the gestational agreement by any intended parent does not relieve the intended parents of the obligation to support a child born pursuant to the gestational agreement.

F. Unless otherwise provided by the gestational agreement, the court in any action for the alleged breach or the enforcement of a gestational agreement shall award costs, attorney fees and expert fees to the prevailing party.

Added by Laws 2019, c. 433, § 25, emerg. eff. May 23, 2019.

§10-557.25. Application with other laws.

Except as otherwise expressly provided by the Oklahoma Gestational Agreement Act, all other laws regarding parentage and the determination thereof remain in full force and effect.

Added by Laws 2019, c. 433, § 26, emerg. eff. May 23, 2019.

§10-571. Repealed by Laws 2008, c. 156, § 2, eff. upon enactment by 35 states or July 1, 2008, whichever is later.

§10-572. Repealed by Laws 2008, c. 156, § 2, eff. upon enactment by 35 states or July 1, 2008, whichever is later.

§10-573. Repealed by Laws 2008, c. 156, § 2, eff. upon enactment by 35 states or July 1, 2008, whichever is later.

§10-574. Repealed by Laws 2008, c. 156, § 2, eff. upon enactment by 35 states or July 1, 2008, whichever is later.

§10-575. Repealed by Laws 2008, c. 156, § 2, eff. upon enactment by 35 states or July 1, 2008, whichever is later.

§10-576. Repealed by Laws 2008, c. 156, § 2, eff. upon enactment by 35 states or July 1, 2008, whichever is later.

§10-577. Enactment of compact - Text.

There is hereby created the Interstate Compact for the Placement of Children. Pursuant to the terms and conditions of this compact, the State of Oklahoma seeks to join with other member states, as defined by this compact, in enacting this compact. This compact shall become effective upon the enactment into law by thirty-five states. Upon the effective date of this compact, this compact shall replace the Interstate Compact on the Placement of Children codified at Section 571 of Title 10 of the Oklahoma Statutes. The provisions of the Interstate Compact for the Placement of Children are as follows:

ARTICLE I. PURPOSE

The purpose of this compact is to:

1. Provide a process through which children subject to this compact are placed in safe and suitable homes in a timely manner;
2. Facilitate ongoing supervision of a placement, the delivery of services, and communication between the states;
3. Provide operating procedures that will ensure that children are placed in safe and suitable homes in a timely manner;
4. Provide for the promulgation and enforcement of administrative rules implementing the provisions of this compact and regulating the covered activities of the member states;
5. Provide for uniform data collection and information sharing between member states under this compact;
6. Promote coordination between this compact, the Interstate Compact for Juveniles, the Interstate Compact on Adoption and Medical Assistance and other compacts affecting the placement of and which provide services to children otherwise subject to this compact;
7. Provide for a state's continuing legal jurisdiction and responsibility for placement and care of a child that it would have had if the placement were intrastate; and
8. Provide for the promulgation of guidelines, in collaboration with Indian tribes, for interstate cases involving Indian children as is or may be permitted by federal law.

ARTICLE II. DEFINITIONS

As used in this compact:

1. "Approved placement" means the public child-placing agency in the receiving state has determined that the placement is both safe and suitable for the child;
2. "Assessment" means an evaluation of a prospective placement by a public child-placing agency in the receiving state to determine if the placement meets the individualized needs of the child, including but not limited to the child's safety and stability, health and well-being, and mental, emotional, and physical development. An assessment is only applicable to a placement by a public child-placing agency;
3. "Child" means an individual who has not attained the age of eighteen (18);
4. "Certification" means to attest, declare, or swear to before a judge or notary public;
5. "Default" means the failure of a member state to perform the obligations or responsibilities imposed upon it by this compact, or the bylaws or rules of the Interstate Commission;
6. "Home study" means an evaluation of a home environment conducted in accordance with the applicable requirements of the state in which the home is located, and documenting the preparation and suitability of the placement resource for placement of a child in

accordance with the laws and requirements of the state in which the home is located;

7. "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaskan native village as defined in Section 3(c) of the Alaska Native Claims Settlement Act at 43 U.S.C., Section 1602(c);

8. "Interstate Commission for the Placement of Children" means the commission that is created under Article VIII of this compact and which is generally referred to as the Interstate Commission;

9. "Jurisdiction" means the power and authority of a court to hear and decide matters;

10. "Legal risk placement" or "legal risk adoption" means a placement made preliminary to an adoption where the prospective adoptive parents acknowledge in writing that a child may be ordered returned to the sending state or the state of residence of the birth mother, if different from the sending state, and a final decree of adoption shall not be entered in any jurisdiction until all required consents are obtained or are dispensed with in accordance with applicable law;

11. "Member state" means a state that has enacted this compact;

12. "Noncustodial parent" means a person who, at the time of commencement of court proceedings in the sending state, does not have sole legal custody of the child or has joint legal custody of a child, and who is not the subject of allegations or findings of child abuse or neglect;

13. "Nonmember state" means a state which has not enacted this compact;

14. "Notice of residential placement" means information regarding a placement into a residential facility provided to the receiving state including, but not limited to, the name, date, and place of birth of the child, the identity and address of the parent or legal guardian, evidence of authority to make the placement, and the name and address of the facility in which the child will be placed. Notice of residential placement shall also include information regarding a discharge and any unauthorized absence from the facility;

15. "Placement" means the act by a public or private child-placing agency intended to arrange for the care or custody of a child in another state;

16. "Private child-placing agency" means any private corporation, agency, foundation, institution, or charitable organization, or any private person or attorney that facilitates, causes, or is involved in the placement of a child from one state to another and that is not an instrumentality of the state or acting under color of state law;

17. "Provisional placement" means a determination made by the public child-placing agency in the receiving state that the proposed placement is safe and suitable, and, to the extent allowable, the receiving state has temporarily waived its standards or requirements otherwise applicable to prospective foster or adoptive parents so as not to delay the placement. Completion of the receiving state requirements regarding training for prospective foster or adoptive parents shall not delay an otherwise safe and suitable placement;

18. "Public child-placing agency" means any government child welfare agency or child protection agency or a private entity under contract with such an agency, regardless of whether they act on behalf of a state, county, municipality, or other governmental unit and which facilitates, causes, or is involved in the placement of a child from one state to another;

19. "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought;

20. "Relative" means someone who is related to the child as a parent, stepparent, sibling by half or whole blood or by adoption, grandparent, aunt, uncle, or first cousin or a nonrelative with such significant ties to the child that they may be regarded as relatives as determined by the court in the sending state;

21. "Residential facility" means a facility providing a level of care that is sufficient to substitute for parental responsibility or foster care, and is beyond what is needed for assessment or treatment of an acute condition. For purposes of the compact, residential facilities do not include institutions primarily educational in character, hospitals, or other medical facilities;

22. "Rule" means a written directive, mandate, standard, or principle issued by the Interstate Commission promulgated pursuant to Article XI of this compact that is of general applicability and that implements, interprets, or prescribes a policy or provision of the compact. A rule has the force and effect of an administrative rule in a member state, and includes the amendment, repeal, or suspension of an existing rule;

23. "Sending state" means the state from which the placement of a child is initiated;

24. "Service member's permanent duty station" means the military installation where an active duty Armed Services member is currently assigned and is physically located under competent orders that do not specify the duty as temporary;

25. "Service member's state of legal residence" means the state in which the active duty Armed Services member is considered a resident for tax and voting purposes;

26. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and any other territory of the United States;

27. "State court" means a judicial body of a state that is vested by law with responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency, or status offenses of individuals who have not attained the age of eighteen (18); and

28. "Supervision" means monitoring provided by the receiving state once a child has been placed in a receiving state pursuant to this compact.

ARTICLE III. APPLICABILITY

A. Except as otherwise provided in Article III, subsection B, this compact shall apply to:

1. The interstate placement of a child subject to ongoing court jurisdiction in the sending state, due to allegations or findings that the child has been abused, neglected, or deprived as defined by the laws of the sending state; provided, however, that the placement of such a child into a residential facility shall only require notice of residential placement to the receiving state prior to placement;

2. The interstate placement of a child adjudicated delinquent or unmanageable based on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

- a. the child is being placed in a residential facility in another member state and is not covered under another compact, or
- b. the child is being placed in another member state and the determination of safety and suitability of the placement and services required is not provided through another compact; and

3. The interstate placement of any child by a public child-placing agency or private child-placing agency as defined in this compact as a preliminary step to a possible adoption.

B. The provisions of this compact shall not apply to:

1. The interstate placement of a child in a custody proceeding in which a public child-placing agency is not a party, provided the placement is not intended to effectuate an adoption;

2. The interstate placement of a child with a nonrelative in a receiving state by a parent with the legal authority to make such a placement, provided the placement is not intended to effectuate an adoption;

3. The interstate placement of a child by one relative with the lawful authority to make such a placement directly with a relative in a receiving state;

4. The placement of a child, not subject to Article III, subsection A, into a residential facility by the child's parent;

5. The placement of a child with a noncustodial parent provided that:

- a. the noncustodial parent proves to the satisfaction of a court in the sending state a substantial relationship with the child,

- b. the court in the sending state makes a written finding that placement with the noncustodial parent is in the best interests of the child, and
- c. the court in the sending state dismisses its jurisdiction over the child's case;

6. A child entering the United States from a foreign country for the purpose of adoption or leaving the United States to go to a foreign country for the purpose of adoption in that country;

7. Cases in which a U.S. citizen child living overseas with the child's family, at least one of whom is in the U.S. Armed Services, and who is stationed overseas, is removed and placed in a state; or

8. The sending of a child by a public child-placing agency or a private child-placing agency for a visit as defined by the rules of the Interstate Commission.

C. For purposes of determining the applicability of this compact to the placement of a child with a family in the Armed Services, the public child-placing agency or private child-placing agency may choose the state of the service member's permanent duty station or the service member's declared legal residence.

D. Nothing in this compact shall be construed to prohibit the concurrent application of the provisions of this compact with other applicable interstate compacts including the Interstate Compact for Juveniles and the Interstate Compact on Adoption and Medical Assistance. The Interstate Commission may in cooperation with other interstate compact commissions having responsibility for the interstate movement, placement or transfer of children, promulgate like rules to ensure the coordination of services, timely placement of children, and the reduction of unnecessary or duplicative administrative or procedural requirements.

ARTICLE IV. JURISDICTION

A. Except as provided in Article IV, subsection G and Article V, subsection B, paragraphs 2 and 3 concerning private and independent adoption and in interstate placements in which the public child-placing agency is not a party to a custody proceeding, the sending state shall retain jurisdiction over a child with respect to all matters of custody and disposition of the child which it would have had if the child had remained in the sending state. Such jurisdiction shall also include the power to order the return of the child to the sending state.

B. When an issue of child protection or custody is brought before a court in the receiving state, such court shall confer with the court of the sending state to determine the most appropriate forum for adjudication.

C. In accordance with its own laws, the court in the sending state shall have authority to terminate its jurisdiction if:

1. The child is reunified with the parent in the receiving state who is the subject of allegations or findings of abuse or neglect,

only with the concurrence of the public child-placing agency in the receiving state;

2. The child is adopted;

3. The child reaches the age of majority under the laws of the sending state;

4. The child achieves legal independence pursuant to the laws of the sending state;

5. A guardianship is created by a court in the receiving state with the concurrence of the court in the sending state;

6. An Indian tribe has petitioned for and received jurisdiction from the court in the sending state; or

7. The public child-placing agency of the sending state requests termination and has obtained the concurrence of the public child-placing agency in the receiving state.

D. When a sending state court terminates its jurisdiction, the receiving state child-placing agency shall be notified.

E. Nothing in this article shall defeat a claim of jurisdiction by a receiving state court sufficient to deal with an act of truancy, delinquency, crime, or behavior involving a child as defined by the laws of the receiving state committed by the child in the receiving state which would be a violation of its laws.

F. Nothing in this article shall limit the receiving state's ability to take emergency jurisdiction for the protection of the child.

G. The substantive laws of the state in which an adoption will be finalized shall solely govern all issues relating to the adoption of the child and the court in which the adoption proceeding is filed shall have subject matter jurisdiction regarding all substantive issues relating to the adoption except:

1. When the child is a ward of another court that established jurisdiction over the child prior to the placement;

2. When the child is in the legal custody of a public agency in the sending state; or

3. When a court in the sending state has otherwise appropriately assumed jurisdiction over the child, prior to the submission of the request for approval of placement.

H. A final decree of adoption shall not be entered in any jurisdiction until the placement is authorized as an "approved placement" by the public child-placing agency in the receiving state.

ARTICLE V. PLACEMENT EVALUATION

A. Prior to sending, bringing, or causing a child to be sent or brought into a receiving state, the public child-placing agency shall provide a written request for assessment to the receiving state.

B. For placements by a private child-placing agency, a child may be sent or brought, or caused to be sent or brought, into a receiving state, upon receipt and immediate review of the required content in a request for approval of a placement in both the sending and receiving

state public child-placing agency. The required content to accompany a request for approval shall include the following:

1. A request for approval identifying the child, birth parent(s), the prospective adoptive parent(s), and the supervising agency, signed by the person requesting approval;

2. The appropriate consents or relinquishments signed by the birth parents in accordance with the laws of the sending state, or where permitted the laws of the state where the adoption will be finalized;

3. Certification by a licensed attorney or authorized agent of a private adoption agency that the consent or relinquishment is in compliance with the applicable laws of the sending state, or where permitted the laws of the state where finalization of the adoption will occur;

4. A home study; and

5. An acknowledgment of legal risk signed by the prospective adoptive parents.

C. The sending state and the receiving state may request additional information or documents prior to finalization of an approved placement, but they may not delay travel by the prospective adoptive parents with the child if the required content for approval has been submitted, received, and reviewed by the public child-placing agency in both the sending state and the receiving state.

D. Approval from the public child-placing agency in the receiving state for a provisional or approved placement is required as provided for in the rules of the Interstate Commission.

E. The procedures for making and the request for an assessment shall contain all information and be in such form as provided for in the rules of the Interstate Commission.

F. Upon receipt of a request from the public child-placing agency of the sending state, the receiving state shall initiate an assessment of the proposed placement to determine its safety and suitability. If the proposed placement is a placement with a relative, the public child-placing agency of the sending state may request a determination for a provisional placement.

G. The public child-placing agency in the receiving state may request from the public child-placing agency or the private child-placing agency in the sending state, and shall be entitled to receive supporting or additional information necessary to complete the assessment or approve the placement.

H. The public child-placing agency in the receiving state shall approve a provisional placement and complete or arrange for the completion of the assessment within the time frames established by the rules of the Interstate Commission.

I. For a placement by a private child-placing agency, the sending state shall not impose any additional requirements to

complete the home study that are not required by the receiving state, unless the adoption is finalized in the sending state.

J. The Interstate Commission may develop uniform standards for the assessment of the safety and suitability of interstate placements.

ARTICLE VI. PLACEMENT AUTHORITY

A. Except as provided in this compact, no child subject to this compact shall be placed into a receiving state until approval for the placement is obtained.

B. If the public child-placing agency in the receiving state does not approve the proposed placement then the child shall not be placed. The receiving state shall provide written documentation of any such determination in accordance with the rules promulgated by the Interstate Commission. Such determination is not subject to judicial review in the sending state.

C. If the proposed placement is not approved, any interested party shall have standing to seek an administrative review of the receiving state's determination.

1. The administrative review and any further judicial review associated with the determination shall be conducted in the receiving state pursuant to its applicable administrative procedures.

2. If a determination not to approve the placement of a child in the receiving state is overturned upon review, the placement shall be deemed approved; provided, however, that all administrative or judicial remedies have been exhausted or the time for such remedies has passed.

ARTICLE VII. PLACING AGENCY RESPONSIBILITY

A. For the interstate placement of a child made by a public child-placing agency or state court:

1. The public child-placing agency in the sending state shall have financial responsibility for:

- a. the ongoing support and maintenance for the child during the period of the placement, unless otherwise provided for in the receiving state, and
- b. as determined by the public child-placing agency in the sending state, services for the child beyond the public services for which the child is eligible in the receiving state;

2. The receiving state shall only have financial responsibility for:

- a. any assessment conducted by the receiving state, and
- b. supervision conducted by the receiving state at the level necessary to support the placement as agreed upon by the public child-placing agencies of the receiving and sending state; and

3. Nothing in this provision shall prohibit public child-placing agencies in the sending state from entering into agreements with

licensed agencies or persons in the receiving state to conduct assessments and provide supervision.

B. For the placement of a child by a private child-placing agency preliminary to a possible adoption, the private child-placing agency shall be:

1. Legally responsible for the child during the period of placement as provided for in the law of the sending state until the finalization of the adoption; and

2. Financially responsible for the child absent a contractual agreement to the contrary.

C. The public child-placing agency in the receiving state shall provide timely assessments, as provided for in the rules of the Interstate Commission.

D. The public child-placing agency in the receiving state shall provide, or arrange for the provision of, supervision and services for the child, including timely reports, during the period of the placement.

E. Nothing in this compact shall be construed as to limit the authority of the public child-placing agency in the receiving state from contracting with a licensed agency or person in the receiving state for an assessment or the provision of supervision or services for the child or otherwise authorizing the provision of supervision or services by a licensed agency during the period of placement.

F. Each member state shall provide for coordination among its branches of government concerning the state's participation in, and compliance with, the compact and Interstate Commission activities, through the creation of an advisory council or use of an existing body or board.

G. Each member state shall establish a central state compact office, which shall be responsible for state compliance with the compact and the rules of the Interstate Commission.

H. The public child-placing agency in the sending state shall oversee compliance with the provisions of the Indian Child Welfare Act, 25 U.S.C., Section 1901 et seq., for placements subject to the provisions of this compact, prior to placement.

I. With the consent of the Interstate Commission, states may enter into limited agreements that facilitate the timely assessment and provision of services and supervision of placements under this compact.

ARTICLE VIII. INTERSTATE COMMISSION FOR THE PLACEMENT OF CHILDREN

The member states hereby establish, by way of this compact, a commission known as the "Interstate Commission for the Placement of Children". The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

1. Be a joint commission of the member states and shall have the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by subsequent concurrent action of the respective Legislatures of the member states;

2. Consist of one commissioner from each member state who shall be appointed by the executive head of the state human services administration with ultimate responsibility for the child welfare program. The appointed commissioner shall have the legal authority to vote on policy-related matters governed by this compact binding the state.

- a. Each member state represented at a meeting of the Interstate Commission is entitled to one vote.
- b. A majority of the member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.
- c. A representative shall not delegate a vote to another member state.
- d. A representative may delegate voting authority to another person from their state for a specified meeting;

3. In addition to the commissioners of each member state, include persons who are members of interested organizations as defined in the bylaws or rules of the Interstate Commission. Such members shall be ex officio and shall not be entitled to vote on any matter before the Interstate Commission; and

4. Establish an executive committee which shall have the authority to administer the day-to-day operations and administration of the Interstate Commission. The Executive Committee shall not have the power to engage in rulemaking.

ARTICLE IX. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

- 1. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact;
- 2. To provide for dispute resolution among member states;
- 3. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, or actions;
- 4. To enforce compliance with this compact or the bylaws or rules of the Interstate Commission pursuant to Article XII;
- 5. To collect standardized data concerning the interstate placement of children subject to this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements;
- 6. To establish and maintain offices as may be necessary for the transacting of its business;

7. To purchase and maintain insurance and bonds;
8. To hire or contract for services of personnel or consultants as necessary to carry out its functions under the compact and establish personnel qualification policies and rates of compensation;
9. To establish and appoint committees and officers including, but not limited to, an executive committee as required by Article X;
10. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose thereof;
11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;
12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;
13. To establish a budget and make expenditures;
14. To adopt a seal and bylaws governing the management and operation of the Interstate Commission;
15. To report annually to the Legislatures, Governors, the judiciary, and state advisory councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission;
16. To coordinate and provide education, training, and public awareness regarding the interstate movement of children for officials involved in such activity;
17. To maintain books and records in accordance with the bylaws of the Interstate Commission; and
18. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

ARTICLE X. ORGANIZATION AND OPERATION OF THE
INTERSTATE COMMISSION

A. Bylaws.

1. Within twelve (12) months after the first Interstate Commission meeting, the Interstate Commission shall adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact.

2. The bylaws and rules of the Interstate Commission shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

B. Meetings.

1. The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings, and

upon the request of a simple majority of the member states shall call additional meetings.

2. Public notice shall be given by the Interstate Commission of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds (2/3) vote that an open meeting would be likely to:

- a. relate solely to the Interstate Commission's internal personnel practices and procedures,
- b. disclose matters specifically exempted from disclosure by federal law,
- c. disclose financial or commercial information which is privileged, proprietary, or confidential in nature,
- d. involve accusing a person of a crime, or formally censuring a person,
- e. disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy or physically endanger one or more persons,
- f. disclose investigative records compiled for law enforcement purposes, or
- g. specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.

3. For a meeting, or portion of a meeting, closed pursuant to this provision, the Interstate Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemption provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken and the reasons therefor, including a description of the views expressed and the record of a roll-call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission or by court order.

4. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or other electronic communication.

C. Officers and Staff.

1. The Interstate Commission may, through its executive committee, appoint or retain a staff director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The staff director shall serve as secretary to the Interstate Commission, but shall not have a vote.

The staff director may hire and supervise such other staff as may be authorized by the Interstate Commission.

2. The Interstate Commission shall elect, from among its members, a chairperson and a vice-chairperson of the executive committee and other necessary officers, each of whom shall have such authority and duties as may be specified in the bylaws.

D. Qualified Immunity, Defense and Indemnification.

The Interstate Commission's staff director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of such person.

1. The liability of the Interstate Commission's staff director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of such person.

2. The Interstate Commission shall defend the staff director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state, shall defend the commissioner of a member state in a civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission

employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XI. RULEMAKING FUNCTIONS OF
THE INTERSTATE COMMISSION

A. The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

B. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act", 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000), or such other administrative procedure acts as the Interstate Commission deems appropriate and consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the U.S. Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the Interstate Commission.

C. When promulgating a rule, the Interstate Commission shall, at a minimum:

1. Publish the entire text of the proposed rule stating the reason(s) for that proposed rule;

2. Allow and invite any and all persons to submit written data, facts, opinions, and arguments, which information shall be added to the record and be made publicly available; and

3. Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

D. Rules promulgated by the Interstate Commission shall have the force and effect of administrative rules and shall be binding in the compacting states to the extent and in the manner provided for in this compact.

E. Not later than sixty (60) days after a rule is promulgated, an interested person may file a petition in the U.S. District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the action of the Interstate Commission is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside.

F. If a majority of the Legislatures of the member states rejects a rule, those states may by enactment of a statute or

resolution in the same manner used to adopt the compact cause that rule to have no further force and effect in any member state.

G. The existing rules governing the operation of the Interstate Compact on the Placement of Children superseded by this act shall be null and void no less than twelve (12), but no more than twenty-four (24) months after the first meeting of the Interstate Commission created hereunder, as determined by the members during the first meeting.

H. Within the first twelve (12) months of operation, the Interstate Commission shall promulgate rules addressing the following:

1. Transition rules;
2. Forms and procedures;
3. Time lines;
4. Data collection and reporting;
5. Rulemaking;
6. Visitation;
7. Progress reports/supervision;
8. Sharing of information/confidentiality;
9. Financing of the Interstate Commission;
10. Mediation, arbitration, and dispute resolution;
11. Education, training, and technical assistance;
12. Enforcement; and
13. Coordination with other interstate compacts.

I. 1. Upon determination by a majority of the members of the Interstate Commission that an emergency exists the Interstate Commission may promulgate an emergency rule only if it is required to:

- a. protect the children covered by this compact from an imminent threat to their health, safety and well-being,
- b. prevent loss of federal or state funds, or
- c. meet a deadline for the promulgation of an administrative rule required by federal law.

2. An emergency rule shall become effective immediately upon adoption; provided, that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than ninety (90) days after the effective date of the emergency rule.

3. An emergency rule shall be promulgated as provided for in the rules of the Interstate Commission.

ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT

A. Oversight.

1. The Interstate Commission shall oversee the administration and operation of the compact.

2. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and the rules of the Interstate Commission and shall take all actions

necessary and appropriate to effectuate the purposes and intent of the compact. The compact and its rules shall be binding in the compacting states to the extent and in the manner provided for in this compact.

3. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact.

4. The Interstate Commission shall be entitled to receive service of process in any action in which the validity of a compact provision or rule is the issue for which a judicial determination has been sought and shall have standing to intervene in any proceedings. Failure to provide service of process to the Interstate Commission shall render any judgment, order, or other determination, however so captioned or classified, void as to the Interstate Commission, this compact, its bylaws or rules of the Interstate Commission.

B. Dispute Resolution.

1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and nonmember states.

2. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among compacting states. The costs of such mediation or dispute resolution shall be the responsibility of the parties to the dispute.

C. Enforcement.

If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, its bylaws, or rules, the Interstate Commission may:

1. Provide remedial training and specific technical assistance;
2. Provide written notice to the defaulting state and other member state of the nature of the default and the means of curing the default. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default;

3. By majority vote of the members, initiate against a defaulting member state legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the compact, its bylaws, or rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of the litigation including reasonable attorney fees; or

4. Avail itself of any other remedies available under state law or the regulation of official or professional conduct.

ARTICLE XIII. FINANCING OF THE COMMISSION

A. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

B. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff which shall be in a total amount sufficient to cover the Interstate Commission's annual budget as approved by its members each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission which shall promulgate a rule binding upon all member states.

C. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XIV. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than thirty-five states. The effective date shall be the later of July 1, 2008, or upon enactment of the compact into law by the thirty-fifth state. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The executive heads of the state human services administration with ultimate responsibility for the child welfare program of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states.

C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding on the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XV. WITHDRAWAL AND DISSOLUTION

A. Withdrawal.

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided, that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same. The effective date of withdrawal shall be the effective date of the repeal of the statute.

3. The withdrawing state shall immediately notify the president of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall then notify the other member states of the withdrawing state's intent to withdraw.

4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the members of the Interstate Commission.

B. Dissolution of Compact.

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVI. SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the concurrent applicability of other interstate compacts to which the states are members.

ARTICLE XVII. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other Laws.

Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

B. Binding Effect of the Compact.

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the Legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

ARTICLE XVIII. INDIAN TRIBES

Notwithstanding any other provision in this compact, the Interstate Commission may promulgate guidelines to permit Indian tribes to utilize the compact to achieve any or all of the purposes of the compact as specified in Article I. The Interstate Commission shall make reasonable efforts to consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the various Indian tribes.

Added by Laws 2008, c. 156, § 1, eff. upon enactment by 35 states or July 1, 2008, whichever is later.

§10-600. Definitions

As used in Sections 601.1 through 601.12 of this title:

1. "Children and youth service system" means health, mental health, social, rehabilitative assistance and educational services provided to children and youth by and through the courts and public and private agencies;
2. "Client" means a child or a family member of a child who is receiving services through the children and youth service system;
3. "Commission" means the Oklahoma Commission on Children and Youth;
4. "Community partnership board" means the local district planning and coordinating body for services to children and youth established pursuant to Section 601.11 of this title;
5. "Community partnership district" means the local planning and coordinating areas within the state established pursuant to Section 601.11 of this title;
6. "Homeless children and youth" means a person twenty-one (21) years of age or younger who is:
 - a. unaccompanied by a parent or guardian, and
 - b. without shelter where appropriate care and supervision are available, or
 - c. without a parent or guardian who is willing and able to provide shelter and care, or
 - d. without a fixed, regular, or adequate nighttime residence. For the purposes of this paragraph, "fixed, regular, or adequate nighttime residence" shall not include a supervised publicly or privately operated shelter or institution designed to provide temporary living accommodations, transitional housing arrangements, living in hotels, temporary living arrangements with other people but without an opportunity for permanent residence or a residential lease, or a public or private place not designed for, nor ordinarily used as, a regular sleeping accommodation for human beings;
7. "Runaway" means an unmarried child less than eighteen (18) years of age who is absent from the home of a parent, guardian or

other lawful placement without the consent of the parent, guardian or lawful custodian;

8. "State and state-supported services to children and youth" means services to children and youth, offered or provided by a public or private agency or organization, that are supported in whole or in part through state funds or federal funds administered by the state;

9. "State Plan for Services to Children and Youth" means the planning document required by Section 601.9 of this title; and

10. "Youth at risk of homelessness" means a person twenty-one (21) years of age or younger whose status or circumstances indicate a significant danger of experiencing homelessness in the near future, including but not limited to youth exiting out-of-home placements, youth who previously were homeless, youth whose parents or guardians are or were previously homeless, youth who are exposed to abuse and neglect in their homes, youth who experience excessive conflict with their parents and runaways.

Added by Laws 1990, c. 288, § 1, eff. Sept. 1, 1990. Amended by Laws 2000, c. 302, § 1, eff. Nov. 1, 2000; Laws 2016, c. 227, § 1, eff. Nov. 1, 2016.

§10-601. Repealed by Laws 1995, c. 352, § 202, eff. July 1, 1995.

§10-601.1. Oklahoma Commission on Children and Youth - Creation - Membership.

A. There is hereby created the Oklahoma Commission on Children and Youth which shall be composed of nineteen (19) members. The membership shall include:

1. The Director of the Department of Human Services, the State Commissioner of Health, the Commissioner of the Department of Mental Health and Substance Abuse Services, the State Superintendent of Public Instruction, the Administrator of the Oklahoma Health Care Authority, the Director of the State Department of Rehabilitation Services, and the Chair of the SJR 13 Oversight Committee;

2. The Executive Director of the Office of Juvenile Affairs;

3. Five members who shall be appointed by the Governor from a list submitted by the governing board of each of the following organizations:

a. the Oklahoma Children's Agencies and Residential Enterprises,

b. one statewide association of youth services,

c. the Oklahoma Bar Association,

d. the Oklahoma District Attorneys Association, and

e. a statewide court-appointed Special Advocate Association;

4. One member appointed by the Governor who shall represent one of the metropolitan juvenile bureaus;

5. One member representing business or industry, appointed by the Governor;

6. One member who is the parent of a child with special needs, appointed by the Speaker of the House of Representatives;

7. One member with a demonstrated interest in improving children's services who is not employed by a state agency or a private organization that receives state funds, appointed by the President Pro Tempore of the Senate;

8. One member who represents a community partnership board to be elected pursuant to the guidelines established by the Oklahoma Commission on Children and Youth; and

9. One member who shall be appointed by the Governor from a list of three names submitted by the Post Adjudication Review Board.

B. The appointed members shall have had active experience in services to children and youth and may serve four terms of two (2) years each. Any appointed member serving on the Commission on the effective date of this act shall be entitled to complete his or her term and shall be eligible to serve one additional term of two (2) years. Any person who served on the Commission prior to the effective date of this act shall be eligible to serve one additional term of two (2) years.

C. The Oklahoma Commission on Children and Youth shall provide a monthly report on commission member attendance to the appointing authorities.

Added by Laws 1982, c. 312, § 1, operative July 1, 1982. Amended by Laws 1990, c. 51, § 2, emerg. eff. April 9, 1990; Laws 1990, c. 288, § 2, eff. Sept. 1, 1990; Laws 1992, c. 299, § 5, eff. July 1, 1992; Laws 1995, c. 352, § 185, eff. July 1, 1995; Laws 1998, c. 416, § 1, eff. Nov. 1, 1998; Laws 2000, c. 385, § 8, eff. Nov. 1, 2000; Laws 2001, c. 5, § 1, emerg. eff. March 21, 2001; Laws 2006, c. 87, § 1, emerg. eff. April 24, 2006; Laws 2010, c. 242, § 1, eff. Nov. 1, 2010.

NOTE: Laws 2000, c. 302, § 2 repealed by Laws 2001, c. 5, § 2, emerg. eff. March 21, 2001.

§10-601.2. Chairman - Meetings - Travel expenses - Application of Administrative Procedures Act - Legal counsel.

A. The members of the Oklahoma Commission on Children and Youth, shall be appointed on or before July 1, 1982, and within thirty (30) days after their appointment, shall organize and elect a chairman. The chairman shall be elected annually by the Commission members. The Commission shall hold at least four (4) regular quarterly meetings each year and such other special meetings as may be necessary at the call of the Chairman or by a majority of the members of the Commission. Special meetings may be called on notice given at least five (5) days in advance of the date of such meetings. At any regular or special meeting of the Commission, eight members shall

constitute a quorum, and a concurring vote of a majority of the members of the Commission present shall be necessary to conduct official business of the Commission.

B. Members of the Commission shall be reimbursed for travel expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act.

C. The Oklahoma Commission on Children and Youth shall be subject to the provisions of the Administrative Procedures Act.

D. The Attorney General of the State of Oklahoma shall serve as legal counsel for the Oklahoma Commission on Children and Youth and shall assist the Commission in the performance of its designated duties.

Added by Laws 1982, c. 312, § 2, operative July 1, 1982. Amended by Laws 1990, c. 288, § 3, eff. Sept. 1, 1990.

§10-601.3. Oklahoma Commission on Children and Youth - Duties.

The Oklahoma Commission on Children and Youth is hereby authorized and directed to:

1. Establish and maintain the Office of Planning and Coordination for Services to Children and Youth;
2. Establish and maintain the Office of Juvenile System Oversight;
3. Designate community partnership districts for services to children and youth and, within the limitations of available funds, whether appropriated or otherwise available, provide staff, technical assistance and other assistance as necessary and appropriate to the district boards;
4. Establish services for the children of incarcerated parents. Duties designed to improve the lives of children of incarcerated parents shall include:
 - a. coordinating research,
 - b. collecting data,
 - c. creating a resource clearinghouse,
 - d. developing an educational toolkit describing services available to children of incarcerated parents, and
 - e. coordinating an advisory committee to work collaboratively with agencies and service providers to better meet the needs and improve the quality of life for children of incarcerated parents; and
5. Conduct or otherwise provide continuing professional education and training for the purposes of improving services to children.

Added by Laws 1982, c. 312, § 3, operative July 1, 1982. Amended by Laws 1990, c. 288, § 4, eff. Sept. 1, 1990; Laws 2000, c. 302, § 3, eff. Nov. 1, 2000; Laws 2009, c. 338, § 2, eff. July 1, 2009; Laws 2012, c. 340, § 1, eff. July 1, 2012; Laws 2013, c. 15, § 3, emerg. eff. April 8, 2013; Laws 2014, c. 257, § 1, eff. Nov. 1, 2014.

NOTE: Laws 2012, c. 353, § 2 repealed by Laws 2013, c. 15, § 4, emerg. eff. April 8, 2013.

§10-601.4. Additional duties and responsibilities of Commission.

The Oklahoma Commission on Children and Youth is further authorized to:

1. Facilitate joint planning and service coordination among public and private agencies that provide services to children and youth and maintain as confidential information provided to the Commission regarding persons using such services;
2. Prepare and publish reports;
3. Review the programs, policies, and services for children and youth provided by public and private agencies for compliance with established state policies and progress towards goals identified in planning documents relating to children and youth services and to make reports regarding such compliance and progress;
4. Accept appropriations, gifts, loans, and grants from the state and federal government and from other sources, public or private;
5. Enter into agreements or contracts for the development of test models or demonstration programs and projects and for programs of practical research for effective services to children and youth; provided that the administration of contract for such model programs and projects shall, within five (5) years of their inception, be transferred to an appropriate agency or the program or project shall be discontinued;
6. Secure necessary statistical, technical, administrative, operational, and staff services by interagency agreement or contract;
7. Examine all records, plans, budgets, and budget documents pertaining to the children and youth service system;
8. Exercise all incidental powers as necessary and proper for the performance of the duties and responsibilities of the Commission;
9. Promulgate rules as necessary to carry out the duties and responsibilities assigned to the Oklahoma Commission on Children and Youth;
10. Recommend that a facility providing services to children and youth be closed or that its contract with the state be terminated; and
11. Request that cases involving children within its jurisdiction be transferred to the jurisdiction of the Oklahoma State Bureau of Investigation.

Added by Laws 1982, c. 312, § 4, operative July 1, 1982. Amended by Laws 1990, c. 288, § 5, eff. Sept. 1, 1990; Laws 2004, c. 421, § 1, emerg. eff. June 4, 2004; Laws 2015, c. 330, § 1, eff. Nov. 1, 2015.

§10-601.5. Director - Powers and duties.

A. The Oklahoma Commission on Children and Youth shall appoint a Director who shall be a person having experience in the operation and administration of services to children and youth. Such Director shall be appointed for a term of two (2) years, and may be reappointed. Such Director may be dismissed only for cause. The Director shall:

1. Employ such staff as may be necessary to perform the duties of the Commission, with the advice and approval of the Commission;

2. Prepare the State Plan for Services to Children and Youth, the Annual Report required by Section 601.9 of this title, other reports as necessary and appropriate and an annual budget for the approval of the Commission;

3. Formulate and recommend rules and regulations for approval or rejection by the Commission;

4. Serve as chief executive officer of the Oklahoma Commission on Children and Youth; and

5. Act as agent as authorized for the Commission in the performance of its duties.

B. The Director may periodically convene issue-specific task groups for the purpose of improving services for children and youth. A copy of any report or recommendations which result from meetings of a task group shall be provided to the Commission, Governor, Speaker of the House of Representatives, President Pro Tempore of the Senate and the director of each state agency affected by the report or recommendations.

Added by Laws 1982, c. 312, § 5, operative July 1, 1982. Amended by Laws 1990, c. 288, § 6, Sept. 1, 1990; Laws 2000, c. 302, § 4, eff. Nov. 1, 2000.

§10-601.6. Office of Juvenile System Oversight - Powers, duties and authority.

A. The Office of Juvenile System Oversight shall have the responsibility of investigating and reporting misfeasance and malfeasance within the children and youth service system, inquiring into areas of concern, investigating complaints filed with the Office of Juvenile System Oversight, and performing issue-specific systemic monitoring as directed by the Commission on Children and Youth of the children and youth service system to ascertain compliance with established responsibilities.

It shall be the duty of the Office of Juvenile System Oversight to conduct not less than one but not more than two regular, periodic, unannounced inspections of state-operated children's institutions and facilities and to review the reports of the inspections of the State Fire Marshal and the Department of Health and any agencies which accredit such institutions and facilities.

B. The Office of Juvenile System Oversight shall:

1. Have the authority to examine and copy all records and budgets pertaining to the children and youth service system and to interview the residents of such facilities and shall have access to all facilities within the children and youth service system for the purpose of conducting systemic oversight and complaint investigations;

2. Have the authority to subpoena witnesses and hold public hearings;

3. Establish, in accordance with the Dispute Resolution Act, Sections 1801 through 1813 of Title 12 of the Oklahoma Statutes, a voluntary program for foster parents to mediate complaints concerning the rights of foster parents, as provided for in Section 1-9-119 of Title 10A of the Oklahoma Statutes, that relate to certain actions, inactions or decisions of the Department of Human Services, the Department of Juvenile Justice, or child-placing agencies that may adversely affect the safety and well-being of children in the custody of the state;

4. Receive any complaint alleging that an employee of the Department of Human Services or a child-placing agency has threatened a foster parent with removal of a child from the foster parent, harassed a foster parent, or refused to place a child in a licensed or certified foster home, or disrupted a child placement as retaliation or discrimination towards a foster parent who has:

- a. filed a grievance pursuant to Section 1-9-120 of Title 10A of the Oklahoma Statutes,
- b. provided information to any state official or Department employee, or
- c. testified, assisted, or otherwise participated in an investigation, proceeding, or hearing against the Department or child-placing agency.

The Office of Juvenile System Oversight shall forward the complaints to the Office of Client Advocacy for investigation pursuant to subsection D of Section 1-9-112 of Title 10A of the Oklahoma Statutes. The Office of Juvenile System Oversight shall work with the Office of Client Advocacy to ensure the complaints are investigated and resolved in accordance with the grievance procedures provided in Section 1-9-120 of Title 10A of the Oklahoma Statutes. The provisions of this paragraph shall not apply to any complaint by a foster parent regarding the result of a criminal, administrative, or civil proceeding for a violation of any law, rule, or contract provision by that foster parent, or the action taken by the Department or a child-placing agency in conformity with the result of any such proceeding;

5. Issue reports to the Governor, Speaker of the House of Representatives, President Pro Tempore of the Senate, Chief Justice of the Supreme Court of the State of Oklahoma, any appropriate

prosecutorial agency, the director of the agency under consideration, and other persons as necessary and appropriate; and

6. Provide recommendations to the Oklahoma Commission on Children and Youth on or before May 1 of each year.

C. The Office of Juvenile System Oversight shall not release information that would identify a person who makes a complaint to the Office, unless a court of competent jurisdiction orders release of the information for good cause shown.

Added by Laws 1982, c. 312, § 6, operative July 1, 1982. Amended by Laws 1990, c. 288, § 7, eff. Sept. 1, 1990; Laws 1998, c. 364, § 1, emerg. eff. June 8, 1998; Laws 2000, c. 302, § 5, eff. Nov. 1, 2000; Laws 2006, c. 205, § 2, eff. Nov. 1, 2006; Laws 2008, c. 293, § 1, emerg. eff. June 2, 2008; Laws 2009, c. 104, § 1, eff. Nov. 1, 2009; Laws 2014, c. 257, § 2, eff. Nov. 1, 2014.

§10-601.6a. Office of Planning and Coordination for Services to Children and Youth - Duties.

The Office of Planning and Coordination for Services to Children and Youth shall:

1. Convene meetings of public and private agencies that provide services to children and youth for the purpose of facilitating and implementing joint planning and service coordination among said agencies;

2. Provide the community partnership boards with fiscal and other information related to the children and youth service system necessary to assist the partnership boards with the performance of their duties and responsibilities;

3. Annually prepare, with the advice and assistance of the community partnership boards and affected public and private agencies, the State Plan for Services to Children and Youth for the approval of the Commission;

4. Examine all plans, budgets and related documents pertaining to the planning, coordination and development of the children and youth service system;

5. Review, monitor and evaluate the children and youth service system regarding the development of services, progress towards effective joint planning and service coordination, and compliance with established state policies and goals; and

6. Issue reports to the Governor, Speaker of the House of Representatives, President Pro Tempore of the Senate, Chief Justice of the Supreme Court of the State of Oklahoma, public and private agencies, and such other persons as necessary and appropriate.

Added by Laws 1990, c. 288, § 8, eff. Sept. 1, 1990. Amended by Laws 2007, c. 8, § 1, eff. July 1, 2007.

§10-601.6b. State Plan for Services to Children and Youth - Expenditure report - Topic-specific reports.

A. On or before July 1 of each year, the Oklahoma Commission on Children and Youth shall transmit to the Director of the Office of Management and Enterprise Services and to the director of each affected agency a copy of the State Plan for Services to Children and Youth for the next fiscal year.

B. The Office of Planning and Coordination shall on or before January 1 of each year provide a written report to the Legislature on its expenditures to community partnership boards.

C. The Office of Planning and Coordination, with the assistance of the Office of Management and Enterprise Services and affected agencies, may assemble topic-specific reports regarding services to children, youth, and families to include program descriptions, past and current expenditures, future budget requests, and a description of program outcomes as directed by the Legislature or the Commission. Added by Laws 1990, c. 288, § 9, eff. Sept. 1, 1990. Amended by Laws 2004, c. 421, § 2, emerg. eff. June 4, 2004; Laws 2007, c. 8, § 2, eff. July 1, 2007; Laws 2012, c. 304, § 34.

§10-601.6c. Office of Planning and Coordination for Services to Children and Youth - Report on child homelessness.

A. The Office of Planning and Coordination for Services to Children and Youth Steering Committee shall:

1. Review data and propose policy solutions relating to the issue of child homelessness; and

2. Update the Oklahoma State Legislature on existing programs to reduce child homelessness including, but not limited to, programs administered or financed in whole or in part by any agency of this state, nonprofit organizations or private-sector entities.

B. The Steering Committee shall include an examination of the following in its assessment and recommendations:

1. State trends in the number of children who are homeless or are at risk of becoming homeless;

2. The state's role in providing services to children and youth who are homeless or at risk for becoming homeless;

3. State policy regarding homeless children and youth; and

4. Existing services, resources, and capacity including, but not limited to, the availability of publicly or privately provided resources to children and youth who are homeless or at risk of becoming homeless.

C. The Steering Committee shall submit a report to the President Pro Tempore of the Senate and Speaker of the House of Representatives by December 31, 2015, and annually thereafter, describing assessment and recommendations provided for by this act.

Added by Laws 2015, c. 90, § 2, eff. July 1, 2015.

§10-601.7. Repealed by Laws 2000, c. 302, § 9, eff. Nov. 1, 2000.

§10-601.8. Repealed by Laws 2000, c. 302, § 9, eff. Nov. 1, 2000.

§10-601.9. Duties of the Office of Planning and Coordination - Evaluation and review of services to children and youth - Annual report - State Plan for Services to Children and Youth - Contents and publication

A. The Office of Planning and Coordination shall:

1. Make recommendations to the Oklahoma Commission on Children and Youth regarding the development and improvement of services provided to children and youth based upon community partnership input no later than May 1 of each year; and

2. Forward a report of its recommendations to each agency affected by the recommendations.

B. The Oklahoma Commission on Children and Youth shall evaluate and review the development and quality of services to children and youth and shall:

1. Publish and distribute an annual report of its findings on or before July 1 of each year to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Chief Justice of the Supreme Court of the State of Oklahoma, and to the chief administrative officer of each agency affected by the report. Such report shall include activities of the Commission, recommendations for the further development and improvement of services to children and youth, services for homeless children and youth including youth at risk of homelessness and runaways, and budget and program needs; and

2. Include in its annual report the State Plan for Services to Children and Youth for the next succeeding fiscal year. The State Plan for Services to Children and Youth shall:

- a. identify and establish outcomes, goals and priorities for services for children and youth, including homeless children and youth, and the estimated costs of implementing such goals and priorities,
- b. show previous and current expenditures for state and state-supported services to children and youth, including homeless children and youth, which relate to the outcomes identified in the State Plan,
- c. include information concerning the availability and accessibility of various human services, health, mental health and education programs that serve children and their families at the community level, and, when applicable, establish a plan for developing programs in areas of the state where the need for such services exists,
- d. include such other information or recommendations as may be necessary and appropriate for the improvement

and coordinated development of the children, youth, and family service system, and

- e. be distributed as provided by paragraph 1 of this section and shall be made available to the general public.

Added by Laws 1982, c. 312, § 9, operative July 1, 1982. Amended by Laws 1990, c. 288, § 12, eff. Sept. 1, 1990; Laws 1998, c. 416, § 2, eff. Nov. 1, 1998; Laws 1999, c. 1, § 1, emerg. eff. Feb. 24, 1999; Laws 2000, c. 302, § 6, eff. Nov. 1, 2000; Laws 2015, c. 90, § 1, eff. July 1, 2015; Laws 2016, c. 227, § 2, eff. Nov. 1, 2016.

NOTE: Laws 1998, c. 364, § 3 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999.

§10-601.10. Oklahoma Commission on Children and Youth Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Commission on Children and Youth, to be designated the "Oklahoma Commission on Children and Youth Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Commission on Children and Youth, from contracts with other state agencies or institutions, and not excluding any other source of revenue. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Director of the Oklahoma Commission on Children and Youth for the purpose of paying for operating expenses of the Oklahoma Commission on Children and Youth. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1984, c. 223, § 6, operative July 1, 1984. Amended by Laws 2012, c. 304, § 35.

§10-601.11. Community partnership boards for services to children and youth - Membership - Election of coordinators and representatives.

A. There are hereby created community partnership boards for services to children and youth. Each board shall be composed of representatives of public and private organizations and private individuals in accordance with the guidelines established by the Oklahoma Commission on Children and Youth. Each community partnership board shall include, but not be limited to, representatives of the Department of Human Services, the Office of Juvenile Affairs, the State Department of Health, the Department of Mental Health and Substance Abuse Services, local school districts, representatives of private child and family services and programs

within the district, local business leaders, and parents of children with special needs.

B. The Commission may designate community partnership board catchment areas.

C. Selection of a coordinator and membership of community partnership boards shall be determined as follows:

1. Each community partnership board shall elect a coordinator from among its membership. The elected coordinators shall serve two-year terms and may be reelected; and

2. Membership shall be in accordance with the bylaws of the community partnership board and guidelines of the Commission. Board members shall serve a two-year term and may be reappointed.

D. The Oklahoma Commission on Children and Youth shall:

1. Establish guidelines for the election of coordinators of the community partnership boards;

2. Establish guidelines for the membership of the community partnership boards for services to children and youth which will assure an opportunity for broad community participation and the representation of both urban and rural concerns in the planning process;

3. Establish guidelines for the coordination, preparation and implementation of community plans for children and youth services; and

4. Provide administrative support and technical assistance to the community partnership boards as otherwise provided by this act.

E. Nothing in this act shall prohibit local municipalities or counties from establishing planning and coordinating bodies for services to children and youth and providing information and recommendations to the community partnership boards established by this section.

Added by Laws 1990, c. 288, § 13, eff. Sept. 1, 1990. Amended by Laws 1995, c. 352, § 188, eff. July 1, 1995; Laws 2000, c. 302, § 7, eff. Nov. 1, 2000; Laws 2007, c. 8, § 3, eff. July 1, 2007.

§10-601.12. Community partnership plan for children and youth services.

A. Each community partnership board shall, with the assistance of the Office of Planning and Coordination for Services to Children and Youth, prepare and implement a community plan for children and youth services and for the development and coordination of such services within the community. The community plans shall be transmitted to the Office of Planning and Coordination. Systemic issues shall be collected annually and submitted to the Oklahoma Commission on Children and Youth for use in the preparation of the State Plan for Services to Children and Youth.

B. Each community partnership board shall develop a written statement clearly identifying its operating procedures, purpose,

overall responsibilities and method of meeting those responsibilities.

C. The community plan shall address the needs of children, youth and families as they relate to education, health, mental health, economic security, safety and human services issues, and shall contain:

1. Identified goals, intended outcomes, and priorities for serving children and families;

2. A description of specific needs to be addressed by the plan, as well as services and other support available through public, private, and community-based organizations;

3. A description of the resources needed to implement the local plan;

4. Recommendations for proposed policy or program changes and alternative funding strategies for meeting identified needs;

5. An implementation strategy and time line; and

6. A description of the resources, types of assistance or training needed to implement the plan.

Added by Laws 1990, c. 288, § 14, eff. Sept. 1, 1990. Amended by Laws 2000, c. 302, § 8, eff. Nov. 1, 2000; Laws 2004, c. 421, § 3, emerg. eff. June 4, 2004; Laws 2007, c. 8, § 4, eff. July 1, 2007.

§10-601.13. Repealed by Laws 1996, c. 247, § 49, eff. July 1, 1996.

§10-601.14. Children's Endowment Fund of Oklahoma.

A. There is hereby created in the State Treasury a fund for the Oklahoma Commission on Children and Youth to be designated the "Children's Endowment Fund of Oklahoma". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received through donations or interest earned by investment of monies in the fund. The fund shall be invested by the State Treasurer in accordance with Section 89.2 of Title 62 of the Oklahoma Statutes.

B. Funds deposited into the Children's Endowment Fund of Oklahoma and any earnings therefrom, including any interest, dividends or realized capital gains from investment of monies in the fund, shall be administered by the Oklahoma Commission on Children and Youth for the purpose of awarding grants in order to stimulate a broad range of innovative programs, activities or research or evaluation that will improve the well-being and reduce the adverse childhood experiences of Oklahoma's children. The funds shall not be used to expand existing services or to support ongoing core services. The Commission may also direct the State Treasurer to reinvest any earnings into the corpus of the fund.

C. The Oklahoma Commission on Children and Youth shall promulgate rules to:

1. Establish a Parent Partnership Board for the purpose of informing the work of Oklahoma's child-serving systems including the development and evaluation of the grants; and

2. Establish criteria and procedures for awarding grants.

D. The Oklahoma Commission on Children and Youth shall use up to ten percent (10%) of the funds deposited in the Children's Endowment Fund of Oklahoma to be available to the Commission in any given fiscal year to provide administration, oversight, training or evaluation of the grantees.

E. Monies from the fund may be expended by the Oklahoma Commission on Children and Youth in accordance with the provisions of this section upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2018, c. 231, § 1.

§10-601.20. Children of Incarcerated Parents Task Force.

A. There is hereby created the Children of Incarcerated Parents Task Force to recommend to the Legislature and other policymakers measures that promote the safety and well-being of children whose parents are incarcerated.

B. The task force shall be composed of twenty-one (21) members as follows:

1. The Director of the Department of Human Services, or designee;

2. The Executive Director of the Office of Juvenile Affairs, or designee;

3. The State Commissioner of Health, or designee;

4. The Commissioner of Mental Health and Substance Abuse Services, or designee;

5. The Director of the Department of Corrections, or designee;

6. The State Superintendent of Public Instruction, or designee;

7. The Director of the Oklahoma Commission on Children and Youth, or designee;

8. The Executive Director of the District Attorneys Council, or designee;

9. A judge with experience in both criminal and juvenile proceedings to be appointed by the President Pro Tempore of the Senate;

10. A representative of an association of sheriffs or police chiefs in the state to be appointed by the President Pro Tempore of the Senate;

11. A representative of a program in the eastern part of the state that provides girls an opportunity to visit their incarcerated mothers and to participate in mother-daughter meetings to be appointed by the Speaker of the House of Representatives;

12. A member of the State Post Adjudication Review Board to be appointed by the Speaker of the House of Representatives;

13. A representative of the Department of Commerce to be appointed by the Governor;

14. A representative from the University of Oklahoma with expertise in the area of incarcerated individuals and their children to be appointed by the President Pro Tempore of the Senate;

15. A representative from Oklahoma State University with expertise in the area of incarcerated individuals and their children to be appointed by the Speaker of the House of Representatives;

16. A representative of a community planning agency from the northeast quadrant of the state to be appointed by the President Pro Tempore of the Senate;

17. A representative of the faith community to be appointed by the Speaker of the House of Representatives;

18. A mother who was incarcerated at a time when she had a young child to be appointed by the Speaker of the House of Representatives;

19. A parent who has been incarcerated to be appointed by the Speaker of the House of Representatives;

20. A representative of an Indian tribe to be appointed by the Governor; and

21. A representative of the Governor's office to be appointed by the Governor.

C. Members of the Task Force shall serve at the pleasure of the appointing authority. Vacancies in a position shall be filled in the same manner as the original appointment.

D. The task force shall have seven subcommittees as follows:

1. Safety protocols;

2. Data collection;

3. Outreach and education;

4. Economic supports;

5. Research;

6. Resource clearinghouse; and

7. Review of existing legislation affecting children of incarcerated parents.

E. The task force shall submit to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives a report no later than January 1, 2012, that identifies services to children of incarcerated parents that promote their safety and well-being. The task force shall terminate by operation of law on February 1, 2012.

F. The report by the task force shall reflect the goals, outcomes, and recommendations of the seven subcommittees established in subsection D of this section.

G. The Task Force shall hold an organizational meeting not later than September 1, 2011. The task force shall elect a chair and vice-

chair at the first meeting. The task force shall meet at least once monthly.

H. Staff support for the task force shall be provided by the Oklahoma Commission on Children and Youth.

I. Members of the task force shall serve without compensation, and shall not be reimbursed for necessary travel expenses incurred in the performance of their duties.

J. The task force may make use of any resources, both public and private, that will provide information and analysis that assists in executing its statutory mission.

Added by Laws 2011, c. 6, § 1, eff. July 1, 2011.

§10-601.30. Board of Child Abuse Examination - Membership - Officers - Meetings - Quorum.

A. For the purpose of establishing a statewide system to provide expert medical evaluation for children suspected to be the victims of child abuse or neglect, there is hereby created the Board of Child Abuse Examination within the Oklahoma Commission on Children and Youth.

B. The Board shall consist of ten (10) members as follows:

1. The Director of the State Bureau of Investigation, or a designee;

2. The Commissioner of the State Department of Health, or a designee;

3. The Director of the Department of Human Services, or a designee;

4. The Director of the Oklahoma State District Attorneys Association, or a designee;

5. The president of a statewide association of osteopathic physicians, or a designee;

6. The president of a statewide association of allopathic physicians, or a designee;

7. The Chief Executive Officer of the Oklahoma Health Care Authority, or a designee;

8. The Executive Director of the Oklahoma Board of Nursing, or a designee;

9. A representative of a statewide association of child advocacy centers; and

10. The Chief Child Abuse Examiner provided for by Section 601.31 of this title. The Chief Child Abuse Examiner shall be a nonvoting member of the Board.

C. 1. The Board shall annually elect one member to serve as chair and one member to serve as vice-chair.

2. The members of the Board shall receive no compensation for their services on the Board, but may be reimbursed pursuant to the State Travel Reimbursement Act.

3. The Board shall meet not less than quarterly and may meet more frequently as necessary, as determined by the chair. Six members shall constitute a quorum.

Added by Laws 1990, c. 254, § 1, eff. Sept. 1, 1990. Amended by Laws 2004, c. 421, § 4, emerg. eff. June 4, 2004.

§10-601.31. Duties of Commission on Children and Youth - Duties of Board - Chief Child Abuse Examiner - Duties.

A. The Oklahoma Commission on Children and Youth shall:

1. Promulgate rules providing for:

- a. the training and continuing training requirements for allopathic and osteopathic physicians, physicians' assistants, and registered nurses, in a manner consistent with their existing scopes of practice as child abuse examiners,
- b. the duties and responsibilities of child abuse examiners, and
- c. uniform standards for medical examinations and evaluations of children suspected to be victims of child abuse or neglect and uniform forms for written reports of such examinations and evaluations;

2. Distribute an initial listing, and revised listings as often as necessary, of child abuse examiners to:

- a. each county office of the Department of Human Services,
- b. each local county or city-county health department. Where there is no local health department, the listing shall be sent to the local county board of health,
- c. each district attorney, and
- d. other persons as necessary and advisable, upon the recommendation of the Board of Child Abuse Examination; and

3. With funds appropriated or otherwise available for such purpose, may provide by contract for:

- a. the services of a physician to serve as Chief Child Abuse Examiner, and
- b. the establishment and implementation of a training program and continuing training program for physicians, physicians' assistants and registered nurses, in a manner consistent with their existing scopes of practice, as child abuse examiners and for consultation services to such persons in matters relating to child abuse and neglect through contracts with the University of Oklahoma and Oklahoma State University.

B. The Board of Child Abuse Examination shall:

1. Prepare the rules, standards and forms required by subsection A of this section, and amendments to the rules, standards and forms as necessary, for the approval of the Commission;

2. In cooperation with the University of Oklahoma and Oklahoma State University, develop and maintain training programs and consultation services for physicians and child abuse examiners;

3. In consultation and cooperation with the Department of Human Services and the Oklahoma Health Care Authority, develop a uniform system of reimbursement for medical examinations and evaluations of cases of suspected child abuse or neglect which are compensable pursuant to Title XIX of the federal Social Security Act for adoption by the Oklahoma Health Care Authority;

4. Develop and maintain an accurate listing of trained child abuse examiners for distribution by the Commission; and

5. Engage in such other activities as necessary and appropriate for the establishment and maintenance of a statewide system of expert medical examination and evaluation of children suspected to be victims of child abuse and neglect, subject to the approval and authorization of the Commission.

C. The Chief Child Abuse Examiner shall be a physician with experience in the area of child abuse and neglect and, as requested or directed by the Board, shall:

1. Provide consultant services to the Board as necessary for the preparation of the rules, standards and forms required by subsection A of this section;

2. Assist the Board and the University of Oklahoma and Oklahoma State University with the development, implementation, maintenance and coordination of the training programs required by this section;

3. Prepare written reports for the Board and the Commission regarding progress of the system established by this act; and

4. As requested by the Board, perform other duties as necessary to assist the Board in the performance of its duties and responsibilities.

Added by Laws 1990, c. 254, § 2, eff. Sept. 1, 1990. Amended by Laws 2004, c. 421, § 5, emerg. eff. June 4, 2004; Laws 2005, c. 236, § 1, eff. July 1, 2005; Laws 2019, c. 199, § 1, eff. July 1, 2019.

§10-601.41. Short title.

Sections 2 through 7 of this act shall be known and may be cited as the "Act for Coordination of Special Services to Children and Youth."

Added by Laws 1990, c. 317, § 2, emerg. eff. May 30, 1990.

§10-601.42. Definitions.

As used in the Act for Coordination of Special Services to Children and Youth, Section 601.41 et seq. of this title:

1. "Committee" means the Joint Legislative Committee for Review of Special Services to Children and Youth;

2. "Commission" means the Commission on Children and Youth;

3. "Coordinating Council" means the Interagency Coordinating Council for Special Services to Children and Youth appointed pursuant to Section 601.45 of this title;

4. "Eligible population" means children and youth three (3) to twenty-one (21) years of age who are identified as eligible for related services pursuant to an IEP;

5. "IEP" means an Individualized Education Program developed in accordance with the Education of All Handicapped Children Act of 1975, P.L. No. 94-142, as amended;

6. "Local education agency" means a dependent, independent, or area school district or other entity so defined by the Code of Federal Regulations, 34 C.F.R. Section 300.8;

7. "Related services" means services so defined by 34 C.F.R. Section 300.13;

8. "Special services population" means children and youth who are not part of the eligible population as defined herein but who are being served by or are eligible to be served by a school district pursuant to subsection B, C, D, E, F, or G of Section 1-113 of Title 70 of the Oklahoma Statutes or subsection D, E, or F of Section 18-110 of Title 70 of the Oklahoma Statutes; and

9. "State Plan" means the State Plan for Special Education and Special Student Service Coordination and Assistance developed pursuant to Section 601.46 of this title.

Added by Laws 1990, c. 317, § 3, emerg. eff. May 30, 1990. Amended by Laws 1991, c. 339, § 1, emerg. eff. June 15, 1991.

§10-601.43. Repealed by Laws 2000, c. 302, § 9, eff. Nov. 1, 2000.

§10-601.44. Repealed by Laws 2000, c. 302, § 9, eff. Nov. 1, 2000.

§10-601.45. Repealed by Laws 2000, c. 302, § 9, eff. Nov. 1, 2000.

§10-601.46. Repealed by Laws 2000, c. 302, § 9, eff. Nov. 1, 2000.

§10-601.50. Repealed by Laws 2000, c. 302, § 9, eff. Nov. 1, 2000.

§10-601.61. Short title.

This act shall be known and may be cited as the "Community Youth Development Act".

Added by Laws 1994, c. 358, § 1, eff. Sept. 1, 1994.

§10-601.62. Legislative intent.

A. The Legislature recognizes that the economic cost of crime to the state and communities within this state continues to drain existing resources, and the cost to victims, both economic and psychological, is traumatic and tragic.

1. Recognizing that many adults in the criminal justice system were once delinquents in the juvenile justice system, the Legislature also recognizes that the most effective crime and delinquency prevention programs are programs that not only provide children and youth with positive activities, opportunities and successes, but also meet local community needs and have substantial community involvement and support.

2. It is the belief of the Legislature that the best investment of scarce resources available to combat crime is to counteract the negative social and economic factors that contribute to criminal and delinquent behavior by engaging children and youth, at an early age, in such positive programs and opportunities at the local school and local community level.

B. Therefore, for the purpose of reducing the likelihood of later involvement in criminal or delinquent activities, the intent of the Legislature in enacting the Community Youth Development Act is to provide for school, school-related and after-school programs for children and youth and their families who live in at-risk school districts, neighborhoods and communities.

Added by Laws 1994, c. 358, § 2, eff. Sept. 1, 1994.

§10-601.63. Definitions.

For the purposes of the Community Youth Development Act:

1. "Community children and youth development programs and delinquency prevention and early intervention programs and activities" includes but is not limited to the following for participating youth and their families:

- a. intensive school and school-related programs, such as tutoring and other educational services,
- b. vocational training and counseling,
- c. employment services,
- d. counseling services, such as family counseling, mental health counseling, substance abuse outpatient treatment and education,
- e. recreational and cultural opportunities including but not limited to sports, games, music, art and similar activities, and
- f. neighborhood development programs, including but not limited to neighborhood mediation programs for the resolution of disputes involving children and youth, mentor or big brother and big sister programs, and voluntary community service programs for children and youth; and

2. "School, school-related or after-school programs and activities" means community children and youth development programs and delinquency prevention and early intervention programs and activities that occur during and outside of regular school hours.

Added by Laws 1994, c. 358, § 3, eff. Sept. 1, 1994.

§10-601.64. Duties of the Oklahoma Commission on Children and Youth.

A. From funds appropriated or otherwise available for the purpose of implementating the Community Youth Development Act, the Oklahoma Commission on Children and Youth shall:

1. Issue requests for proposals and contract with eligible entities for community children and youth development programs and delinquency prevention and early intervention programs; and
2. Provide information and technical assistance to school districts, neighborhood and community organizations, and agencies within the children and youth service system, as that term is defined by Section 600 of Title 10 of the Oklahoma Statutes, for the purpose of assisting them to make application for federal and private grants for community children and youth development programs and delinquency prevention and early intervention programs.

B. The Commission, with the assistance of and information provided by the Department of Human Services, the Oklahoma State Bureau of Investigation, and the Department of Commerce, shall establish eligibility criteria for identifying neighborhoods, school districts, communities and specific areas within school districts and communities having crime rate, economic or other demographic characteristics recognized as indicators of distressed areas. The Department of Human Services, the statutorily created juvenile bureaus, the Oklahoma State Bureau of Investigation and the Department of Commerce shall provide the Commission with information and assistance, as requested by the Commission, for the purpose of establishing the criteria required by this subsection.

Added by Laws 1994, c. 358, § 4, eff. Sept. 1, 1994.

§10-601.65. Proposed submission procedures and criteria.

A. The Commission on Children and Youth shall establish the proposal submission procedures and criteria and shall promulgate rules as necessary for the implementation of the Community Youth Development Act.

B. In order to be eligible for a contract pursuant to the Community Youth Development Act the proposal, at minimum, shall:

1. Meet the eligibility criteria established by the Commission;
2. Be a joint proposal made by a school district, neighborhood organization, municipality or county and one or more agencies or organizations within the children and youth service system. If a school district is not a joint participant in the proposal, the proposal shall document and describe the active participation in and support of the local school district in the program and activities for which the proposal is submitted;

3. Be for programs and activities for children not less than six (6) years of age or more than nineteen (19) years of age, or in grades one through twelve, whichever is applicable;

4. Describe the respective roles and responsibilities for the administration and operation of the program and activities, including but not limited to the designation of the entity responsible for the receipt and expenditure of any funds awarded pursuant to the Community Youth Development Act;

5. Include a match for the costs of the proposed program from the local school or other entity submitting the proposal. The match may be monetary or may be an in-kind match;

6. Specifically identify the area within a school district or community or the neighborhood where the programs and activities will be implemented;

7. Describe how the program will coordinate and cooperate with programs and services administered by the Department of Human Services, the State Department of Education, and other state or local agencies, agencies within the children and youth service system and courts and law enforcement, as appropriate for the proposed program;

8. Provide the program and activities on site in a school, community center, or similar location within the identified area of the school district or community; and

9. Include face-to-face contact with the parents, guardians or custodians of youth participating in the program and visits to the homes of such youth as an integral part of the programs and activities for which the proposal is submitted.

C. The Commission on Children and Youth shall evaluate at least annually each entity which receives a contract pursuant to the Community Youth Development Act. The evaluation report shall document the extent to which the program objectives have been met, as well as other information deemed necessary or appropriate by the Commission. Each entity receiving a contract pursuant to the Community Youth Development Act shall submit information to the Commission as required by the Commission.

Added by Laws 1994, c. 358, § 5, eff. Sept. 1, 1994.

§10-601.66. Short title - Children with Disabilities Comprehensive Systems of Services Fund Act of 2013.

This act shall be known and may be cited as the "Children with Disabilities Comprehensive Systems of Services Fund Act of 2013".
Added by Laws 2013, c. 359, § 1, eff. Nov. 1, 2013.

§10-601.67. Children with Disabilities Comprehensive Systems of Services Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Board of Regents for the University of Oklahoma on behalf of the Department of Pediatrics, Child Study Center for Sooner SUCCESS

to be designated the "Children with Disabilities Comprehensive Systems of Services Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of those monies appropriated to the fund by law or deposited in the fund pursuant to Section 3 of this act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by Sooner SUCCESS for the purpose of coordinating a statewide comprehensive system of health, social and educational services for Oklahoma children and youth with special needs in accordance with Part B of the Individuals with Disabilities Education Act (IDEA) and Title V programs for Children with Special Health Care Needs. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2013, c. 359, § 2, eff. Nov. 1, 2013.

§10-601.68. Not-for-profit foundation.

A. There is hereby authorized the establishment of a not-for-profit foundation to raise funds for the Children with Disabilities Comprehensive Systems of Services Fund Act of 2013 and the achievement of the goals of the act.

B. The foundation created pursuant to this section may receive funds from any public or private source to carry out the purposes of this act, including, but not limited to, gifts or grants from any department, agency, or instrumentality of the United States or of this state for any purposes consistent with the provisions of this act.

C. Upon proper incorporation, the foundation shall secure tax-exempt status under the appropriate provision of Section 501(c) of the Internal Revenue Code, 26 U.S.C., Section 501(c).

D. Any member of the foundation who may have a financial interest in an action under consideration by the foundation shall abstain from voting on such matter.

Added by Laws 2013, c. 359, § 3, eff. Nov. 1, 2013.

§10-601.69. Curriculum for abuse-prevention instructional programs.

The Oklahoma Commission on Children and Youth shall, in collaboration with the Office of Child Abuse Prevention within the State Department of Health and other prevention service providers, identify evidence-informed curriculum appropriate for schools that meet the guidelines of subsection A of Section 3 of this act.

Added by Laws 2015, c. 246, § 4, eff. Nov. 1, 2015.

§10-601.80. Short title - Family Support Accountability Act - Definitions.

A. This act shall be known and may be cited as the "Family Support Accountability Act".

B. As used in the Family Support Accountability Act:

1. "Departments" means any state department or agency implementing home-visiting programs; and

2. "Home-visiting program" means a state-funded or state-administered, standards-based program that:

- a. is grounded in relevant, empirically based best practices and knowledge that:
 - (1) has comprehensive home-visiting standards that ensure high quality service delivery and continuous quality improvement, and
 - (2) follows with fidelity a program manual or design that specifies the purpose, outcomes, duration and frequency of services that constitute the program,
- b. provides services to families of young children that elect to participate,
- c. utilizes a variety of culturally relevant, developmentally appropriate strategies,
- d. connects families to additional services that support parents,
- e. promotes child well-being and prevents adverse childhood outcomes,
- f. promotes parental competence, child health and development by building long-term relationships with families and optimizing the relationships between parents and children in their home environments,
- g. provides for the collection and analysis of data about program performance and outcomes at the state aggregate level, county aggregate level, provider level and participant level, and
- h. does not include:
 - (1) a one-time home visit or infrequent home visits with no intention of long-term services, such as a program that provides one home visit for all newborn children,
 - (2) services delivered through an individualized family service plan or an individualized education program under Part B or Part C of the federal government's Individuals with Disabilities Education Act,
 - (3) services initiated by a report to the Department of Human Services Child Welfare Services or by court order, or
 - (4) programs in which home visiting is supplemental to other services.

Added by Laws 2015, c. 199, § 1, eff. Nov. 1, 2015.

§10-601.81. Home visiting programs - Requirements - Objectives - Annual report.

A. The departments that provide home-visiting services may adopt and promulgate rules by which the home-visiting program shall operate.

B. The departments shall provide a framework for service delivery and accountability across all home-visiting programs to promote a continuum of care that targets families at the greatest risk for experiencing adverse childhood outcomes.

C. A home-visiting program shall provide face-to-face visits by specially trained parent educators to provide home-based family support services.

D. The departments shall ensure home-visiting programs work in partnership to serve children, thereby maximizing the opportunities for families to receive services that best fit their needs.

E. A home-visiting program shall achieve two or more of the following:

1. Improve prenatal, maternal, infant or child health outcomes, including, but not limited to, indicators such as preterm birth rates, substance abuse and tobacco use;

2. Reduce entry into the child welfare system;

3. Improve positive parenting and relationship skills;

4. Improve parental self-sufficiency, including increased employment and educational attainment;

5. Improve children's readiness to succeed in school; and

6. Improve children's social-emotional, cognitive and language and physical development, including efforts at early identification of delays.

F. The departments shall work with community partners, researchers, model developers, program providers and interested private entities to develop processes that provide for a greater ability to collaborate, as well as share best practices and information as necessary and appropriate.

G. When the departments authorize funds through payments, contracts or grants that are used for home-visiting programs, they shall include language regarding home visiting in the funding agreement contract or grant that is consistent with the provisions of the Family Support Accountability Act.

H. State and local agencies administering home-visiting programs as defined in this act, providers of home-visiting services and experts in home-visiting program evaluation shall collaborate with the Early Childhood Advisory Council created in Section 640.1 of Title 10 of the Oklahoma Statutes to:

1. Jointly develop an outcomes measurement plan which includes indicators related to the objectives established in subsection E of this section in order to monitor outcomes for children and families

receiving home-visiting programs and determine the efficiency of agency program implementation;

2. Complete and submit the outcomes measurement plan for state-funded home-visiting programs by January 1, 2016, to the Governor, the Legislature, the Oklahoma Commission on Children and Youth and the Early Childhood Advisory Council and complete and submit an updated plan every subsequent five (5) years; and

3. Develop a process for collecting and reporting outcomes measures to maintain privacy and security.

I. Beginning December 1, 2017, and annually thereafter, the departments shall allocate resources to collaborate with the Early Childhood Advisory Council to submit an annual outcomes report to the Governor and the Legislature.

J. The annual outcomes report shall include:

1. Achieved outcomes as agreed upon and described in the previously submitted outcomes measurement plan pursuant to subsection H of this section for all state-funded family support programs;

2. Combined program data regarding:

a. the cost per family served,

b. the number of families served,

c. demographic data on families served, and

d. the number and type of programs that the departments have funded; and

3. Recommendations for quality improvements and future program investments.

Added by Laws 2015, c. 199, § 2, eff. Nov. 1, 2015.

§10-602. Renumbered as § 7302-2.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-603. Renumbered as § 7302-3.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-603.1. Short title - Purpose - Implementation.

A. This act shall be known and may be cited as the "Coordinated Database System for Children Act".

B. The purpose of the Coordinated Database System for Children Act is to design and implement a system that provides data linkages for the sharing of case information and for aggregate data analysis for planning, research, outcome evaluation and service coordination.

C. The system shall be implemented through interagency agreements and shall utilize a database application that supports information sharing to reduce duplication, improve service delivery and allow data analysis for planning, research and evaluation. The database application shall be jointly developed, implemented and utilized by the public agencies responsible for services to children

in this state and private agencies that provide such services pursuant to a contract with a state agency.

Added by Laws 1997, c. 369, § 1, emerg. eff. June 10, 1997.

§10-603.2. Renumbered as § 7302-3.9 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-603.3. Renumbered as § 7004-1.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-603.4. Day treatment program standards.

A. In accordance with the standards recommended by the Committee on Day Treatment Standards in its report dated November 2, 1994, the State Board of Health, the Board of Mental Health and Substance Abuse Services and the Oklahoma Health Care Authority Board shall promulgate rules establishing standards for day treatment programs, as defined in Section 175.20 of this title, and shall monitor, not less than annually, compliance with the standards, if funds are available. The responsibilities of the boards regarding enforcement of and monitoring of compliance with the rules shall be as follows:

1. The State Board of Health shall be responsible for the promulgation of rules establishing standards for day treatment programs other than those operated by community mental health centers;

2. The Board of Mental Health and Substance Abuse Services shall be responsible for the promulgation of rules for day treatment programs operated by community mental health centers; and

3. The Oklahoma Health Care Authority Board shall monitor compliance of outpatient hospital day treatment services with the standards in the Medical Providers-Hospital Specific Manual, OAC 317:30-5-42(a)(6). Any program found to be out of compliance with such standards shall be subject to cancellation of its authorization for day treatment services within its contract with the Oklahoma Health Care Authority according to rules governing such contract cancellations.

B. The boards shall coordinate development and monitoring of rules to the maximum extent reasonable and practical in order to avoid unnecessary contradiction or conflict and to minimize the incidence of duplicative monitoring of day treatment program.

Added by Laws 1994, c. 378, § 3, eff. July 1, 1994. Amended by Laws 1995, c. 231, § 3, eff. Nov. 1, 1995; Laws 2003, c. 8, § 1, eff. July 1, 2003.

§10-604. Renumbered as § 7302-3.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-607. Renumbered as § 7302-3.5 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-607.1. Renumbered as § 7004-3.5 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-609. Renumbered as § 7302-3.6 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-610. Renumbered as § 7302-3.11 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-620.1. Purpose of act - Release and transfer of information.

A. The purpose of this act is to ensure efficient, cost effective delivery of state services and accountability in the delivery of state services to children and their families through the establishment of uniform administrative rules governing the maintenance, transfer and release of confidential information between public and private agencies that provide services to children and their families in order to:

1. Facilitate access to health, mental health, social and related services that are made available through state and federal funds for children and families;
2. Remove unnecessary and cumbersome impediments to the delivery of such services; and
3. Better provide for the expeditious, coordinated and cooperative delivery of services by establishing a uniform system of rules, procedures and forms for the maintenance, transfer and release of confidential information to be used by state, county and private agencies, boards of education, and technology center districts, pursuant to the provisions of this act.

B. For the purpose of this act, "confidential information" means any information regarding a child receiving services supported in whole or in part by state or federal funds, a family member of such child, or other persons residing in the home of such child, and which is required by state or federal law or regulation to be maintained in a confidential manner.

C. Nothing in this act shall be construed to authorize the release of confidential information except pursuant to an informed consent as provided in Section 620.4 of this title, a court order, or as otherwise provided by law.

Added by Laws 1990, c. 330, § 1, eff. Sept. 1, 1990. Amended by Laws 2001, c. 33, § 6, eff. July 1, 2001.

§10-620.2. Appointment of task force - Membership - Duties.

A. The Oklahoma Commission on Children and Youth shall appoint a task force composed of the directors, or their designees, of the

agencies listed in Section 3 of this act and, as appropriate, representatives of other public and private agencies that provide services to children and their families. The task force shall:

1. On or before November 1, 1990, establish guidelines for the development of uniform administrative rules, procedures and forms related to the maintenance, transfer and release of confidential information required pursuant to the provisions of this act;

2. On or before January 1, 1991, revise the proposed rules, procedures and forms prepared by the agencies for uniformity and compliance with the guidelines established by the task force. The task force shall make recommendations to the agencies for modifications to the proposed rules, procedures and forms as necessary to ensure uniformity and compliance with the established guidelines;

3. On or before April 1, 1991, develop a manual which clearly describes applicable state and federal laws, rules, procedures and forms for the maintenance, transfer and release of confidential information. Said manual shall be published by the Oklahoma Commission on Children and Youth and each agency providing services to children and their families shall be responsible for necessary copying and distribution, to ensure that employees involved in the delivery of services to children and their families are provided copies of the manual and are trained regarding the content and application of the information contained in the manual; and

4. Beginning on April 1, 1991, meet not less than annually and more often as necessary, as determined by the Oklahoma Commission on Children and Youth, for the purpose of reviewing proposed or necessary amendments to the rules, procedures or forms adopted pursuant to this act in order to ensure the continuing consistency and uniformity of said rules, procedures and forms and to provide for necessary revisions of the manual.

B. Each agency listed in Section 3 of this act shall provide information and staff assistance as necessary to prepare the rules, procedures, forms and manual required by this act.

C. Beginning on April 1, 1991, each agency listed in Section 3 of this act shall forward to the Oklahoma Commission on Children and Youth copies of proposed amendments to the rules, procedures and forms adopted pursuant to this act.

Added by Laws 1990, c. 330, § 2, eff. Sept. 1, 1990.

§10-620.3. Agencies to promulgate uniform rules and procedures.

A. Prior to April 1, 1991, the following agencies shall promulgate uniform rules and adopt uniform procedures and forms for the maintenance, transfer and release of confidential information:

1. Department of Human Services;
2. Department of Mental Health and Substance Abuse Services;
3. State Department of Health;

4. State Department of Education;
5. Oklahoma Department of Career and Technology Education;
6. Oklahoma Commission on Children and Youth;
7. J.D. McCarty Center for Children with Developmental

Disabilities;

8. Department of Corrections; and
9. Beginning July 1, 1998, the Office of Juvenile Affairs.

B. Private agencies receiving public funds pursuant to a grant or contract with a state agency listed in subsection A of this section and providing institutional, community residential or community-based services, as defined by Section 1101 of this title, to children and families, shall comply with the rules regarding the maintenance, transfer and release of confidential information adopted by the governing board of the state agency or agencies from which they receive funds.

C. The provisions of Sections 620.1 through 620.6 of this title shall not apply to court records of juvenile cases maintained by the district courts. The supervising judge of a statutorily constituted juvenile bureau may establish court rules for the transfer and release of other confidential information maintained by the juvenile bureau which substantially conform with the rules, forms and procedures promulgated and adopted by state agencies pursuant to the provisions of Sections 620.1 through 620.6 of this title.
Added by Laws 1990, c. 330, § 3, eff. Sept. 1, 1990. Amended by Laws 1992, c. 307, § 1, eff. July 1, 1992; Laws 1998, c. 268, § 1, eff. July 1, 1998; Laws 2001, c. 33, § 7, eff. July 1, 2001.

§10-620.4. Contents of rules and procedures.

A. The rules promulgated and the procedures and forms adopted pursuant to this act shall include, but not be limited to:

1. Provision for the maintenance, transfer and release of confidential information;
2. Compliance with all applicable state and federal laws and regulations regarding the transfer and release of confidential information;
3. If not otherwise specifically limited by law, authorization for the transfer or release of confidential information only pursuant to paragraph 5 of this subsection, a court order or an informed consent for the transfer or release of said information that has been executed by:
 - a. the parent or guardian of the child or other person authorized by state or federal law to execute said consent, if the subject of the confidential information is a child, or
 - b. the individual who is the subject of said confidential information or other person authorized by law to

execute said consent on his behalf, if the subject of the confidential information is an adult;

4. Establishment of a uniform informed consent form and uniform procedures for obtaining informed consents, which shall include, but not be limited to, information which shall be provided to a person executing an informed consent prior to such execution;

5. Establishment of uniform procedures for authorizing access to confidential information for the purpose of gathering statistical information or conducting studies or research as otherwise authorized by law;

6. Establishment of uniform charges, if any, for the costs of copying and mailing records;

7. Provision for the maintenance of the confidentiality of information by persons and agencies receiving confidential information; and

8. Compliance with the provisions of the Administrative Procedures Act.

B. The uniform rules may include special rules for particular programs which are subject to federal rules.

Added by Laws 1990, c. 330, § 4, eff. Sept. 1, 1990.

§10-620.5. Transfer and release of confidential information - Adoption of procedures.

A. The local board of education of each school district and each technology center school district shall adopt policies and procedures for the transfer and release of confidential information to the agencies listed in Section 620.3 of this title, to persons and agencies subject to the rules promulgated by said agencies pursuant to this act, and to statutorily-constituted juvenile bureaus. The policies and procedures adopted by said boards shall comply with the requirements for state agency rules listed in Section 620.4 of this title for the transfer and release of confidential information.

B. A local board of education may adopt in whole or in part the rules, procedures and forms promulgated and adopted by the State Board of Education, and each technology center school board may adopt in whole or in part the rules, procedures and forms promulgated and adopted by the State Board of Career and Technology Education.

Added by Laws 1990, c. 330, § 5, eff. Sept. 1, 1990. Amended by Laws 2001, c. 33, § 8, eff. July 1, 2001.

§10-620.6. Guidelines and forms for inspection, release, disclosure, etc. of records.

A. The task force established pursuant to Section 620.2 of Title 10 of the Oklahoma Statutes, with the cooperation and assistance of the Serious and Habitual Juvenile Offender Program Implementation Task Force, shall prepare proposed guidelines and the form and content of proposed interagency agreements for the inspection,

release, disclosure, sealing and expungement of information contained in the records defined by Section 9 of this act. Said guidelines shall:

1. Be in compliance with applicable state and federal laws providing for the confidentiality of records and information;
2. Provide for the inspection, release or disclosure of only the information necessary and appropriate, and only to the extent necessary, for the purpose for which such inspection, release or disclosure is made.

B. On or before July 1, 1993, the agencies listed in subsection A of Section 620.3 of Title 10 of the Oklahoma Statutes and the agencies comprising the juvenile justice system as defined by Section 2 of this act shall, and the agencies comprising the children and youth service system as defined by Section 600 of Title 10 of the Oklahoma Statutes may:

1. Adopt rules, policies, procedures, standards, protocols and guidelines, as appropriate, for the inspection, release, disclosure, sealing and expungement of confidential records in accordance with the proposed guidelines prepared pursuant to subsection A of this section; and
2. Enter into contracts or interagency agreements under the Interlocal Cooperation Act for the sharing or disclosure of confidential information in accordance with said rules, policies, procedures, standards, protocols and guidelines.

Added by Laws 1991, c. 296, § 14, eff. July 1, 1991.

§10-630.1. Repealed by Laws 2012, c. 340, § 2, eff. July 1, 2012.

§10-630.2. Repealed by Laws 2012, c. 340, § 2, eff. July 1, 2012.

NOTE: Prior to repeal, this section was amended by Laws 2012, c. 304, § 36 to read as follows:

- A. Entities which shall jointly design and implement the coordinated database system shall include, but not be limited to:
 1. The Oklahoma Commission on Children and Youth;
 2. The Department of Human Services;
 3. The State Department of Health;
 4. The Department of Mental Health and Substance Abuse Services;
 5. The Oklahoma Health Care Authority;
 6. The State Department of Education;
 7. The Office of Management and Enterprise Services;
 8. The Office of Juvenile Affairs;
 9. The State Department of Rehabilitation Services;
 10. The Oklahoma Department of Commerce; and
 11. Consumer representatives.

B. 1. The Oklahoma Commission on Children and Youth shall serve as the lead agency in initiating the collaborative process among entities identified in subsection A of this section in order to design and implement the system required by the Coordinated Database System for Children Act. The Commission shall be responsible for convening meetings and providing meeting space, administrative staff and other necessary

support services. The Commission shall schedule meetings in conjunction with the Coordination of Services for Older Oklahomans Task Force.

2. The remaining agencies listed in subsection A of this section shall be responsible for providing information, staff and other assistance as necessary to design and implement the system required by the Coordinated Database System for Children Act.

C. On or before February 1, 1998, the agencies listed in subsection A of this section shall jointly submit to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the chairs of the appropriate legislative committees, a report which shall include, but not be limited to:

1. A statement of progress regarding the design and implementation of the system required by the Coordinated Database System for Children Act; and

2. Identification of any statutory changes and funding necessary to implement the system.

§10-630.3. Repealed by Laws 2012, c. 340, § 2, eff. July 1, 2012.

§10-640. Short title.

This act shall be known and may be cited as the "Oklahoma Partnership for School Readiness Act".

Added by Laws 2003, c. 121, § 1, emerg. eff. April 22, 2003.

§10-640.1. Oklahoma Partnership for School Readiness Board.

A. There is hereby re-created until July 1, 2021, in accordance with the Oklahoma Sunset Law, the Oklahoma Partnership for School Readiness Board. The Board shall promote school readiness supporting community-based efforts to increase the number of children who are ready to succeed by the time they enter school. The Board shall additionally serve as the state's Early Childhood Advisory Council and fulfill the responsibilities described in the Head Start Act of 2007 (PL 110-134, Section 642B). The Board shall consist of representatives from the private and public sectors as follows:

1. Fifteen private sector representatives appointed by the Governor from a list submitted by an existing private-sector school readiness initiative that includes in its focus community mobilization and public engagement activities to include:

a. two parents of children eight (8) years of age or younger, and

b. one representative of licensed child care providers;

2. One representative of the licensed child care industry appointed by the Governor from a list submitted by an association representing the licensed child care industry in this state;

3. One representative of a state association of federally funded early childhood programs appointed by the Governor; and

4. To ensure that existing resources are being utilized effectively, fifteen public sector representatives or their designees as follows:

a. State Superintendent of Public Instruction,

- b. State Commissioner of Health,
- c. Commissioner of the Department of Mental Health and Substance Abuse Services,
- d. Director of the Oklahoma Department of Commerce,
- e. Director of the Oklahoma Department of Libraries,
- f. Director of the Department of Human Services,
- g. Administrator of the Oklahoma Health Care Authority,
- h. Director of the Oklahoma Commission on Children and Youth,
- i. Director of the State Department of Rehabilitation Services,
- j. Executive Director of the Oklahoma Educational Television Authority,
- k. Director of the Oklahoma Department of Career and Technology Education,
- l. Chancellor of the Oklahoma State Regents for Higher Education,
- m. Cabinet Secretary with responsibility for education agencies,
- n. Dean of the College of Human Environmental Sciences, Oklahoma State University, and
- o. State Director of Head Start Collaboration.

B. Members appointed by the Governor shall serve terms of four (4) years; provided, of those members initially appointed to the Board, eight members shall be appointed for two-year terms, beginning September 1, 2003, and seven members shall be appointed for four-year terms, beginning September 1, 2003, as designated by the Governor. The member appointed pursuant to paragraph 2 of subsection A of this section shall be appointed for an initial term to end on August 31, 2007. The member appointed pursuant to paragraph 3 of subsection A of this section shall be appointed for an initial term to end on August 31, 2009. Appointed members shall continue in office until a successor is appointed by the Governor. The Governor shall fill all vacancies in the same manner as the original appointment was made.

C. The Director of the Department of Human Services shall convene an organizational meeting of the Oklahoma Partnership for School Readiness Board prior to November 1, 2003, at which time members of the Board shall elect a chair, a vice-chair, and other officers as needed. A majority of the members of the Board shall constitute a quorum for the transaction of business.

D. Members of the Board shall receive no compensation for serving on the Board but shall receive travel reimbursement as follows:

- 1. State agency officers and employees who are members of the Board shall be reimbursed for travel expenses incurred in the performance of their duties by their respective agencies in accordance with the State Travel Reimbursement Act; and

2. Remaining members shall be reimbursed by the Board from any funds received by the Board for travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

E. Members of the Board shall be exempt from the dual-office-holding provisions of Section 6 of Title 51 of the Oklahoma Statutes. Added by Laws 2003, c. 121, § 3, emerg. eff. April 22, 2003. Amended by Laws 2004, c. 66, § 1, emerg. eff. April 7, 2004; Laws 2007, c. 111, § 1, emerg. eff. May 8, 2007; Laws 2009, c. 15, § 1; Laws 2010, c. 284, § 1, eff. Nov. 1, 2010; Laws 2013, c. 44, § 1; Laws 2017, c. 296, § 1.

§10-640.2. Powers and responsibilities of Board.

A. The Oklahoma Partnership for School Readiness Board may:

1. Establish guidelines for the disbursement of funds received from any public or private source or otherwise made available to the Board for the purpose of supporting community initiatives that are consistent with the goals of the Oklahoma Partnership for School Readiness Act and direct such other expenditures as may be necessary in the performance of its duties;

2. Establish other guidelines as necessary to carry out the duties and responsibilities assigned to the Oklahoma Partnership for School Readiness Board;

3. Receive funds from any public or private source;

4. Enter into contractual agreements to assist with the administration of the Board and to provide technical assistance to communities upon request;

5. Appoint subcommittees which may include persons who are not Board members. Such persons shall not be entitled to compensation but may be reimbursed, upon approval by the Director of the Department of Human Services, for necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act; and

6. The Board shall ensure, to the greatest extent possible, that the needs and values of all parents are respected and protected and that voluntary participation is the basis for delivering all school readiness programs. The Board shall act in ways which are sensitive to the diverse religious and other values of Oklahomans.

B. The responsibilities of the Oklahoma Partnership for School Readiness Board shall be to:

1. Conduct a thorough assessment of existing public and private programs to determine their effectiveness and to maximize the efficient use of current state funds;

2. Implement a public engagement campaign and establish a structure to facilitate communication between communities;

3. Provide leadership at the state level to encourage communities to develop and improve school readiness opportunities at the local level to encourage and empower local communities;

4. Encourage public and private programs, services, and initiatives be brought together to provide coordinated, community-based, effective and cost-efficient programs;

5. Maximize the extent to which private sector funding is leveraged and federal, state, and local funds are coordinated with private funds;

6. Establish standards of accountability in school readiness programs and policy and recognize and promote the best practices; and

7. Submit an annual report to the Governor and the Legislature no later than November 1 of each year. The report shall include, but not be limited to, the following:

- a. preparedness level of children entering kindergarten,
- b. status and results of the effort of the Board to engage the public regarding the care and education of children under the age of five (5) years and of the efforts of the Board to develop and promote private sector programs and voluntary parental involvement,
- c. detailed summary of community initiatives and programs funded in whole, or in part, by the Board,
- d. availability and cost of quality child care for children under five (5) years of age needing care outside their home,
- e. number, location, and status of quality prekindergarten programs in the state, and
- f. percentage of third-grade students reading at or above grade level.

C. The Department of Human Services shall be the lead public agency for general administration and monitoring of programs and activities related to the Oklahoma Partnership for School Readiness Act.

D. Each of the following agencies shall make staff available to the Oklahoma Partnership for School Readiness Board for the purpose of providing professional consultation and staff support to assist in the implementation of this act:

1. State Department of Education;
2. State Department of Health;
3. Department of Mental Health and Substance Abuse Services;
4. Department of Human Services; and
5. Oklahoma Commission on Children and Youth.

Added by Laws 2003, c. 121, § 4, emerg. eff. April 22, 2003.

§10-640.3. School readiness foundation.

A. There is hereby authorized the establishment of a not-for-profit school readiness foundation to raise funds and to assist in

the implementation of the Oklahoma Partnership for School Readiness Act and the achievement of the goals of the act.

B. Costs to underwrite implementation of the responsibilities of the Oklahoma Partnership for School Readiness Board may be borne from revenues of the foundation.

C. The foundation created pursuant to this section may receive funds from any public or private source to carry out the purposes of this act, including, but not limited to, gifts or grants from any department, agency, or instrumentality of the United States or of this state for any purpose consistent with the provisions of this act.

D. Upon proper incorporation, the foundation shall secure tax-exempt status under the appropriate provision of Section 501(c) of the Internal Revenue Code, 26 U.S.C., Section 501(c).

E. Any member of the foundation who may have a financial interest in an action under consideration by the foundation shall abstain from voting on such matter.

Added by Laws 2003, c. 121, § 5, emerg. eff. April 22, 2003.

§10-700. Delegation of powers regarding child care and custody.

A. A parent or legal custodian of a child, by a properly executed power of attorney provided in Section 2 of this act, may delegate to another person, for a period not to exceed one (1) year, any of the powers regarding the care and custody of the child, except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. A delegation of powers under this section shall not deprive the parent or legal custodian of any parental or legal authority regarding the care and custody of the child.

B. The parent or legal custodian of the child shall have the authority to revoke or withdraw the power of attorney authorized by subsection A of this section at any time. If the delegation of authority lasts longer than one (1) year, the parent or legal custodian of the child shall execute a new power of attorney for each additional year that the delegation exists.

C. The attorney-in-fact shall exercise parental or legal authority on a continuous basis for not less than twenty-four (24) hours and without compensation for the intended duration of the power of attorney authorized by subsection A of this section and shall not be subject to the requirements of the Oklahoma Child Care Facilities Licensing Act.

D. Except as provided by Section 1-4-904 of Title 10A of the Oklahoma Statutes, a parent or legal custodian who executes a power of attorney authorized by subsection A of this section shall not constitute abandonment, abuse or neglect as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes unless the parent or legal

custodian fails to make contact or execute a new power of attorney after the one-year time limit has elapsed.

E. Under a delegation of powers as authorized by subsection A of this section, the child or children subject to the power of attorney shall not be considered placed in foster care as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes and the parties shall not be subject to any of the requirements or licensing regulations for foster care.

Added by Laws 2014, c. 172, § 1, emerg. eff. April 28, 2014.

§10-701. Statutory form for power of attorney to delegate parental or legal custodian powers.

A. The following statutory form of power of attorney to delegate parental or legal authority as authorized by Section 1 of this act is legally sufficient:

Statutory Form for Power of Attorney to Delegate Parental or Legal Custodian Powers

1. "I certify that I am the parent or legal custodian of:

(Full name of minor child) (Date of birth)

(Full name of minor child) (Date of birth)

(Full name of minor child) (Date of birth)
(minor child(ren))."

2. "I designate

(Full name of Attorney-in-fact)

(Street address, city, state and zip code of Attorney-in-fact)

(Home phone of Attorney-in-fact) (Work phone of Attorney-in-fact)
as the attorney-in-fact of each minor child named above."

3. _____ "I delegate to the attorney-in-fact all of my power and authority regarding the care, custody and property of each minor child named above, including but not limited to the right to enroll the child in school, inspect and obtain copies of education records and other records concerning the child, the right to attend school activities and other functions concerning the child, and the right to give or withhold any consent or waiver with respect to school activities, medical and dental treatment, and any other activity, function or treatment that may concern the child. This delegation shall not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child." or

4. _____ "I delegate to the attorney-in-fact the following specific powers and responsibilities (write in):

This delegation shall not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child."

5. "This power of attorney is effective for a period not to exceed one year, beginning _____, 20__, and ending _____, 20__. I reserve the right to revoke this authority at any time."

By: _____
(Parent/Legal Custodian signature)

6. "I hereby accept my designation as attorney-in-fact for

(Minor child(ren)) as specified in this power of attorney."

(Attorney-in-fact signature)

State of _____

County of _____

ACKNOWLEDGEMENT

Before me, the undersigned, a Notary Public, in and for said County and State on this ____ day of _____, 20__, personally appeared _____ (Name of Parent/Legal Custodian) and _____ (Name of Attorney-in-fact), to me known to be the identical persons who executed this instrument and acknowledged to me that each executed the same as his or her free and voluntary act and deed for the uses and purposes set forth in the instrument.

Witness my hand and official seal the day and year above written.

(Signature of notarial officer)

(Seal, if any)

(Title and Rank)

My commission expires: _____

B. The power of attorney is legally sufficient under this act, if the wording of the form complies substantially with subsection A of this section, the form is properly completed, and the signatures of the parties are acknowledged.

Added by Laws 2014, c. 172, § 2, emerg. eff. April 28, 2014.

§10-1101. Renumbered as § 7001-1.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1101.1. Repealed by Laws 2013, c. 404, § 29, eff. Nov. 1, 2013.

§10-1102. Renumbered as § 7303-1.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1102.1. Renumbered as § 7002-1.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1103. Renumbered as § 7003-3.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1103.1. Renumbered as § 7003-3.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1104. Renumbered as § 7003-3.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1104.1. Renumbered as § 7003-3.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1104.2. Renumbered as § 7306-1.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1104.3. Renumbered as § 7304-1.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1105. Renumbered as § 7003-3.5 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1106. Renumbered as § 7003-3.6 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1107. Renumbered as 7003-2.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1107.1. Renumbered as § 7304-1.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1108. Renumbered as § 7304-1.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1108.1. Renumbered as § 7304-1.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1109. Renumbered as § 7003-3.7 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1110. Renumbered as § 7003-3.8 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1111. Renumbered as § 7003-4.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1112. Renumbered as § 7303-4.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1112.1. Renumbered as § 7303-4.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1113. Renumbered as § 7003-4.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1114. Renumbered as § 7003-4.5 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1115. Renumbered as § 7003-5.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1115.1. Renumbered as § 7003-5.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1115.2. Renumbered as § 7003-5.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1116. Renumbered as § 7003-5.5 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1116.1. Renumbered as § 7003-5.6 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1116.2. Postadjudication review boards.

A. There is hereby established a postadjudication review board in each judicial district in the state. Members and alternate members of the postadjudication review boards shall be residents of or employed within the judicial district in which the board serves and shall be appointed by the Director of the Oklahoma Commission on Children and Youth after consultation with judges in the judicial district having juvenile docket responsibility, provided that in the event of a conflict of interest or for any reason when circumstances or the appearances of justice dictate, the Director of the Oklahoma Commission on Children and Youth may transfer the appointment decision to the entire Oklahoma Commission on Children and Youth whose decision shall be final and further provided, that any aggrieved aspirant may appeal the decision denying appointment by the Director of the Oklahoma Commission on Children and Youth within five (5) days to the Oklahoma Commission on Children and Youth whose

decision shall be final. The Oklahoma Commission on Children and Youth may establish additional postadjudication review boards as needed for each county within a judicial district.

B. A postadjudication review board for each judicial district shall consist of at least five (5) members. Alternate review board members may be appointed to serve in the absence of a regularly appointed board member. Alternate board members shall be appointed in the same manner as regularly appointed board members. On and after September 1, 1991, currently serving board members shall serve until appointments are made by the Commission on Children and Youth. The Commission on Children and Youth shall complete initial appointments to the review boards no later than June 30, 1992.

C. Board members shall be appointed for a term of three (3) years. Members shall serve after the expiration of their terms until their respective successors shall have been appointed. Vacancies shall be filled for the duration of unexpired terms. The review board members shall be appointed according to the following guidelines:

1. One member shall be a person who has training or experience in issues concerning child welfare, or a person who has demonstrated an interest in children through voluntary community service or professional activities;

2. Whenever possible, at least one member of the board shall be an individual who has served as a foster parent, provided that no person on the review board shall participate as a board member in any review hearing in which the person is a party; and

3. No more than one person employed by any child welfare agency or juvenile court may be appointed to a board at the same time, provided such person shall not participate in any review hearing in which the person is professionally involved.

D. Each postadjudication review board shall annually elect a chair and shall notify the Commission on Children and Youth as to the name and address of the chair. A list of the members of each local board and its officers shall be filed with the Presiding Judge of the judicial district and each judge within the district having juvenile docket responsibility.

E. There shall be a rebuttable presumption that a person participating in a judicial proceeding as a postadjudication review board member or a postadjudication review advisory board or postadjudication review board coordinator is acting in good faith. When acting in good faith, a participant shall be immune from any civil liability that might otherwise be incurred or imposed. Each postadjudication review board shall meet as often as is necessary at a place it designates to carry out the duties of the board established by Section 1116.3 of this title. The review board shall meet at least twice annually. Each review board shall be subject to the provisions of the Oklahoma Open Meeting Act, except that the

actual case reviews shall be held in executive session; provided, however, that upon the request of the board, members or prospective members of other existing review boards, students or researchers may attend and observe but not participate in board hearings subject to restrictions and conditions imposed by the board. Members and employees of the State Postadjudication Review Advisory Board who are exercising their oversight responsibilities pursuant to Section 1116.6 of this title may attend and observe but not participate in board hearings. All parties shall maintain confidentiality, and the names of the children in placement shall not be published. Temporary ad hoc review boards may be created in counties in which there is no active review board. The Director of the Oklahoma Commission on Children and Youth may appoint active or alternate members of existing review boards to serve as members of local boards that are unable to meet quorum requirements and to temporarily constitute members of a new board where no current board exists. A member appointed to temporary service shall be fully qualified as provided by law, and such service shall terminate when the basis for the appointment is remedied or upon the order of the Director.

F. As a condition of membership thereto, members and alternates of the postadjudication review boards shall attend the next available orientation program after appointment to the board. Failure to attend an orientation program, at the discretion of the Commission on Children and Youth, may result in the removal of the board member. Members of postadjudication review boards shall attend the annual meeting or training programs or both such meeting and training programs as are authorized and directed by the Commission on Children and Youth.

G. Members of postadjudication review boards shall serve without compensation, but shall be reimbursed for travel and training expenses from monies appropriated by the Legislature for such purposes, as provided by the State Travel Reimbursement Act. The Commission on Children and Youth shall provide members of postadjudication review boards with necessary operating supplies and postage fees or members shall be reimbursed for these expenses.

H. The Commission on Children and Youth shall be responsible for developing procedures for the removal of a member from a postadjudication review board. The grounds for the removal of a postadjudication review board member shall include but not be limited to:

1. Failure to attend board meetings as required by the Commission on Children and Youth;
2. Engaging in illegal conduct involving moral turpitude;
3. Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; or
4. Wrongful disclosure of information as provided by Section 1116.4 of this title.

I. Necessary staff assistance required by the postadjudication review boards may be provided by the bailiff or bailiffs, or other person designated by the court, of the judges with juvenile docket responsibility in the judicial district. Upon the request of the presiding judge, the Chief Justice of the Supreme Court may authorize additional staff to be paid from local court funds to assist the review board.

The Administrative Director of the Courts may include such additional funding requests in the annual budget for the courts as are necessary to provide staff and administrative support for the review boards.

Added by Laws 1981, c. 289, § 4, eff. Oct. 1, 1981. Amended by Laws 1983, c. 113, § 3, eff. Nov. 1, 1983; Laws 1989, c. 339, § 2, emerg. eff. June 2, 1989; Laws 1991, c. 296, § 20, eff. Sept. 1, 1991; Laws 1992, c. 39, § 1, eff. Sept. 1, 1992; Laws 1993, c. 72, § 1, eff. July 1, 1993; Laws 2002, c. 445, § 2, eff. Nov. 1, 2002; Laws 2006, c. 124, § 1, eff. Nov. 1, 2006; Laws 2009, c. 198, § 1, eff. Nov. 1, 2009.

§10-1116.3. Advisory status of review boards - Duties and responsibilities.

A. Postadjudication review boards shall function in an advisory capacity to the district court and, in accordance with the provisions of subsection C of this section, the district planning and coordination boards for services to children and youth of the Oklahoma Commission on Children and Youth.

The duties of a review board shall be to:

1. Review the case of every adjudicated deprived child at least once every six (6) months and submit to the court within ten (10) days of any review hearing its findings and recommendations.
 - a. Such review shall include, but not be limited to, consideration and evaluation of:
 - (1) the appropriateness of the goals and objectives of the treatment and service plan,
 - (2) the appropriateness of the goals and objectives of the permanency plan and permanency planning, and
 - (3) the appropriateness of the services provided to the child, and to the parent, stepparent, or other adult living in the home of the child, or legal guardian, or custodian.
 - b. Reviews of cases and reports to the court shall be scheduled to ensure that the court receives the findings and recommendations of the review board prior to each regularly scheduled six-month review of the case by the court;
2. Review the case of every child alleged to be deprived and held in an out-of-home placement six (6) months after removal and

every six (6) months thereafter until adjudication occurs or the child is released from out-of-home placement and submit to the court within ten (10) days of any scheduled hearing its findings and recommendations. Such review shall include, but not be limited to, consideration and evaluation of:

- a. whether the continued out-of-home placement is in the best interests of the child in light of the child's need for permanency and recognizing that permanency is in the best interests of the child,
- b. the appropriateness of the continued out-of-home placement, and
- c. in the absence of a court-ordered treatment and service plan, the appropriateness of the services provided to the child and any family members or other adult living in the home of the child;

3. Review the case of every child adjudicated deprived pursuant to the laws of another state or territory, when the child is currently residing in Oklahoma and the Department of Human Services has been notified of the change of residence by the other state or territory and has agreed to provide services to the child pursuant to the Interstate Compact on the Placement of Children or other agreement concerning the child. The Department shall notify the proper review board of the location of the child and shall provide such review board with information received by the Department from the other state concerning the child or placement along with any reports made by the Department concerning the child or placement. The review board shall report its findings to the Department and may report such findings to the agency or court in the state having jurisdiction for the custody of the child. The child and the custodian of the child may be required to be present at the review board's meeting regarding the child;

4. If approved by the court, review the case of any juvenile adjudicated delinquent or in need of supervision. Such review shall include, but not be limited to, consideration and evaluation of:

- a. the appropriateness of the placement,
- b. the appropriateness of the services provided to the child and any family members or other adult living in the home of the child, and
- c. the appropriateness of the goals and objectives of the treatment and service plan; and

5. Forward copies of the findings and recommendations of the review board to the court having jurisdiction of the case, the parent, legal guardian, attorney representing the child, custodian of the child, agency supervising the case or legal custodian of the child and to any other interested party as determined by the court. It shall be the duty of the court clerk to ensure that all documents filed pertaining to the case of an adjudicated child are properly

noted and affixed in the file of the child prior to the commencement of the review process by the review board. The bailiff or bailiffs of the judges having juvenile docket responsibility within the district shall transmit the information necessary for the case reviews to the review board for that district.

B. The review board's report of its findings and recommendations shall be admitted into evidence in any dispositional hearing, and may be relied upon to the extent of its probative value, even though not competent for purposes of an adjudicatory hearing.

C. In addition to its reviewing function, a review board, as directed by the Oklahoma Commission on Children and Youth and in coordination with the district planning and coordination boards shall:

1. Promote and encourage all child placement agencies to maximize family stability and continuity for a child by discouraging unnecessary changes in placement and by recruiting persons to provide placement who may be suitable and willing to adopt;

2. Review the efforts of agencies and institutions to find permanent placement for eligible children and report to the court;

3. Encourage a meeting between the various responsible public and private agencies, institutions, and officers of the court in order to facilitate cooperation and coordination of efforts; and

4. Assess community resources, and develop, if not already available, a directory of responsible persons, agencies, and institutions.

D. A review board may solicit the attendance at its meetings of persons known to the board with information concerning the case of any child subject to its review. However, no employee of the Office of Juvenile Affairs shall be required to attend a review board meeting.

E. A review board shall report annually its findings, recommendations, and assessments of the effectiveness of sections of law pertaining to individual treatment plans, information to accompany deprived children placed outside the home, and dispositional orders and Sections 1116.2 through 1116.6 of this title to the Administrator of the Courts, the Supreme Court, to the court having jurisdiction of the case, to the State Postadjudication Review Advisory Board, and the Oklahoma Commission on Children and Youth and provide such other reports as deemed proper or that may be requested from time to time by the Oklahoma Commission on Children and Youth, the Governor, the Legislature, or the Supreme Court.

F. It shall be the duty of the court having jurisdiction of the case to acknowledge the receipt of the recommendations of the review board and note to the review board the actions of the court regarding the recommendations submitted by the review board.

G. A review board member may attend any court hearing concerning the case of any child subject to review by the board.

Added by Laws 1981, c. 289, § 5, eff. Oct. 1, 1981. Amended by Laws 1983, c. 113, § 4, eff. Nov. 1, 1983; Laws 1989, c. 339, § 3, emerg. eff. June 2, 1989; Laws 1991, c. 296, § 21, eff. Sept. 1, 1991; Laws 1992, c. 39, § 2, eff. Sept. 1, 1992; Laws 1993, c. 72, § 2, eff. July 1, 1993; Laws 1995, c. 352, § 195, eff. July 1, 1995; Laws 1996, c. 247, § 4, eff. July 1, 1996; Laws 1998, c. 416, § 6, eff. Nov. 1, 1998; Laws 1999, c. 396, § 6, emerg. eff. June 10, 1999; Laws 2002, c. 445, § 3, eff. Nov. 1, 2002.

§10-1116.4. Disclosure of certain information prohibited -
Exceptions.

No member of a postadjudication review board or staff member of such board may disclose any information regarding individual cases acquired from case reviews or be compelled to disclose such information except:

1. When such information pertains to criminal acts or violations of any law;
2. When the child was the victim of a crime. The members of the board or staff member of such board may be required by a court of competent jurisdiction to testify at any proceeding in which the commission of such a crime is the subject of inquiry; or
3. When the person waives the privilege by bringing charges against the board.

Nothing in this act shall be construed to prohibit any board member or staff member of such board from testifying in court hearings concerning matters of adoption, child abuse, child neglect, or matters pertaining to the welfare of children or from seeking collaboration or consultation with professional colleagues and administrative superiors on behalf of the child, parent or parents of the child.

Any person participating in a judicial proceeding as a postadjudication review board member shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any civil liability that otherwise might be incurred or imposed.

Added by Laws 1981, c. 289, § 6, eff. Oct. 1, 1981. Amended by Laws 1991, c. 296, § 22, eff. Sept. 1, 1991; Laws 1993, c. 72, § 3, eff. July 1, 1993; Laws 2001, c. 415, § 2, emerg. eff. June 5, 2001.

§10-1116.5. Repealed by Laws 1991, c. 296, § 32, eff. Sept. 1, 1991.

§10-1116.6. Postadjudication Review Advisory Board.

A. There is hereby created a State Postadjudication Review Advisory Board which shall meet at least twice each calendar year. The Advisory Board shall have the duty of overseeing the implementation of the state postadjudication review program in coordination with the Oklahoma Commission on Children and Youth.

B. The Advisory Board shall consist of twenty-one (21) members appointed by the Governor as follows:

1. Eight of the members shall be members of the various review boards throughout the state;
2. Five of the members shall be judges of the district court;
3. Five of the members shall represent the general public and may be foster parents;
4. One of the members appointed after the effective date of this act shall be a foster parent representing foster parents who have a current contract with the Department of Human Services to provide foster care services;
5. One of the members appointed after the effective date of this act shall be a foster parent representing child-placing agencies which have current contracts with the Department to provide foster care services; and
6. One of the members appointed after the effective date of this act shall be a foster parent nominated by any local or statewide foster parent association.

The members shall serve at the pleasure of the Governor. The administrative heads of the divisions which have foster care responsibilities within the Department of Human Services and the Office of Juvenile Affairs or their designees shall serve as ex officio members of the Board.

C. The Director of the Oklahoma Commission on Children and Youth shall be the clerk of the Advisory Board.

The Advisory Board shall have the duty to:

1. Assist in the training of the members of the review boards;
2. Serve, in coordination with the Oklahoma Commission on Children and Youth, as a clearinghouse for reports and information concerning the foster care review program and the review boards as they relate to foster care;
3. Make recommendations to the courts, the Oklahoma Commission on Children and Youth, the Governor, the Legislature, the Department of Human Services, the Office of Juvenile Affairs, and other state agencies providing services to children regarding proposed statutory revisions, and amendments to court rules and procedures, and review and make recommendations on permanency planning, foster care and child welfare service delivery policies, guidelines, and procedures;
4. Work with both public and private agencies concerned with foster care and adoption exchanges to inform the public of the need for temporary and permanent homes and other services needed by deprived children; and
5. Specifically:
 - a. identify, analyze, and recommend solutions to any issue concerning child welfare and foster care services within the child welfare delivery system,

- b. participate in the statewide planning and promotion of foster parent involvement in local planning for child welfare services, and
- c. develop recommendations concerning foster care training to improve the quality of foster care services.

D. The State Postadjudication Review Advisory Board may designate multidisciplinary committees on the local level to act as advocates for foster parents in order to assist in the resolution of specific complaints concerning foster care and to help facilitate the relationship between the Department of Human Services, the Office of Juvenile Affairs, child-placing agencies, and the foster parents.

E. The Oklahoma Commission on Children and Youth, with the assistance of the State Postadjudication Review Advisory Board, shall be responsible for developing and administering training procedures and rules for the administration of the state postadjudication review board system.

F. The State Postadjudication Review Advisory Board shall submit a report of the activities of the review boards, including the findings and recommendations of such review boards, to the Oklahoma Commission on Children and Youth on or before May 1 of each year.

G. The Oklahoma Commission on Children and Youth shall incorporate, as appropriate, the findings and recommendations of the review boards in the annual report required by Section 601.9 of this title.

Added by Laws 1983, c. 113, § 6, eff. Nov. 1, 1983. Amended by Laws 1986, c. 63, § 1, eff. Nov. 1, 1986; Laws 1991, c. 296, § 23, eff. Sept. 1, 1991; Laws 1993, c. 72, § 4, eff. July 1, 1993; Laws 1997, c. 389, § 1, eff. Nov. 1, 1997; Laws 1998, c. 364, § 6, emerg. eff. June 8, 1998; Laws 2002, c. 445, § 4, eff. Nov. 1, 2002.

§10-1117. Renumbered as § 7003-7.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1118. Renumbered as § 7003-6.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1119. Renumbered as § 7003-8.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1120. Renumbered as § 7003-5.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1121. Renumbered as § 7003-8.7 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1122. Renumbered as § 7003-8.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1123. Renumbered as § 7003-6.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1123.1. Renumbered as § 7003-6.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1123.2. Renumbered as § 7003-6.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1124. Renumbered as § 7003-8.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1125. Renumbered as § 7005-1.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1125.1. Renumbered as § 7005-1.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1125.2. Renumbered as § 7005-1.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1125.2A. Renumbered as § 7005-1.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1125.2B. Renumbered as § 7005-1.5 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1125.3. Renumbered as § 7307-1.6 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1125.4. Renumbered as § 7307-1.7 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1126. Renumbered as § 7003-8.6 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1127. Repealed by Laws 1991, c. 296, § 33, eff. January 1, 1992.

§10-1129. Renumbered as § 7001-1.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1130. Renumbered as § 7006-1.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1131. Renumbered as § 7006-1.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1132. Renumbered as § 7006-1.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1133. Renumbered as § 7006-1.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1134. Renumbered as § 7006-1.5 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1135. Repealed by Laws 1995, c. 352, § 202, eff. July 1, 1995, and by Laws 1997, c. 389, § 23, eff. Nov. 1, 1997.

§10-1135.1. Renumbered as § 7303-8.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1135.2. Renumbered as § 7004-1.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1136. Renumbered as § 7002-2.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1137. Renumbered as § 7302-5.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1138. Renumbered as § 7302-5.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1139. Renumbered as § 7302-5.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1140. Renumbered as § 7003-7.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1141. Renumbered as § 7302-5.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1142. Repealed by Laws 1995, c. 352, § 202, eff. July 1, 1995.

§10-1143. Renumbered as § 7303-8.6 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1144. Renumbered as § 858.3 of Title 21 by Laws 1995, c. 352, § 200, eff. July 1, 1995.

§10-1145. Renumbered as § 7002-2.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1146. Renumbered as § 7302-6.5 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1147. Renumbered as § 7003-4.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1148. Renumbered as § 7003-4.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1149. Renumbered as § 650.8 of Title 21 by Laws 1995, c. 352, § 200, eff. July 1, 1995.

§10-1150. Short title.

Sections 1 through 6 of this act shall be known and may be cited as the "Child Death Review Board Act".

Added by Laws 1991, c. 192, § 1, eff. Sept. 1, 1991.

§10-1150.1. Definitions.

As used in the Child Death Review Board Act:

1. "Board" means the Child Death Review Board;
2. "Child protection system" means public and private agencies, medical personnel, courts, law enforcement agencies and legal, education and social service professionals with responsibilities related to child abuse and neglect; and
3. "Commission" means the Oklahoma Commission on Children and Youth.

Added by Laws 1991, c. 192, § 2, eff. Sept. 1, 1991.

§10-1150.2. Child Death Review Board - Creation - Powers and duties - Meetings and discussions - Annual report.

A. There is hereby re-created until July 1, 2020, in accordance with the Oklahoma Sunset Law, the Child Death Review Board within the Oklahoma Commission on Children and Youth. The Board shall have the power and duty to:

1. Conduct case reviews of deaths and near deaths of children in this state;
2. Develop accurate statistical information and identification of deaths of children due to abuse and neglect;
3. Improve the ability to provide protective services to the surviving siblings of a child or children who die of abuse or neglect and who may be living in a dangerous environment;
4. Improve policies, procedures and practices within the agencies that serve children, including the child protection system;
5. Enter into agreements with local teams established by the Child Death Review Board to carry out such duties and responsibilities as the Child Death Review Board shall designate,

including reviewing cases assigned by the Board in the geographical area for that local team. The Oklahoma Commission on Children and Youth, with the advice of the Child Death Review Board, shall promulgate rules as necessary for the implementation and administration of the provisions of this paragraph; and

6. Enter into agreements with other state, local, or private entities as necessary to carry out the duties of the Child Death Review Board including, but not limited to, conducting joint reviews with the Domestic Violence Fatality Review Board on domestic violence cases involving child death or child near-death incidents.

B. In carrying out its duties and responsibilities the Board shall:

1. Establish criteria for cases involving the death or near death of a child subject to specific, in-depth review by the Board. As used in this section, the term "near death" means a child is in serious or critical condition, as certified by a physician, as a result of abuse or neglect;

2. Conduct a specific case review of those cases where the cause of death or near death is or may be related to abuse or neglect of a child;

3. Establish and maintain statistical information related to the deaths and near deaths of children including, but not limited to, demographic and medical diagnostic information;

4. Establish procedures for obtaining initial information regarding near deaths of children from the Department of Human Services and law enforcement agencies;

5. Review the policies, practices, and procedures of the child protection system and make specific recommendations to the entities comprising the child protection system for actions necessary for the improvement of the system;

6. Review the extent to which the state child protection system is coordinated with foster care and adoption programs and evaluate whether the state is efficiently discharging its child protection responsibilities under the federal Child Abuse Prevention and Treatment Act state plan;

7. As necessary and appropriate, for the protection of the siblings of a child who dies and whose siblings are deemed to be living in a dangerous environment, refer specific cases to the Department of Human Services or the appropriate district attorney for further investigation;

8. Request and obtain a copy of all records and reports pertaining to a child whose case is under review including, but not limited to:

- a. the report of the medical examiner,
- b. hospital records,
- c. school records,
- d. court records,

- e. prosecutorial records,
- f. local, state, and federal law enforcement records including, but not limited to, the Oklahoma State Bureau of Investigation (OSBI),
- g. fire department records,
- h. State Department of Health records, including birth certificate records,
- i. medical and dental records,
- j. Department of Mental Health and Substance Abuse Services and other mental health records,
- k. emergency medical service records,
- l. files of the Department of Human Services, and
- m. records in the possession of the Domestic Violence Fatality Review Board when conducting a joint review pursuant to paragraph 6 of subsection A of this section.

Confidential information provided to the Board shall be maintained by the Board in a confidential manner as otherwise required by state and federal law. Any person damaged by disclosure of such confidential information by the Board, its local boards or their members, not authorized by law, may maintain an action for damages, costs and attorney fees;

9. Maintain all confidential information, documents and records in possession of the Board as confidential and not subject to subpoena or discovery in any civil or criminal proceedings; provided, however, information, documents and records otherwise available from other sources shall not be exempt from subpoena or discovery through those sources solely because such information, documents and records were presented to or reviewed by the Board;

10. Conduct reviews of specific cases of deaths and near deaths of children and request the preparation of additional information and reports as determined to be necessary by the Board including, but not limited to, clinical summaries from treating physicians, chronologies of contact, and second-opinion autopsies;

11. Report, if recommended by a majority vote of the Board, to the President Pro Tempore of the Senate and the Speaker of the House of Representatives any gross neglect of duty by any state officer or state employee, or any problem within the child protective services system discovered by the Board while performing its duties;

12. Recommend, when appropriate, amendment of the cause or manner of death listed on the death certificate; and

13. Subject to the approval of the Oklahoma Commission on Children and Youth, exercise all incidental powers necessary and proper for the implementation and administration of the Child Death Review Board Act.

C. The review and discussion of individual cases of death or near death of a child shall be conducted in executive session and in

compliance with the confidentiality requirements of Section 1-6-102 of Title 10A of the Oklahoma Statutes. All other business shall be conducted in accordance with the provisions of the Oklahoma Open Meeting Act. All discussions of individual cases and any writings produced by or created for the Board in the course of its remedial measure and recommended by the Board, as the result of a review of an individual case of the death or near death of a child, shall be privileged and shall not be admissible in evidence in any proceeding. The Board shall periodically conduct meetings to discuss organization and business matters and any actions or recommendations aimed at improvement of the child protection system which shall be subject to the Oklahoma Open Meeting Act. Part of any meeting of the Board may be specifically designated as a business meeting of the Board subject to the Oklahoma Open Meeting Act.

D. 1. The Board shall submit an annual statistical report on the incidence and causes of death and near death of children in this state for which the Board has completed its review during the past calendar year, including its recommendations, to the Oklahoma Commission on Children and Youth on or before May 1 of each year. The Board shall also prepare and make available to the public, on an annual basis, a report containing a summary of the activities of the Board relating to the review of deaths and near deaths of children, the extent to which the state child protection system is coordinated with foster care and adoption programs, and an evaluation of whether the state is efficiently discharging its child protection responsibilities. The report shall be completed no later than December 31 of each year.

2. The Oklahoma Commission on Children and Youth shall review the report of the Board and, as appropriate, incorporate the findings and recommendations into the annual Commission report and the State Plan for Services to Children and Youth.

Added by Laws 1991, c. 192, § 3, eff. Sept. 1, 1991. Amended by Laws 1993, c. 195, § 1, eff. July 1, 1993; Laws 1994, c. 31, § 1; Laws 1995, c. 223, § 1, emerg. eff. May 23, 1995; Laws 1998, c. 416, § 3, eff. Nov. 1, 1998; Laws 2000, c. 27, § 1; Laws 2004, c. 421, § 6, emerg. eff. June 4, 2004; Laws 2006, c. 42, § 1; Laws 2008, c. 324, § 1, eff. July 1, 2008; Laws 2012, c. 69, § 1; Laws 2014, c. 63, § 1. NOTE: Laws 1998, c. 364, § 7 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999.

§10-1150.2a. Production of documents - Subpoena.

A. In any investigation relating to the functions of the Child Death Review Board pursuant to Section 1150.2 of Title 10 of the Oklahoma Statutes, the Director of the Oklahoma Commission on Children and Youth, if recommended and approved by the Child Death Review Board and the legal counsel for the Governor, may require the production of, by subpoena, any records, including books, papers,

documents, and other tangible things which constitute or contain evidence which the Board finds relevant or material to the investigation, if the Board has been unable to obtain the necessary information by requesting it. The production of records may be required from any place in the state to be forwarded to the Child Death Review Board. Reasonable copying fees shall be paid upon request.

B. Compliance with the subpoena may be accomplished by:

1. Producing documents, as requested; or
2. Notifying the Board, in writing, of refusal to produce documents, within ten (10) days of the date of service.

The subpoena form shall clearly set forth the optional means of compliance including instructions for sending written notice of refusal.

C. A subpoena issued pursuant to this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to the person. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

D. In the case of refusal to obey a subpoena issued to any person, the Director of the Oklahoma Commission on Children and Youth may invoke the aid of any district court of the state within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which such person conducts business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Director to produce records, if so ordered. Any failure to obey the order of the court may be punished by the court as an indirect contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

E. The district court of the county wherein the subpoena is served may quash a subpoena issued pursuant to this section upon a motion to quash the subpoena filed with the court by the party to whom the subpoena is issued.

Added by Laws 1998, c. 416, § 4, eff. Nov. 1, 1998.

§10-1150.3. Board - Membership - Officers - Meetings - Compensation - Administrative assistance and services.

A. The Child Death Review Board shall be composed of twenty-seven (27) members, or their designees, as follows:

1. Fourteen of the members shall be:

- a. the Chief Medical Examiner,
- b. the Director of the Department of Human Services, or a designee, provided the designee shall be a person assigned to the Child Welfare Division of the Department,
- c. the State Commissioner of Health,
- d. the Director of the Office of Child Abuse Prevention,
- e. the Director of the Oklahoma Commission on Children and Youth,
- f. the Chief Child Abuse Medical Examiner,
- g. the Chief of Maternal and Child Health Services of the State Department of Health,
- h. the Commissioner of Mental Health and Substance Abuse Services,
- i. the Chair of the Child Protection Committee of the Children's Hospital of Oklahoma,
- j. the Director of the Office of Juvenile Affairs,
- k. the Chief of Injury Prevention Services of the State Department of Health,
- l. the State Epidemiologist of the State Department of Health,
- m. the Director of the Oklahoma State Bureau of Investigation, and
- n. the Chief Executive Officer of the Oklahoma Health Care Authority; and

2. Thirteen of the members shall be appointed by the Director of the Oklahoma Commission on Children and Youth, shall serve for terms of two (2) years, and shall be eligible for reappointment. The members shall be persons having training and experience in matters related to the abuse or neglect of a child. The appointed members shall include:

- a. a law enforcement officer selected from lists submitted by the executive boards of organizations representing sheriffs and peace officers in this state,
- b. an attorney licensed in this state who is in private practice selected from a list submitted by the executive board of the Oklahoma Bar Association,
- c. a district attorney selected from a list submitted by the District Attorney's Council,
- d. a physician selected from lists submitted by statewide organizations representing physicians in this state,
- e. a physician selected from lists submitted by statewide organizations representing osteopathic physicians in this state,
- f. a member of the State Post-Adjudication Review Advisory Board,

- g. a social worker selected from a list submitted by each organization representing social workers,
- h. an individual selected from lists submitted by Oklahoma court-appointed special advocate associations,
- i. a psychologist selected from lists submitted by Oklahoma psychological associations,
- j. a member of a Native American Tribe involved in the area of protection of Native American children selected from a list submitted by the Oklahoma Indian Affairs Commission,
- k. an individual selected from lists submitted by Oklahoma coalitions or associations against domestic violence and sexual assault,
- l. a pediatric physician selected from lists submitted by organizations of pediatric physicians or osteopaths, and
- m. a member of an emergency medical technicians association.

B. Every two (2) years the Board shall elect from among its membership a chair and a vice-chair. The Board shall meet at least quarterly and may meet more frequently as necessary as determined by the chair. Members shall serve without compensation but may be reimbursed for necessary travel out of funds available to the Commission pursuant to the State Travel Reimbursement Act; provided, that the reimbursement shall be paid in the case of state employee members by the agency employing the member.

C. With funds appropriated or otherwise available for that purpose, the Commission shall provide administrative assistance and services to the Child Death Review Board.
 Added by Laws 1991, c. 192, § 4, eff. Sept. 1, 1991. Amended by Laws 1993, c. 195, § 2, eff. July 1, 1993; Laws 1995, c. 223, § 2, emerg. eff. May 23, 1995; Laws 1999, c. 30, § 1, eff. Nov. 1, 1999; Laws 2004, c. 421, § 7, emerg. eff. June 4, 2004.

§10-1150.4. Chief Medical Examiner - Monthly death reports - Review of child death certificates - Requests for information.

A. Beginning November 1, 1991, the Director of the Bureau of Vital Statistics shall forward to the Office of the Chief Medical Examiner on a monthly basis copies of all death certificates of persons under eighteen (18) years of age received by the Bureau of Vital Statistics during the preceding month.

B. The Office of Chief Medical Examiner shall conduct an initial review of child death certificates in accordance with the criteria established by the Child Death Review Board and refer to the Board those cases that meet the criteria established by the Board for specific case review.

C. Upon the request of the Board, every entity within the child protection system shall provide to the Board any information requested by the Board.

Laws 1991, c. 192, § 5, eff. Sept. 1, 1991.

§10-1150.5. Repealed by Laws 1993, c. 195, § 5, eff. July 1, 1993.

§10-1150.6. Child maltreatment medical review.

A. Beginning November 1, 2019, and subject to the availability of funds, the Director of the Bureau of Vital Statistics shall, within seventy-two (72) hours of receipt of notice of any child death, forward the name, date of birth, date of death and other identifying information about the child who has died to the Oklahoma Commission on Children and Youth. The Commission shall submit the information for a child maltreatment medical review to a child abuse examiner or a child abuse pediatrician in the state.

B. The findings of the child maltreatment medical review shall be reported to the Oklahoma Commission on Children and Youth, the Department of Human Services, the law enforcement agency and the child advocacy center or child abuse multidisciplinary team where the suspected maltreatment occurred and the Child Death Review Board. The findings of the child maltreatment medical review shall be considered prior to closing an investigation or assessment conducted by the Department of Human Services related to the child death.

C. Subject to the availability of funds, the Commission may provide stipends to child abuse examiners who perform child maltreatment medical reviews and report their findings pursuant to this section.

D. As used in this section, "child maltreatment medical review" means a review of information by a child abuse examiner about suspected child maltreatment with the intent to determine if maltreatment occurred. The review of information may include, but is not limited to, information obtained from law enforcement agencies, the Department of Human Services, medical records, forensic interviews and other relevant information.

Added by Laws 2019, c. 199, § 2, eff. July 1, 2019.

§10-1160.1. Renumbered as § 7302-9.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1160.2. Renumbered as § 7302-9.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1160.3. Renumbered as § 7302-9.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1160.4. Renumbered as § 7302-9.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1160.5. Renumbered as § 7302-9.5 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1160.6. Renumbered as § 7302-9.6 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1161.1. Repealed by Laws 1994, c. 100, § 2, eff. Sept. 1, 1994 and Laws 1994, c. 290, § 75.

§10-1161.2. Repealed by Laws 1994, c. 100, § 2, eff. Sept. 1, 1994 and Laws 1994, c. 290, § 75.

§10-1201. Renumbered as § 7305-1.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1202. Renumbered as § 7305-1.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1203. Renumbered as § 7305-1.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1204. Renumbered as § 7305-1.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1205. Renumbered as § 7305-1.5 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1206. Renumbered as § 7305-1.6 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1207. Renumbered as § 7305-1.7 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1208. Renumbered as § 7305-1.8 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1209. Renumbered as § 7305-1.9 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1210. Renumbered as § 7305-1.10 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1211. Renumbered as § 1-8-101 of Title 10A by Laws 2009, c. 233, § 287, emerg. eff. May 21, 2009.

§10-1401. Renumbered as § 7302-6.6 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1403. Renumbered as § 7004-3.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1403.1. Renumbered as § 7004-3.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1403.2. Renumbered as § 7004-3.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1403.3. Renumbered as 7004-3.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1403.4. Repealed by Laws 1995, c. 352, § 202, eff. July 1, 1995.

§10-1404. Renumbered as § 7004-1.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1404.1. Renumbered as § 7302-8.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1405. Renumbered as § 7002-3.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1406. Northern Oklahoma Resource Center of Enid, Southern Oklahoma Resource Center of Pauls Valley, Hissom Memorial Center - Transfer to Public Welfare Commission - Department of Mental Health and Substance Abuse Services.

A. The Northern Oklahoma Resource Center of Enid, located at Enid, Oklahoma, the Southern Oklahoma Resource Center of Pauls Valley, located at Pauls Valley, Oklahoma, and the Hissom Memorial Center, located at Sand Springs, Oklahoma, are hereby transferred from the Board of Mental Health and Substance Abuse Services and the Department of Mental Health and Substance Abuse Services to the Oklahoma Public Welfare Commission. The Department of Mental Health and Mental Retardation shall hereafter be known as the Department of Mental Health and Substance Abuse Services.

B. Whenever the term "Enid State School" appears in the Constitution of Oklahoma or the Oklahoma Statutes, it shall mean the Northern Oklahoma Resource Center of Enid.

C. Whenever the term "Pauls Valley State School" appears in the Constitution of Oklahoma or the Oklahoma Statutes, it shall mean the Southern Oklahoma Resource Center of Pauls Valley.

Laws 1963, c. 37, § 1, eff. July 1, 1963. Renumbered from Title 56, § 301 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982. Amended by Laws 1990, c. 51, § 11, emerg. eff. April 9, 1990; Laws 1992, c. 307, § 2, eff. July 1, 1992.

§10-1407. Renumbered as § 7302-6.7 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1408. Definitions.

A. "Individual with intellectual disability" as used in Sections 1406 through 1424 of this title means a person who has significantly subaverage functioning, intelligence quotient of less than seventy (70), manifested before the age of eighteen (18) and existing concurrently with related limitations in two or more of the following applicable adaptive skill areas:

1. Communication;
2. Self-care;
3. Home living;
4. Social skills;
5. Use of community resources;
6. Self-direction;
7. Health and safety;
8. Functional academics;
9. Leisure; and
10. Work.

B. "Resident" as used in Sections 1406 through 1424 of this title shall mean a person admitted to and in residence in any of the institutions named in Section 1406 of this title, or on a vacation or extended vacation status from such institution.

C. "Developmental disability" as used in Sections 1406 through 1424 of this title means a severe, chronic disability of a person which:

1. Is attributable to a mental or physical impairment or combination of mental and physical impairments, such as intellectual developmental disorder, cerebral palsy, or autism;
2. Is manifested before the person attains twenty-two (22) years of age;
3. Is likely to continue indefinitely;
4. Results in substantial functional limitations in three or more of the following areas of major life activity:
 - a. self-care,
 - b. receptive and expressive language,
 - c. learning,
 - d. mobility,
 - e. self-direction,
 - f. capacity for independent living, and
 - g. economic self-sufficiency; and

5. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated. The term developmental disability shall not include mentally ill persons, as those persons are defined by Section 1-103 of Title 43A of the Oklahoma Statutes, whose sole disability is mental illness.

D. Nothing in subsection C of this section shall be construed to render persons who are receiving services upon September 1, 1991, through programs and services for individuals with intellectual disabilities offered by the Department of Human Services as ineligible for such services. The Department of Human Services may provide, within the limitations of funds and other resources available for such purpose, programs and services for persons with developmental disabilities who are not presently served by the Department of Human Services.

Added by Laws 1963, c. 37, § 2, eff. July 1, 1963. Renumbered from § 302 of Title 56 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982. Amended by Laws 1983, c. 128, § 2, operative July 1, 1983; Laws 1991, c. 210, § 1, eff. Sept. 1, 1991; Laws 2004, c. 106, § 1, eff. April 1, 2005; Laws 2019, c. 475, § 1, eff. Nov. 1, 2019.

§10-1409. Transfer of powers and duties.

All powers and duties relating to the Northern Oklahoma Resource Center of Enid, the Southern Oklahoma Resource Center of Pauls Valley, and the Hissom Memorial Center formerly vested in the Mental Health Board, the Director of Mental Health, or in the Department of Mental Health and Substance Abuse Services are hereby transferred to the Commission for Human Services and the Oklahoma Department of Human Services.

Laws 1963, c. 37, § 3, eff. July 1, 1963. Renumbered from Title 56, § 303 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982. Amended by Laws 1990, c. 51, § 12, emerg. eff. April 9, 1990; Laws 1992, c. 307, § 3, eff. July 1, 1992.

§10-1410. Personal properties - Contracts and leases - Unexpended funds.

(a) All personal properties, records, equipment, and supplies now owned and in use by the above-named institutions shall be transferred to and become the property of the Department of Human Services.

(b) All contracts, leases, and other such agreements as may have been entered into by the Board of Mental Health and Substance Abuse Services or any of its agents, relative to the institutions referred to in Section 1406 of this title and such duties and responsibilities as are in effect on July 1, 1963, shall be assumed by and become binding upon the Department of Human Services.

(c) All unexpended funds to the credit of the above-named institutions and all unexpended appropriations for such institutions shall be transferred by the State Treasurer to the Department of Human Services and placed in a separate fund. The fund shall be known as the "Fund for Intellectual Disabilities". Added by Laws 1963, c. 37, § 4, eff. July 1, 1963. Renumbered from § 304 of Title 56 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982. Amended by Laws 1990, c. 51, § 13, emerg. eff. April 9, 1990; Laws 2019, c. 475, § 2, eff. Nov. 1, 2019.

§10-1411. Rules and regulations - Repair of buildings - Federal funds - Superintendents and other personnel - Expenditure of funds.

(a) The Director of Human Services is authorized and directed to promulgate and adopt all rules and regulations necessary to carry out the provisions of Section 1406 et seq. of this title.

(b) The Director shall establish and maintain such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis) as are necessary for the proper and efficient administration of the programs and institutions named in Section 1406 of this title; shall maintain records and prepare reports; shall prescribe a uniform accounting system; and shall exercise any other powers necessary to carry out the provisions of Section 1406 et seq. of this title.

(c) The Director may provide for the repair, alterations, or remodeling of any existing building at the above-named institutions, or at any other institution under its jurisdiction, necessary for the proper and efficient administration and to conserve the properties and the state's investment in such properties. Funds available for operating expenses and revolving funds of institutions under the control of the Department may be used for such purposes, and may also be expended for land and other capital outlay, whenever the Department finds the same is needed for the proper discharge of its responsibilities. Any county may convey to the State of Oklahoma, for the use of any such institution, land owned but not needed by the county; and such conveyance may be made without consideration, appraisal, advertisement for bids, or offer to the highest bidder, if the board of county commissioners determines that the same will not be to the detriment of the county.

(d) The Department is authorized to receive grants of federal funds for the purpose of combating or preventing intellectual disabilities, including but not limited to funds for the treatment, care, rehabilitation, or training of individuals with intellectual disabilities, or for the establishment or expansion of any programs or facilities or research projects relating to individuals with intellectual disabilities, or for construction of research centers and facilities for individuals with intellectual disabilities, and is authorized to cooperate in any reasonable manner with the federal

agency or agencies granting such federal funds for such purposes, including compliance with any conditions prescribed by federal authorities for the granting of such funds. The Department may serve as the sole designated state agency for receiving, disbursing, or administering federal funds for any of the aforesaid purposes, provided federal law requires such an agency and the Department is eligible to be such an agency under federal law. Provided, however, that this section shall not prevent any other agency from receiving, disbursing, or administering federal grants for any of the aforesaid purposes, if authorized or required by federal law.

(e) The Department shall establish the duties and fix the compensation of the superintendent and other personnel needed at each of the institutions referred to in Section 1406 of this title. Appointments to all such positions shall be made by the Director.

(f) The Director shall have authority to provide for the expenditure of all funds for the administration and operations of the institutions specified in Section 1406 of this title and for a compliance with the provisions of Section 1406 et seq. of this title. Added by Laws 1963, c. 37, § 5, eff. July 1, 1963. Renumbered from § 305 of Title 56 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982. Amended by Laws 2019, c. 475, § 3, eff. Nov. 1, 2019.

§10-1411.1. Developmental Disabilities Services Division - Periodic reports.

A. Beginning January 1, 1999, and on January 1 each year thereafter, the Department of Human Services shall submit to the Governor and the Legislature an annual report of the administrative activities of the Developmental Disabilities Services Division. The report shall include a clear and complete description of the administrative procedures utilized by the Developmental Disabilities Services Division including, but not limited to:

1. Accounting and budgeting practices;
2. Client statistical data gathering and management;
3. Data processing procedures;
4. Development and maintenance of program service plans;
5. Provide contracting and evaluation procedures;
6. Incorporation of advisory committee assessment

recommendations; and

7. Any other area of activity that is not related to direct delivery of services to applicants and clients.

B. The report shall also include, but not be limited to, previous year performance data on:

1. The number of clients:
 - a. who applied for service,
 - b. accepted for service,
 - c. for whom plans for service were approved or denied,

- d. receiving services by classification of service objective, and
 - e. who were provided a type of service that differed from the objective contained in the client's service plan;
2. The cost of services;
 3. The total cost for clients who received services;
 4. The average cost and percentile cost distribution of purchased services for all clients served; and
 5. a. The average cost for all clients who received:
 - (1) at least eight hours of care,
 - (2) between eight and sixteen hours of care, and
 - (3) between sixteen and twenty-four hours of care.
 - b. In determining such averages, the Department shall include, but not be limited to, the following costs:
 - (1) laboratory and x-ray services,
 - (2) dental services,
 - (3) occupational therapy,
 - (4) speech therapy,
 - (5) physical therapy,
 - (6) doctor services,
 - (7) nursing services,
 - (8) hospitalization,
 - (9) optometry services,
 - (10) housing services,
 - (11) utilities,
 - (12) food,
 - (13) transportation,
 - (14) clothing, and
 - (15) administrative costs of providing such services.

C. Beginning January 1, 1999, and on or before January 1 each year thereafter, the Department shall prepare a report outlining the Department's two-year plan for providing individualized services to clients with developmental disabilities. The report shall include any new federal mandates and an estimate of any costs associated with such mandates, and recommendations for any needed statutory or constitutional changes. The Commission for Human Services shall review, amend if necessary and approve the report. The Department shall transmit the approved report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

Added by Laws 1998, c. 390, § 1, eff. Nov. 1, 1998.

§10-1411.2. Developmental Disabilities Services Division waiting list - Voucher waiver program.

Subject to the availability of funds, the Developmental Disabilities Services Division (DDSD) of the Department of Human Services shall, within six (6) months of the effective date of this

act, design and implement a voucher waiver program to serve persons on the DDS waiting list. The purpose of the voucher waiver program shall be to facilitate and support the service choices made by the client and the parent or guardian of the client and shall include, but not be limited to:

1. A service determination process which takes into account whether services exist and are available and accessible to the client, including, but not limited to:

- a. respite care,
- b. physical therapy,
- c. occupational therapy,
- d. speech therapy,
- e. vocational services,
- f. habilitation training services,
- g. dental services,
- h. psychological services,
- i. nutritional services,
- j. nursing services,
- k. Early and Periodic Screening Diagnosis and Treatment (EPSDT) Services,
- l. medical services,
- m. transportation services, and
- n. pharmacy services;

2. The provision of services through any public or private intermediate care facility; and

3. A system for the identification and payment of service providers, including fiscal intermediaries.

Added by Laws 1998, c. 390, § 2, eff. Nov. 1, 1998.

§10-1412. Advisory committee.

A. The Director of Human Services, who shall not be removed from office, except for cause, subject to the approval of the Commission for Human Services, shall appoint an advisory committee to advise the Commission and Director on matters relating to service delivery for persons with developmental disabilities.

B. Such advisory committee shall include among its members representatives of state agencies and persons representative of professional, civic, or other public or nonprofit private agencies, organizations, or groups concerned with services needed by persons with developmental disabilities, including the parent-guardian association of the Northern Oklahoma Resource Center of Enid, the Southern Oklahoma Resource Center of Pauls Valley, and families of individuals receiving services from the Developmental Disabilities Services Division of the Department of Human Services.

Added by Laws 1963, c. 37, § 6, eff. July 1, 1963. Renumbered from Title 56, § 306 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982.

Amended by Laws 1992, c. 307, § 4, eff. July 1, 1992; Laws 1997, c. 407, § 1, eff. Nov. 1, 1997.

§10-1413. Transfer of pupils.

The Commission is authorized to transfer any pupil or pupils from any institution referred to in Section 1406 of this title to any other of such institutions, or to any institution within the Department of Mental Health and Substance Abuse Services, with the consent of the Director of Mental Health and Substance Abuse Services when it determines that such pupil or pupils are in need of treatment at such institution.

Laws 1963, c. 37, § 9, eff. July 1, 1963. Renumbered from Title 56, § 309 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982. Amended by Laws 1990, c. 51, § 14, emerg. eff. April 9, 1990.

§10-1414. Admission of individuals with intellectual disability - Applications - Release.

A. 1. Individuals with intellectual disability who are legal residents of this state and who have a mental age not above that of the average nine-year-old child, as determined by psychological examination, may be admitted to an institution named in Section 1406 of this title or provided community services, if available, on a voluntary basis only upon written application to the Director on forms provided for such purpose. Other individuals with intellectual disability who are residents of this state and who are above such mental age may be admitted or provided community services, on a voluntary basis only, upon recommendation of the superintendent of the institution and approval of the Director.

2. The application shall be signed by any parent having legal custody of such person, a guardian appointed by a court, or other legal custodian of such person.

3. The psychological examination provided for in this section shall be on forms provided by the Department and must be completed before an application can be approved and the applicant admitted to the institution.

B. Release of a resident of any of the institutions named in Section 1406 of this title shall be subject to such reasonable rules and conditions as may be prescribed by the Director of Human Services and shall be made only to the parent, guardian appointed by a court, or legal custodian of the resident; provided, however, a resident eighteen (18) years of age or older who has not been found by a court to be incompetent or incapacitated may request and obtain such person's own release.

Added by Laws 1963, c. 37, § 10, eff. July 1, 1963. Renumbered from § 310 of Title 56 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982. Amended by Laws 1983, c. 128, § 3, operative July 1, 1983;

Laws 1997, c. 407, § 2, eff. Nov. 1, 1997; Laws 2019, c. 475, § 4, eff. Nov. 1, 2019.

§10-1414.1. Greer Center Facility - Admission guidelines and procedures.

A. In addition to the admissions requirements of Section 1414 of this title, the Greer Center Facility located on the grounds of the Northern Oklahoma Resource Center of Enid in Enid, Oklahoma, shall be established as a separate entity from the Northern Oklahoma Resource Center of Enid and further shall provide for the admission of persons who have been dually diagnosed as follows:

1. Primary diagnosis of an intellectual disability by a psychologist, physician or psychiatrist. The diagnosis shall be in accordance with any statutory requirements and shall include intellectual evaluation, adaptive behavior evaluation, and evidence that the disability occurred within the developmental period. Preference shall be given for those individuals whose disability level falls within the mild and moderate ranges; and

2. Secondarily, clinical evidence of behavioral or emotional problems pursuant to a formal, written evaluation by a psychologist, psychiatrist or physician describing the nature of the problem, the frequency of occurrence of the problem, any prior treatment efforts and reasons why the applicant cannot receive appropriate treatment in the applicant's current environment and a secondary diagnosis of mental illness in accordance with the Diagnostic and Statistical Manual of Mental Disorders, as revised and published by the American Psychiatric Association.

B. A person shall not be considered for voluntary admission into the Greer Center Facility unless it can be clinically demonstrated that the behavior of the person does not pose an unreasonable risk of injury, death or sexual assault to others or an unreasonable risk of injury or death to self. Persons considered for admission shall not be considered by a psychologist, psychiatrist, or physician as homicidal or suicidal and shall not have exhibited homicidal or suicidal tendencies for six (6) months prior to application for admission.

C. An applicant who requires skilled nursing care shall not be admitted to the Greer Center Facility. Applicants having a medical condition which is degenerative in nature that will require skilled nursing shall be considered on a case-by-case basis to ensure that sufficient staff is available to ensure quality of care. If an applicant has any existing medical or surgical condition that is correctable, the condition shall be remedied by the referring facility before admission to the Greer Center Facility is considered.

D. Any person seeking admission to the Greer Center Facility for treatment who qualifies under subsection A of this section, subject to the availability of space, shall be admitted. All persons

admitted to the Greer Center Facility shall submit to the director of the Greer Center Facility a referral packet that contains at a minimum, the following information or records:

1. Results of a current physical exam;
2. Recent physician orders and progress notes for up to one (1) year, if available;
3. Recent nursing notes for up to one (1) year, if available;
4. Fact sheet (medical records);
5. Legal papers, including, but not limited to, birth certificate, marriage certificate and guardianship;
6. Social history, with a recent social evaluation or update within one (1) year;
7. Psychological exam administered or updated within ninety (90) days of referral;
8. Dental records;
9. Immunization record;
10. Multidisciplinary progress notes for up to one (1) year, if available;
11. Medical and medication history; and
12. Individual Habilitation Plan or Care Plan, if available.

E. The Greer Center Admissions Committee shall consist of a representative from the Greer Center Facility, and other representatives selected by the Director of the Department of Human Services. The Committee shall make decisions regarding admissions to the programs of the Greer Center Facility. The Committee may request additional information concerning an applicant from the referring agency or participation by referring agency personnel as necessary.

F. Persons entering the Greer Center Facility shall receive a comprehensive evaluation of their intellectual functioning, adaptive behavior skills, and mental health status, and shall receive a continuous active treatment program, which includes aggressive, consistent implementation of a program of specialized and generic training, treatment, health services and related services. The evaluation and assessment shall be completed within thirty (30) days of admission to the Greer Center Facility.

G. After the evaluation and assessment by the Greer Center Facility, staff shall present the referral packet of the individual and their findings to the Greer Center Admissions Committee with a recommendation for continued admission or alternate treatment.

1. The Greer Center Admissions Committee shall:
 - a. make decisions regarding continued admission, and
 - b. notify the Department of Human Services, and the referring agency in writing, stating specifically the decisions of the Committee regarding admission, including specific reasons for denial of admission.
2. If admission of an applicant is not continued at the Greer Center Facility after undergoing the evaluation process, the

referring agency shall reimburse the Department of Human Services for the number of bed days used at the Medicaid rate for that unit. If admission of an applicant is continued, the applicant shall be certified for Medicaid reimbursement from the initial date of admission.

H. Individuals who have been admitted and served by the Greer Center Facility shall be eligible for readmission services on the same basis as an individual initially seeking services.

I. In addition to other discharge procedures and requirements provided by law, the interdisciplinary team of the Greer Center Facility shall have recommended discharge based upon a determination that the mental or physical condition of the individual prevents the individual from receiving appropriate services at the Greer Center Facility or that the individual has made progress in behavioral and emotional habilitation goals such that the individual no longer requires the specialized resources at the Greer Center Facility, and may function in a less restrictive setting.

J. A referral to discharge is made to the Greer Center Discharge Committee, and the final decision to discharge is made by the Greer Center Discharge Committee.

K. The Greer Center Discharge Committee shall:

1. Consist of a representative from the Greer Center Facility and representatives selected by the Director of the Department of Human Services; and

2. Review the discharge referral and related materials to ensure that the individual can safely reside in a less restrictive setting with appropriate supports.

L. The Director of Human Services is authorized and hereby directed to promulgate and amend rules necessary to implement the provisions of this section.

Added by Laws 1990, c. 211, § 3, eff. Sept. 1, 1990. Amended by Laws 1991, c. 300, § 16, operative July 1, 1991; Laws 1992, c. 307, § 5, eff. July 1, 1992; Laws 1997, c. 407, § 3, eff. Nov. 1, 1997; Laws 2007, c. 9, § 1, eff. Nov. 1, 2007; Laws 2019, c. 475, § 5, eff. Nov. 1, 2019.

§10-1415. Placement in institution for individuals with intellectual disability not to abrogate parental rights - Guardians - Assessment of competency.

A. The voluntary placement of a child in an institution for individuals with intellectual disabilities by the child's parents shall not, by itself, abrogate the rights and authority of the parents.

B. 1. Except as otherwise provided in this paragraph, no later than January 1, 1988, all residents of the institutions specified in Section 1406 of this title and all residents of other residential facilities for individuals with intellectual disabilities operated by

the Department of Human Services who are eighteen (18) years of age or older shall have a guardian appointed by a court. A guardian shall not be required for a resident of the institution eighteen (18) years of age or older for whom a guardian is not recommended as provided in subsection C of this section or who has not been found to be incompetent or incapacitated by the court.

2. The guardian shall be the parent of the resident or a relative or other adult person appointed by a court to be the guardian of the resident or former resident. A parent whose parental rights have not been terminated by a court, and who is otherwise qualified to serve as guardian, shall have first priority for appointment as guardian. If a parent is not available or willing to serve, a relative who is otherwise qualified to serve as guardian shall have next priority for appointment as guardian.

3. The guardian shall not be the superintendent or other employee of the institution or residential facility in which the person resides or an employee of the Department of Human Services, except where the superintendent or employee is also the parent or relative of the resident or former resident. A superintendent may serve as guardian ad litem as provided in subsection D of this section.

C. 1. An assessment of the competency of a resident of an institution or residential facility for individuals with intellectual disabilities operated by the Department shall be completed within six (6) months:

- a. prior to the eighteenth birthday of the resident,
- b. after institutionalization if the resident is an adult at the time of institutionalization, or
- c. after June 30, 1987, if the resident is an adult who was institutionalized prior to June 30, 1987, and for whom no competency assessment has been performed or no guardian appointed.

2. The assessment shall be made by a panel composed of the resident's social worker, the attending physician of the resident, and a licensed psychiatrist or licensed psychologist with training and experience in the area of intellectual and developmental disabilities. The panel shall make a recommendation to the superintendent as to whether or not the condition of the resident is such that appointment of a guardian is warranted. Upon the finding by the panel that appointment of a guardian is warranted, the superintendent shall initiate guardianship proceedings.

D. If the parents or other relative of the resident are unable to serve as guardian or cannot be located, the Department may in a guardianship proceeding request the court to appoint a guardian ad litem until such time as a guardian is appointed by a court. If the court is satisfied, after inquiry into the matter, that a parent or

other relative qualified and willing to serve as guardian cannot with due diligence be located, the court may appoint a guardian ad litem.

1. The court may appoint as guardian ad litem:
 - a. a qualified relative or other adult person, or
 - b. a public guardian if available, or
 - c. the superintendent of the facility in which the resident resides.

In all cases, a qualified relative or other qualified adult shall have priority over the Department of Human Services for appointment as a guardian.

2. The appointment of a guardian ad litem shall be as guardian ad litem of the person only of the resident, and the court shall set forth in its appointment order the specific powers and duties of the guardian ad litem. The guardian ad litem shall not change the place of residence of the resident unless authorized by the court.

3. The guardian ad litem may serve without bond.

E. The Department of Human Services may provide assistance to residents and former residents of the institutions named in Section 1406 of this title as necessary to assure compliance with the requirements of subsection B of this section, including filing a petition to have a guardian of the person appointed for the resident.

F. The superintendent of the institution shall have the custody of any resident during the time the resident remains in the institution and shall be responsible for the care, treatment, and education of the resident during the time the resident remains in the institution.

Added by Laws 1963, c. 37, § 11, eff. July 1, 1963. Renumbered from § 311 of Title 56 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982. Amended by Laws 1983, c. 128, § 4, operative July 1, 1983; Laws 1987, c. 195, § 1, emerg. eff. June 30, 1987; Laws 2019, c. 475, § 6, eff. Nov. 1, 2019.

§10-1415.1. Clinical records - Ombudsman program - Periodic evaluation - Residential placement - Reports of psychotropic medications.

A. 1. All institutions named in Section 1406 of this title within the Department of Human Services, which are established primarily for the purpose of caring for individuals with intellectual disabilities, shall maintain an adequate clinical record of each resident. Such record shall contain initial social, psychological, and medical evaluation results, as well as interval reports of the resident's condition, the treatment and training prescribed, and the progress shown.

2. The Director of Human Services shall establish an ombudsman program for each of the institutions and residential facilities for individuals with intellectual disabilities operated by the Department, which shall include, but not be limited to, an appeals

procedure for the resolution of grievances or complaints of the residents of the institutions and facilities and the grievances or complaints of the parents or the court-appointed guardians of the residents.

B. The educational and physical capabilities of each resident shall be assessed at least one time each year by appropriate professional personnel for the purpose of determining such further treatment or training as may be required. A report of the findings and recommendations of such assessments shall be filed in the clinical record of the resident. Failure on the part of the superintendent of the institution to institute a policy of annual evaluations, if sufficient personnel are available, shall constitute dereliction of duty.

C. When annual evaluations of a resident reflect improvement in social or physical capabilities sufficient enough to permit the resident to be released from the institution, either completely or conditionally, the superintendent shall return such resident to the resident's immediate family, or shall provide assistance for the placement of the resident in some other appropriate residential setting.

D. 1. The Department of Human Services may enter into contracts for the development of residential settings and attendant community services prior to the release of the resident.

2. The Department shall establish procedures which specify the conditions and requirements for recipients of such contracts. In establishing reimbursement rates for recipients of such contracts, the Department may take into consideration any unusual or increased costs of the recipient relating to the care and treatment of clients with developmental disabilities including, but not limited to, workers' compensation costs.

3. A copy of these procedures shall be made available to any person upon request.

E. 1. In addition to any other form of assistance provided, the Department is authorized to pay stipends to eligible relatives and certified volunteers for the sole purpose of acquiring legal representation to initiate guardianship proceedings.

2. Financial guidelines and other criteria pertaining to eligibility of relatives and certified volunteers applying for a stipend shall be established by rules promulgated by the Director.

F. Reports of the reviews of the administration of psychotropic medications shall be made available to the parent or the court-appointed guardian of a resident of the institutions. The parent or the court-appointed guardian of a resident of the institution shall have access to all clinical records pertaining to the condition, treatment, training, and education of the resident which are maintained at the institution, or elsewhere, by the Department of Human Services.

Added by Laws 1961, p. 286, § 1. Amended by Laws 1983, c. 128, § 6, operative July 1, 1983. Renumbered from § 411 of Title 43A by Laws 1983, c. 128, § 7, operative July 1, 1983. Amended by Laws 1989, c. 373, § 18, operative July 1, 1989; Laws 1996, c. 137, § 1, eff. Nov. 1, 1996; Laws 1997, c. 63, § 1, eff. Nov. 1, 1997; Laws 1997, c. 407, § 4, eff. Nov. 1, 1997; Laws 2019, c. 475, § 7, eff. Nov. 1, 2019.

§10-1416. Liability for care and treatment.

A resident at an institution named in Section 1406 of this title is liable for his or her care and treatment. This claim of the state for such care and treatment shall constitute a valid indebtedness against the resident and his or her estate and shall not be barred by any statute of limitations. At the death of the resident this claim shall be allowed and paid as other lawful claims against the estate. Persons making application for admission of an individual with intellectual disability to the institution are also liable for the care and treatment of the resident, provided that such persons are legally obligated to support the resident. No person shall be liable for care and treatment solely on the grounds that the person has been appointed guardian of the resident. Provided, further, that no admission or detention of an individual with intellectual disability in the institution shall be limited or conditioned in any manner by the financial status or ability to pay of an individual with intellectual disability, his or her estate, or any relative.

Added by Laws 1963, c. 37, § 12, eff. July 1, 1963. Renumbered from § 312 of Title 56 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982. Amended by Laws 1983, c. 128, § 5, operative July 1, 1983; Laws 2019, c. 475, § 8, eff. Nov. 1, 2019.

§10-1417. Clinics - Outpatient facilities - Day care centers.

(a) The Department of Human Services may establish and direct such mental hygiene clinics and child guidance clinics in local areas of the state where such clinics are deemed most advantageous for the public welfare as a distinct part of the general health program.

(b) Outpatient facilities and day care centers to be operated in conjunction with state schools for individuals with intellectual disabilities shall be established, maintained and operated by the Department to provide outpatient care for individuals with intellectual disabilities. The number and location of such facilities and day care centers shall be determined by the Director of Human Services.

Added by Laws 1963, c. 37, § 13, eff. July 1, 1963. Amended by Laws 1969, c. 323, § 1, emerg. eff. May 7, 1969. Renumbered from § 313 of Title 56 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982. Amended by Laws 2019, c. 475, § 9, eff. Nov. 1, 2019.

§10-1417.1. Medicaid payments for reserved beds in intermediate care facilities for individuals with intellectual disabilities - Amendment of Medicaid State Plan.

A. Payments under the Medicaid Program shall be made to reserve a bed in an intermediate care facility for individuals with intellectual disabilities (ICF/IID) during the absence of a resident, other than for periods of inpatient hospitalization, pursuant to the provisions of 42 C.F.R. 447.40. Such payments for periods of absence shall be limited to payment for a maximum of sixty (60) days absent in a calendar year.

B. The Department of Human Services shall amend the Medicaid State Plan to conform with the requirements of this section. Added by Laws 1992, c. 218, § 1, eff. Sept. 1, 1992. Amended by Laws 2019, c. 475, § 10, eff. Nov. 1, 2019.

§10-1418. Powers and duties of Commission for Rehabilitation Services - Local education agencies.

A. The Commission for Rehabilitation Services shall have the supervision, management and control of the Oklahoma School for the Blind and the Oklahoma School for the Deaf, and, in addition to the powers and duties now vested in the State Board of Education as to each of such institutions, shall have authority to adopt such rules as it deems necessary for the government and operation of each institution, and for the admission and discharge of pupils at each institution. No easement, right-of-way, oil and gas lease or surface lease on any land used or occupied by either institution, or any other institution under the jurisdiction of the Commission, shall be granted or conveyed without the approval of the Commission; and all money hereafter received therefor or derived therefrom, including rentals and royalties from leases executed prior to July 1, 1965, shall be deposited in the revolving fund of the institution and be used by the Commission for the purposes of the institution. The Commission may participate in federal programs for the benefit of blind or deaf persons, and may receive and administer federal funds for such purposes. The Commission is hereby expressly granted every power necessary or convenient to make such institutions effective for the purposes for which they were created. The provisions of this section shall not affect the type of school maintained at either institution.

B. The Oklahoma School for the Blind and the Oklahoma School for the Deaf shall be considered local educational agencies only for the purpose of participating in federal programs and receiving federal funds disbursed by the State Department of Education to local educational agencies, if the schools meet the eligibility requirements for the federal programs.

Added by Laws 1965, c. 193, § 2, eff. July 1, 1965. Renumbered from § 321 of Title 56 by Laws 1982, c. 312, § 48, emerg. eff. May 28,

1982. Amended by Laws 1993, c. 364, § 7, emerg. eff. June 11, 1993; Laws 2001, c. 366, § 1, eff. Sept. 1, 2001; Laws 2004, c. 543, § 4, eff. July 1, 2004.

§10-1419. Administration - Personnel - Retirement system.

A. The Commission for Rehabilitation Services shall establish and maintain such methods of administration, including methods relating to the establishment and maintenance of personnel standards, as are necessary for the proper and efficient administration of the Oklahoma School for the Blind and the Oklahoma School for the Deaf, and programs thereat; shall maintain records and reports, shall provide a uniform accounting system; and shall incur such expenses and make such expenditures as it deems necessary to maintain and operate such schools.

B. 1. Instructional Personnel. The Director of the State Department of Rehabilitation Services shall employ or contract with such qualified instructional personnel including, but not limited to, teachers, and such other persons serving in an instructional capacity, as the director deems necessary for the proper operation of each school and shall fix their duties and compensation. The superintendent, teachers and other employees shall be eligible for membership or participation in the Teachers' Retirement System of Oklahoma to the same extent and on the same basis as teachers and other employees of other state educational institutions and public schools. The Director shall not employ or contract with a person as instructional personnel unless the superintendent of the school has recommended that person. If there is a vacancy in the superintendent position or if the superintendent is unable to make a recommendation within thirty (30) days after a request for a recommendation is made, the Director is authorized to employ or contract with any person without a recommendation from the superintendent.

2. Career Teacher. A career teacher is a member of the instructional staff who has served in an instructional capacity for three (3) or more consecutive years in either school, or who has served in a public school district in such a way so as to meet the definition of a career teacher as provided for in Section 6-101.3 of Title 70 of the Oklahoma Statutes. Career teacher shall not include a school nurse.

3. Probationary Teacher. A probationary teacher is a member of the instructional staff who has served in an instructional capacity for less than three (3) consecutive years in either school, or who has served in a public school district in such a way so as to meet the definition of a probationary teacher as provided for in Section 6-101.3 of Title 70 of the Oklahoma Statutes.

C. Administrative Personnel.

1. The Director of the State Department of Rehabilitation Services shall employ or appoint the superintendent of each school

and shall fix their duties and compensation. The superintendents shall be in the unclassified service.

2. The Director of the State Department of Rehabilitation Services shall employ or contract with such other administrative personnel as the Director deems necessary for the proper operation of each school and shall fix their duties and compensation. The administrative personnel may include, but is not limited to, assistant superintendents, principals, vice-principals and other persons who devote a majority of their time to service in a supervisory or administrative capacity.

D. An orientation and mobility specialist employed by the State Department of Rehabilitation Services to serve at the Oklahoma School for the Blind shall be accorded the same protection of laws and all other benefits accorded instructional personnel, including but not limited to, the minimum salary level for instructional personnel.

E. 1. The Commission shall, pursuant to the Administrative Procedures Act, adopt personnel policies for instructional and administrative personnel, except for superintendents, that are consistent with the law applicable to public school district employees, including, but not limited to, leave, payment for unused personal leave and employment policies, evaluation policy, grievance procedures, professional development, and a minimum salary schedule. The Commission shall initiate a rulemaking process for the personnel policies for instructional and administrative personnel no later than October 1, 2003. The minimum salary level for qualified instructional personnel shall meet or exceed the minimum salary level provided for public school teachers in Section 18-114.14 of Title 70 of the Oklahoma Statutes or any additional minimum salary schedule enacted by the Legislature and the Commission shall meet or exceed any other legislatively mandated pay raises for teachers that are not part of the minimum salary schedule. The Department shall notify teachers and other personnel on or before the first Monday in June of each year concerning the renewal of contracts consistent with the requirements for public school teachers as provided for in Section 6-101 of Title 70 of the Oklahoma Statutes. The policy for professional development programs for instructional and administrative personnel shall be consistent with the requirements for professional development programs for public school teachers as provided in Section 6-194 of Title 70 of the Oklahoma Statutes.

2. Final disciplinary action taken against a member of the instructional or administrative staff, except superintendents, including termination or the nonrenewal of a contract, shall be subject to the administrative hearing procedures as set forth in Article II of the Oklahoma Administrative Procedures Act. If the final decision of the Director is to terminate or to not renew the contract of a career teacher or administrator, the career teacher or administrator, except superintendent, shall not have a right to

judicial review pursuant to Article II of the Oklahoma Administrative Procedures Act, but shall have a right to a trial de novo as provided for in Section 1419a of this title. Disciplinary action against a probationary teacher shall be final unless otherwise provided for by law.

F. The State Department of Education shall insure that any funds which have been received in Oklahoma by the State Department of Education because of students who are enrolled and attending the Oklahoma School for the Blind and the Oklahoma School for the Deaf are transferred to the State Department of Rehabilitation Services for use by these schools in proportion to the number of students enrolled and attending who were the basis for the receipt of these federal funds.

G. School personnel who have entered into contracts with the schools on or before July 1, 1995, shall be entitled to longevity pay as provided in Section 840-2.18 of Title 74 of the Oklahoma Statutes. Added by Laws 1965, c. 193, § 3, eff. July 1, 1965. Renumbered from § 322 of Title 56 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982. Amended by Laws 1993, c. 364, § 8, emerg. eff. June 11, 1993; Laws 1995, c. 269, § 1, eff. July 1, 1995; Laws 2001, c. 166, § 1, eff. July 1, 2001; Laws 2003, c. 93, § 1, eff. July 1, 2003; Laws 2005, c. 379, § 1, eff. July 1, 2005; Laws 2014, c. 278, § 1, eff. July 1, 2014; Laws 2019, c. 159, § 1, eff. Nov. 1, 2019.

§10-1419a. Dismissal or nonrenewal of contract of career teacher or administrative personnel other than principal - Trial de novo.

A. A career teacher, as described in Section 1419 of Title 10 of the Oklahoma Statutes, or any administrative personnel other than a superintendent who has been dismissed or whose contract has not been renewed shall be entitled to a trial de novo in the district court of the county in which the school is located.

B. In the event that a career teacher is dismissed or the teacher's contract is not renewed, the Director of the State Department of Rehabilitation Services shall notify the teacher of the right to trial de novo within ten (10) days of receipt of the final order of the Director.

C. Within ten (10) days of receipt of the notification of the right to a trial de novo, the career teacher may file a petition for a trial de novo.

Upon filing the petition, the court clerk shall issue a summons and cause service by mail to be made upon the State Department of Rehabilitation Services by certified mail, restricted delivery with return receipt requested, or substitute process as provided by law.

D. If, within the ten-day period, the career teacher fails to file a petition for a trial de novo concerning the dismissal or nonreemployment, the teacher shall be deemed to have waived the right

to trial de novo and the decision of the Director to dismiss or not to renew the contract shall be final.

E. The Department shall serve its answer within twenty (20) days of the service of summons and petition upon it. The trial de novo shall be scheduled at the earliest possible date which will permit both parties adequate time to prepare for a just trial of the issues involved; provided, however, said trial de novo shall be scheduled and held not less than ten (10) days and no later than thirty (30) days after the answer has been filed.

F. Except as otherwise provided specifically in this section, the law generally applicable to civil suits filed in district court shall apply to the proceedings for trial de novo under this section. At the trial de novo the standard of proof shall be by the preponderance of the evidence and the burden of proof shall be on the State Department of Rehabilitation Services to establish de novo that the career teacher's dismissal or nonreemployment is warranted. The trial de novo shall proceed as a nonjury trial before the court. The court shall determine de novo all issues of fact and law necessary for full adjudication of the dispute at the trial. The court shall not, by applying principles of collateral estoppel or res adjudicata or otherwise, give preclusive effect to findings of fact of determinations of the Director with regard to the issue necessary to determine the adequacy of the dismissal or nonreemployment of the career teacher in the trial de novo. Within three (3) days following the conclusion of the trial de novo, the judge shall prepare written findings of fact and conclusions of law and shall enter judgment directing either of the following:

1. That the State Department of Rehabilitation Services reinstate the career teacher with full employment status and benefits; or

2. That the decision of the State Department of Rehabilitation Services for the dismissal or nonreemployment of the career teacher be sustained.

G. The time limits set forth in this section for the proceedings before the district court may be extended by mutual agreement of the parties with the approval of the district court.

H. The decision of the district court shall be final and binding upon the career teacher and the State Department of Rehabilitation Services unless the teacher or the Department appeals the decision of the district court in the manner provided by law for the appeal of civil cases from the district court.

- I. This section shall not apply to the following:

1. Superintendents;
2. Instructional personnel serving under a temporary contract or as a substitute teacher as defined in Section 6-105 of Title 70 of the Oklahoma Statutes; and
3. Probationary teachers.

Added by Laws 2001, c. 93, § 2, eff. July 1, 2003.

§10-1420. Transfer of property, records, funds, etc.

All property, records, equipment, supplies, and funds, including trust funds and revolving funds, and other assets, owned or possessed by the Oklahoma School for the Blind or the Oklahoma School for the Deaf are hereby transferred to the Commission for Rehabilitation Services; and all contracts, leases, agreements and obligations to which the State Board of Education is a party for or on behalf of either of such institutions shall be assumed by the Commission. Laws 1965, c. 193, § 4, eff. July 1, 1965. Renumbered from Title 56, § 323 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982; Amended by Laws 1993, c. 364, § 9, emerg. eff. June 11, 1993.

§10-1421. Purchase of school busses.

Whenever the Oklahoma Public Welfare Commission shall determine that a school bus is needed for educational, training or treatment purposes at an institution under the jurisdiction of the Department of Public Welfare, it may authorize the purchase of such bus from funds available for the payment of operating expenses of the institution.

Laws 1965, c. 229, § 1, emerg. eff. June 16, 1965. Renumbered from Title 56, § 327 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982.

§10-1423. Program for care and treatment of children - Federal matching funds.

The Oklahoma Public Welfare Commission and the Department of Human Services are authorized and directed to develop such programs for the care and treatment of children to meet the requirements of federal laws and rules and regulations of the Secretary. The Commission shall maintain such standards of money payments in the categories of Old Age Assistance, Aid to the Blind, Aid to the Permanently and Totally Disabled, and Aid to Families with Dependent Children, as will earn the maximum federal funds available to the state, within the availability of state matching funds, and shall budget such other state funds as may be necessary to earn the maximum of federal matching funds in the Child Welfare Program, Children with Special Health Care Needs Program and other federal-state programs. Any institution under the jurisdiction of the Commission or the Department may be used by the Commission or the Department for any program administered by the Commission or the Department.

Laws 1970, c. 20, § 2, operative April 5, 1970. Renumbered from Title 56, § 333 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982. Amended by Laws 1988, c. 326, § 19, emerg. eff. July 13, 1988; Laws 1992, c. 249, § 3, eff. Sept. 1, 1992.

§10-1424. Department as next friend of institutionalized persons - Procuring appoint of guardian.

The State Department of Public Welfare shall have the power and the Department shall have the duty to appear as next friend for all minor orphans, incompetents, dependents and delinquents who are inmates of any public institution maintained and operated by the state, county, city or municipality before the district court having probate jurisdiction, and ask that legal guardians be appointed for the estates of such minor orphans, incompetents, dependents and delinquents when it appears that such persons have an interest in some estate, legacy, or property, and shall have such power and authority in any and all litigation where interests of such persons may require to be prosecuted or defended or instituted in any and all courts in this state.

The State Department of Public Welfare, in addition to the foregoing, is hereby empowered to intervene as next friend in cases of all minor orphans in this state when it is shown or appears to the Department that the estate of such minors is being mismanaged or dishonestly administered.

R.L.1910, § 8101; Laws 1910-11, c. 25, p. 45, § 1; Laws 1978, c. 244, § 36, eff. July 1, 1978. Renumbered from Title 74, § 181 by Laws 1982, c. 312, § 48, emerg. eff. May 28, 1982.

§10-1425. Authorization to operate facilities.

(a) (1) The Department of Human Services and a county (through its board of county commissioners) may enter into an agreement for the operation of a Community Complex Facility, where day care services, beneficial or necessary for individuals with intellectual disabilities and their families, may be provided.

(2) If a building for the facility is constructed, the county shall be required to provide the site or the cost of the site; and not less than sixteen percent (16%) of the cost of constructing the building and of the cost of equipment for the facility. If space for the facility is rented, the county shall be required to pay the rental, and not less than sixteen percent (16%) of the cost of equipment for the facility.

(3) The cost of operating the facility shall be paid by the Department and the county in such proportions as may be specified in the agreement.

(4) The facility shall be operated in accordance with standards, rules and regulations adopted by the Department.

(b) A similar agreement with any other nonprofit public or private agency or organization may be entered into by the Department. Such agency or organization shall be subject to the same requirements as those hereinabove specified for a county.

Added by Laws 1969, c. 324, § 1, emerg. eff. May 7, 1969. Renumbered from § 415 of Title 43A by Laws 1986, c. 103, § 105, eff. Nov. 1, 1986. Amended by Laws 2019, c. 475, § 11, eff. Nov. 1, 2019.

§10-1430.1. Short title.

Sections 1430.1 through 1430.41 of this title shall be known and may be cited as the "Group Homes for Persons with Developmental or Physical Disabilities Act".

Added by Laws 1987, c. 225, § 1, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 1, eff. Nov. 1, 1996; Laws 1996, c. 354, § 1, eff. Nov. 1, 1996. Renumbered from § 1-818.1 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 1, eff. Nov. 1, 2006.

§10-1430.2. Definitions.

As used in the Group Homes for Persons with Developmental or Physical Disabilities Act:

1. "Abuse" as defined by the Protective Services for Vulnerable Adults Act means causing or permitting:
 - a. the infliction of physical pain, injury, sexual abuse, sexual exploitation, unreasonable restraint or confinement, or mental anguish, or
 - b. the deprivation of nutrition, clothing, shelter, health care, or other care or services without which serious physical or mental injury is likely to occur to a vulnerable adult by a caretaker or other person providing services to a vulnerable adult;
2. "Access" means the right of a person to enter a group home to communicate privately and without unreasonable restriction;
3. "Administrator" means the person designated by the provider who has authority and responsibility for the programs and operation of a group home;
4. "Advisory Board" means the Group Homes for Persons with Developmental or Physical Disabilities Advisory Board established by Section 1430.4 of this title;
5. "Advocate" means an adult designated in writing selected by the resident to assist the resident in exercising the rights of such resident;
6. "Applicant" means a person, corporation, limited liability company, partnership, association, or other entity which is being considered by the Department of Human Services for a license with the Department to provide group home services;
7. "Case manager" means a staff member who is responsible for ensuring that services to a resident are planned and provided in a coordinated fashion;
8. "Commission" means the Commission for Human Services;

9. "Contract" means the binding legal agreement to provide group home services, entered into between the provider and the Developmental Disabilities Services Division of the Department of Human Services or the Oklahoma Health Care Authority (OHCA);
10. "DDSD" means the Developmental Disabilities Services Division of the Department of Human Services;
11. "Department" means the Department of Human Services;
12. "Developmental disability" means a severely chronic disability of a person which:
- a. is attributable to a physical or mental impairment or a combination of physical and mental impairments,
 - b. is manifested before the person attains the age of twenty-two (22) years,
 - c. is likely to continue indefinitely,
 - d. results in substantial functional limitations in three or more of the following areas of major life activity:
 - (1) self-care,
 - (2) receptive and expressive language,
 - (3) learning,
 - (4) mobility,
 - (5) self-direction,
 - (6) capacity for independent living, or
 - (7) economic self-sufficiency, and
 - e. reflects the need of the person for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated;
13. "Director" means the Director of Human Services;
14. "Exploitation" means the unjust or improper use of the resources of a group home resident for the profit or advantage, pecuniary or otherwise, of a person other than the group home resident through the use of undue influence, coercion, harassment, duress, deception, false representation, or false pretense, as defined by the Protective Services for Vulnerable Adults Act;
15. "Group home for persons with developmental or physical disabilities" means any establishment for not more than twelve residents who are eighteen (18) years of age or older and who have developmental or physical disabilities, which offers or provides supervision, residential accommodations, food service, and training and skill development opportunities designed to lead to increased independence of the residents and which offers or provides supportive assistance to any of its residents requiring supportive assistance;
16. "Guardian" means a court-appointed representative or conservator;
17. "Habilitation" means services designed to assist individuals in acquiring, retaining, and improving the self-help, socialization,

and adaptive skills necessary to reside successfully in home and community-based settings;

18. "Home" or "group home" means a group home for persons with developmental or physical disabilities;

19. "Indecent exposure" means forcing or requiring a resident to:

a. look upon the body or private parts of another person or look upon sexual acts performed in the presence of the resident, or

b. touch or feel the body or private parts of another;

20. "Licensee" means a person, corporation, partnership, limited liability company, or association who is the operator of a home which is licensed pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;

21. "Neglect" as defined by the Protective Services for Vulnerable Adults Act means:

a. the failure to provide protection for a group home resident who is unable to protect his or her own interests,

b. the failure to provide adequate shelter, nutrition, health care, or clothing, or

c. negligent acts or omissions that result in harm or the unreasonable risk of harm to a vulnerable adult through the action, inaction, or lack of supervision by a caretaker providing direct services;

22. "Physical disability" means a condition which causes the restricted use of the extremities by an individual or affects other bodily functions of an individual and which requires the specialized training, habilitation or rehabilitation services provided by a group home;

23. "Program coordinator" means a person employed by a provider or a licensee who is responsible for the supervision, coordination, and monitoring of services to a resident receiving services provided by the provider or licensee;

24. "Provider" means a person, corporation, partnership, limited liability company, association, or other entity that contracts with the Developmental Disabilities Services Division of the Department of Human Services or the Oklahoma Health Care Authority to operate a group home for persons with developmental or physical disabilities;

25. "Resident" means a person receiving services in a group home for persons with developmental or physical disabilities;

26. "Sexual abuse" as defined in the Protective Services for Vulnerable Adults Act means:

a. oral, anal, or vaginal penetration of a resident by or through the union with the sexual organ of a caretaker or other person providing services to the resident, or the anal or vaginal penetration of a resident by a

- caretaker or other person providing services to the resident with any other object,
- b. for the purpose of sexual gratification, the touching, feeling, or observation of the body or private parts of a resident by a caretaker or other person providing services to the resident, or
- c. indecent exposure by a caretaker or other person providing services to the resident;

27. "Sexual exploitation" as defined in the Protective Services for Vulnerable Adults Act includes, but is not limited to, a caretaker causing, allowing, permitting, or encouraging a resident to engage in prostitution, or in the lewd, obscene, or pornographic photographing, filming, or depiction of the resident as those acts are defined by state law;

28. "Supervision" means the provision of on-site staffing in the group home or on the premises of the group home when a resident is present who requires on-site staffing, as determined by the team of the resident. Supervision also includes provision of necessary staff support, as documented in the individual plan of each service recipient, when the service recipient is in the community, except when the service recipient is engaged in employment, vocational services, or adult day services;

29. "Supportive assistance" means the service rendered to a service recipient which is sufficient to enable the service recipient to meet an adequate level of daily living. Supportive assistance includes, but is not limited to, training and supervision of service recipients, assistance in housekeeping, assistance in the preparation of meals, and assistance in activities of daily living as necessary for the health and comfort of service recipients;

30. "Transfer" means a change in location of living arrangements of a resident from one group home to another group home;

31. "Team" means the group of people responsible for service planning, implementation, and monitoring of the individual plan. The team includes:

- a. the person receiving services,
- b. the case manager of the person receiving services, if applicable,
- c. the legal guardian of the person receiving services, if the service recipient has a legal guardian,
- d. the advocate(s) of the person receiving services, if there is an advocate, who may be a parent, family member, friend, or another who knows the service recipient well,
- e. the program coordinator or designee, and
- f. any other person whose participation is necessary to achieve the outcomes included in the individual plan; and

32. "Verbal abuse" as defined in the Protective Services for Vulnerable Adults Act means the use of words, sounds, or other communication including, but not limited to, gestures, actions or behaviors, by a caretaker or other person providing services to a resident that is likely to cause a reasonable person to experience humiliation, intimidation, fear, shame, or degradation. Added by Laws 1987, c. 225, § 2, eff. July 1, 1987. Amended by Laws 1988, c. 233, § 1, operative July 1, 1988; Laws 1993, c. 159, § 14, eff. July 1, 1993; Laws 1994, c. 236, § 3, eff. Sept. 1, 1994; Laws 1996, c. 155, § 2, eff. Nov. 1, 1996; Laws 1996, c. 354, § 2, eff. Nov. 1, 1996. Renumbered from § 1-818.2 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 2, eff. Nov. 1, 2006.

§10-1430.3. Department - Powers and duties.

The Department of Human Services shall have the power and duty to:

1. Enforce any provision of the Group Homes for Persons with Developmental or Physical Disabilities Act;
2. Issue, renew, deny, modify, suspend, and revoke licenses for group homes pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act; provided, however, providers of group home services that have a current contract with the Developmental Disabilities Services Division or the Oklahoma Health Care Authority to provide group home services shall be deemed to be licensed;
3. Establish and enforce standards and requirements for licensure and operation of group homes that are subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act and require the submission of, and to review, reports from any person establishing or operating a group home;
4. Enter upon any public or private property for the purpose of inspecting and investigating conditions of the residents in the group home or for the purpose of inspecting and investigating the home for compliance with the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, or the standards or requirements for licensure and operation of group homes developed by the Department pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;
5. Employ or designate personnel to conduct investigations and inspections, to make reports of the condition of group homes and the residents of such homes, and to take necessary action pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act to protect and safeguard the health, safety, and welfare of residents of homes;

6. Establish a procedure for receipt, investigation, and resolution of complaints regarding a group home or concerning the condition, care, and treatment of a resident of a home, a copy of which procedure shall be distributed to all providers of group home services and licensees;

7. Report to the district attorney having jurisdiction or the Attorney General any act committed by a provider, licensee, administrator, operator, or employee of a group home which may constitute a misdemeanor pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;

8. Advise, consult, and cooperate with other agencies of this state, the federal government, other states and interstate agencies, and with affected groups and political subdivisions to further the purposes of the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;

9. Develop and enforce rules to implement the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act. Such rules shall include, but not be limited to, physical conditions which shall protect the health, safety, and welfare of the residents in a group home as outlined in the Group Homes for Persons with Developmental or Physical Disabilities Act, safe storage and administration of medications, health-related services as defined in Section 1020 of Title 56 of the Oklahoma Statutes, rights of group home residents and competency-based training requirements for group home staff;

10. Investigate, request or otherwise obtain the information necessary to determine the qualifications and background of an applicant for licensure or contract;

11. Establish civil penalties for violations of the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;

12. Institute and maintain or intervene in any action or proceeding where deemed necessary by the Department to protect the health, safety, and welfare of any resident of a group home;

13. Transfer or discharge a resident or otherwise protect the health, safety, and welfare of any resident of a group home;

14. Develop and disseminate a form to all providers of group home services which shall be signed and witnessed by each direct care staff member working with residents notifying the staff member that the staff member may be prosecuted criminally for having sexual contact with a person in their care; and

15. Exercise all incidental powers as necessary and proper for the administration of the Group Homes for Persons with Developmental or Physical Disabilities Act.

Added by Laws 1987, c. 225, § 3, eff. July 1, 1987. Amended by Laws 1994, c. 236, § 4, eff. Sept. 1, 1994; Laws 1996, c. 155, § 3, eff.

Nov. 1, 1996; Laws 1996, c. 354, § 3, eff. Nov. 1, 1996. Renumbered from § 1-818.3 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 3, eff. Nov. 1, 2006; Laws 2018, c. 10, § 2, eff. Nov. 1, 2018.

§10-1430.4. Group Homes for Persons with Developmental or Physical Disabilities Advisory Board.

A. There is hereby re-created to continue until July 1, 2020, in accordance with the provisions of the Oklahoma Sunset Law, the Group Homes for Persons with Developmental or Physical Disabilities Advisory Board.

1. The Advisory Board shall be composed of nine (9) members as follows:

- a. eight members, appointed by the Director of Human Services, one of whom shall be a representative of the Oklahoma Community Based Providers Association, one a representative of United Cerebral Palsy of Oklahoma, one a representative of the State Council on Developmental Disabilities who is not a state employee, two who shall be group home directors having a minimum of two (2) years of experience as a group home director, and three who shall be consumers or consumer advocates, one of whom is the parent of a person having a developmental disability. These appointed members shall each serve a three-year term and may be reappointed, and
- b. one member shall be the State Fire Marshal, or a designee who shall serve at the pleasure of the State Fire Marshal.

2. The Advisory Board shall annually elect a chair, a vice-chair and a secretary and shall meet at least quarterly and at such other times as may be necessary. All meetings of the Advisory Board shall be subject to the provisions of the Oklahoma Open Meeting Act. Members of the Advisory Board shall not receive compensation for their services but shall be reimbursed pursuant to the provisions of the State Travel Reimbursement Act.

3. The Department of Human Services shall appoint an employee to serve as a resource person and provide assistance to the Advisory Board.

B. The Advisory Board shall have the power and duty to:

1. Serve as an advisory body to the Department for the development and improvement of services to and care and treatment of residents of group homes subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;
2. Review, make recommendations regarding, and approve in its advisory capacity the system of standards developed by the Department;

3. Evaluate and review the standards, practices, and procedures of the Department regarding the administration and enforcement of the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act and the quality of services and care and treatment provided to residents of group homes, and may make recommendations to the Department as necessary and appropriate; and

4. Serve as an advisory body to the Department regarding the implementation of any nationally recognized accreditation standards, as they apply to community-based facilities and services adopted by the Commission for Human Services as standards for the provision of services to persons with developmental or physical disabilities who receive services through the Department of Human Services.

C. The Department shall, with regard to the meetings and duties of the Advisory Board which pertain to the Department, provide clerical staff support to assist the Advisory Board and space for meetings.

Added by Laws 1987, c. 225, § 4, eff. July 1, 1987. Amended by Laws 1992, c. 161, § 1, emerg. eff. May 5, 1992; Laws 1994, c. 236, § 5, eff. Sept. 1, 1994; Laws 1996, c. 155, § 4, eff. Nov. 1, 1996; Laws 1996, c. 354, § 4, eff. Nov. 1, 1996. Renumbered from § 1-818.4 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2000, c. 33, § 1; Laws 2003, c. 9, § 1; Laws 2009, c. 22, § 1; Laws 2010, c. 26, § 1; Laws 2014, c. 65, § 1.

§10-1430.5. Repealed by Laws 2006, c. 137, § 30, eff. Nov. 1, 2006.

§10-1430.6. Standing to bring action - Jurisdiction.

A. Enforcement of any action for an injunction or recovery of any administrative or civil penalty assessed pursuant to the Group Homes for Persons with Developmental or Physical Disabilities Act may be brought by:

1. The district attorney of the appropriate district court of the State of Oklahoma;

2. The Attorney General on behalf of the State of Oklahoma in the appropriate district court of the State of Oklahoma; or

3. The Department on behalf of the State of Oklahoma in the appropriate district court of the State of Oklahoma; or as otherwise authorized by law.

B. The Department may bring an action in a court of competent jurisdiction for equitable relief to redress or restrain a violation by any person of a provision of the Group Homes for Persons with Developmental or Physical Disabilities Act or any rule or order issued pursuant thereto. Said court has jurisdiction to determine said action, and to grant the necessary or appropriate relief, including, but not limited to, mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.

Added by Laws 1987, c. 225, § 6, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 6, eff. Nov. 1, 1996; Laws 1996, c. 354, § 6, eff. Nov. 1, 1996. Renumbered from § 1-818.6 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§10-1430.7. Group home as nuisance - Actions - Request for investigation - Complaint.

A. The operation or maintenance of a group home in violation of the Group Homes for Persons with Developmental or Physical Disabilities Act, or of the rules promulgated by the Commission for Human Services, is declared a public nuisance inimical to the public welfare. The Director of Human Services, in the name of the people of the state, or through the Attorney General or the district attorney of the county in which the group home is located may, in addition to other remedies herein provided, bring action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such group home.

B. 1. Any person with personal knowledge or substantial specific information who believes that the Group Homes for Persons with Developmental or Physical Disabilities Act or a rule promulgated pursuant thereto may have been violated, may request an investigation. The request may be submitted to the Department of Human Services in writing, by telephone, or personally. An oral complaint shall be reduced to writing by the Department. Provided that any person who willfully or recklessly makes a false complaint without a reasonable basis in fact for such a complaint under the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act shall be liable in a civil suit for any actual damages, including attorneys' fees and costs, suffered by a group home so requested to be investigated, and for any punitive damages set by the court or jury which may be allowed in the discretion of the court or jury when deemed proper by the court or jury.

2. The substance of the complaint shall be provided to the provider no earlier than at the commencement of the on-site inspection of the group home which takes place pursuant to the complaint.

3. The Commission shall promulgate rules to protect the identity of the complainant, provided that such complainant is presently a resident or resident's representative or such complainant is presently an employee of the group home.

4. Upon receipt of a complaint, the Department shall investigate whether the Group Homes for Persons with Developmental or Physical Disabilities Act or a rule promulgated pursuant thereto has been or is being violated. Allegations of abuse, neglect, or exploitation shall be investigated by appropriate authorities in accordance with state law. Other complaints shall be evaluated by authorized

Department staff and investigated timely based on the nature of the complaint. A determination about a complaint shall be made in writing. The determination shall state the reasons therefor.

5. In all cases, the Department shall inform the group home and the complainant, if so requested by the complainant, of its findings within ten (10) days of its determination. The notice of such findings shall include a copy of the written determination, the correction order, if any, the warning notice, if any, and the state licensure or regulatory requirement, or both, on which the violation is listed.

6. A written determination, correction order or warning notice concerning a complaint shall be available for public inspection from the Department.

7. The Department shall issue a written determination which shall serve as a final appealable order subject to trial de novo in the appropriate district court.

8. The Commission shall establish any additional rules necessary for the investigation and hearing of complaints as provided herein, and is authorized to employ hearing officers.

Added by Laws 1987, c. 225, § 7, eff. July 1, 1987. Amended by Laws 1994, c. 236, § 7, eff. Sept. 1, 1994; Laws 1996, c. 155, § 7, eff. Nov. 1, 1996; Laws 1996, c. 354, § 7, eff. Nov. 1, 1996. Renumbered from § 1-818.7 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 4, eff. Nov. 1, 2006.

§10-1430.8. Liability for injury to resident - Actions - Remedies - Waivers - Jury trial - Retaliation - Privileges and immunities - Report of abuse, neglect or exploitation.

A. The provider is liable to a resident for any intentional or negligent act or omission of their agents or employees which injures the resident. Also, any state employee that aids, abets, assists, or conspires with a provider to perform an act that causes injury to a resident shall be individually liable.

B. A resident may maintain an action under this act for any other type of relief, including injunctive and declaratory relief, permitted by law.

C. Any damages recoverable under this section, including minimum damages as provided by this section, may be recovered in any action which a court may authorize to be brought as a class action. The remedies provided in this section, are in addition to and cumulative with any other legal remedies available to a resident. Exhaustion of any available administrative remedies shall not be required prior to commencement of suit hereunder.

D. Any waiver by a resident or the resident's guardian or advocate of the right to commence an action under this section, whether oral or in writing, shall be null and void, and without legal force or effect.

E. Any party to an action brought under this section shall be entitled to a trial by jury and any waiver of the right to a trial by a jury, whether oral or in writing, prior to the commencement of an action, shall be null and void, and without legal force or effect.

F. No provider or licensee, or agents or employees of a provider or licensee shall transfer, discharge, evict, harass, dismiss or retaliate against a resident, a guardian or advocate of a resident, or an employee or agent who makes a report, brings, or testifies in, an action under this section, or files a complaint because of a report, testimony or complaint.

G. Any person, institution or agency, under this act, participating in good faith in the making of a report, or in the investigation of such a report shall not be deemed to have violated any privileged communication and shall have immunity from any liability, civil or criminal, or any other proceedings, civil or criminal, as a consequence of making such report.

H. An employee or agent of a provider or licensee who becomes aware of abuse, neglect or exploitation of a resident shall immediately report the matter as required by Section 10-104 of Title 43A of the Oklahoma Statutes. A group home administrator who becomes aware of abuse, neglect or exploitation of a resident shall make a report as required by Section 10-104 of Title 43A of the Oklahoma Statutes and take immediate action to ensure the health and safety of the resident.

Added by Laws 1987, c. 225, § 8, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 8, eff. Nov. 1, 1996; Laws 1996, c. 354, § 8, eff. Nov. 1, 1996. Renumbered from § 1-818.8 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 5, eff. Nov. 1, 2006.

§10-1430.9. Penalties and liabilities for certain violations.

In addition to any other penalties and liabilities provided in this act, any person who violates any of the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, or any order or determination of the Department promulgated pursuant thereto, or who fails to perform any duty imposed upon such person by the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, shall be subject to any of the following penalties and liabilities as authorized by the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act:

1. License revocation, suspension, or nonrenewal;
2. Conditional license;
3. Transfer of residents;
4. Receivership;
5. Injunctive proceedings, including prohibiting the admission of new residents to the group home;

6. Civil fines;
7. Criminal penalties; and
8. Other remedies established by the Department of Human Services through rule-making authority.

Added by Laws 1987, c. 225, § 9, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 9, eff. Nov. 1, 1996; Laws 1996, c. 354, § 9, eff. Nov. 1, 1996. Renumbered from § 1-818.9 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 6, eff. Nov. 1, 2006.

§10-1430.10. Repealed by Laws 2006, c. 137, § 30, eff. Nov. 1, 2006.

§10-1430.10a. Revocation or denial of or refusal to renew license - Notice - Protest - Emergency.

A. The Department of Human Services may revoke, deny or refuse to renew the license of any group home found to be in violation of any provision of this act or the rules of the Commission for Human Services, as provided in Section 1430.3 of Title 10 of the Oklahoma Statutes.

B. 1. No license shall be revoked or issuance or renewal denied unless and until such time as the licensee or applicant shall have been given at least thirty (30) days' notice in writing of the grounds for the proposed revocation or refusal.

2. At the time the group home is given notice in writing of the revocation or denial of a license, the Department shall also advise the family member or advocate of each resident, as noted in Section 1430.22 of Title 10 of the Oklahoma Statutes, of the action by written notification and the posting of an announcement in the group home.

3. If the revocation or denial is protested within thirty (30) days of receipt of the notice, in writing and addressed to the Commission for Human Services, the Commission or the authorized agency of the Commission shall conduct a hearing at which an opportunity shall be given to the licensee or applicant to present testimony and confront witnesses. On the basis of the evidence produced at the hearing, the Department shall make findings of fact and conclusions of law and enter an order thereon. The order of the Department shall become final and binding on all parties unless appealed to the district court as provided in Article II of the Administrative Procedures Act within thirty (30) days after notice has been sent to the parties.

4. Notice of the hearing shall be given to the licensee or applicant by personal service or by delivery to the last-known address by certified mail, return receipt requested, at least two (2) weeks prior to the date of the hearing.

5. After notice, if the proposed revocation or denial of a license is not protested in accordance with this section, the license may thereupon be revoked or denied.

C. 1. Nothing in this section shall be construed as preventing the Department from taking emergency action as provided by this subsection.

2. After an investigation or inspection, if the Department finds that an emergency exists which requires immediate action to protect the health, safety, or welfare of any resident of a group home licensed pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, the Director may without notice or hearing issue an emergency order stating the existence of the emergency and require that action be taken as is deemed necessary to meet the emergency including, when necessary, removing residents from the group home and prohibiting the group home from providing services to residents pending a hearing on the matter.

- a. The emergency order shall be effective immediately. Any person to whom an emergency order is directed shall comply with the emergency order immediately but, upon written request to the Department on or before the tenth day after receipt of the emergency order, shall be afforded a hearing on or before the tenth day after receipt of the request by the Department.
- b. On the basis of such hearing, the Department shall continue the order in effect, revoke it, or modify it.
- c. Any person aggrieved by the order continued after the hearing provided for in this subsection may appeal the order to the district court of the group home affected within thirty (30) days of continuation or modification of the order. The appeal when docketed shall have priority over all cases pending on the docket, except criminal cases. For purposes of this subsection, "emergency" means a situation that poses a direct and serious hazard to the health, safety, or welfare of any resident of the group home.

Added by Laws 2006, c. 137, § 7, eff. Nov. 1, 2006.

§10-1430.11. Standards for group homes.

A. The Department of Human Services shall develop rules establishing minimum standards for group homes. These standards, at minimum, shall regulate:

1. Location and construction of the home, including plumbing, heating, lighting, ventilation, and other physical conditions which shall ensure the health, safety, and comfort of residents and protection from fire hazards;

2. All sanitary conditions within the group home and its surroundings, including water supply, sewage disposal, food handling,

and general hygiene, which shall ensure the health and comfort of residents;

3. Number and qualifications of all personnel, including management and supervisory, direct care, specialized professional or paraprofessional and other personnel, having responsibility for any part of the care given to residents. The Department of Human Services shall establish staffing requirements for homes which shall specify the supervision, continuing education, and training requirements that are needed for care of the residents of the various types of group homes;

4. An individualized written plan for the training, habilitation or rehabilitation for each resident of the group home specifying the training, habilitation or rehabilitation outcomes and activities for the resident. The plan shall be prepared by the team of the resident;

5. Competency-based training for the safe administration of medication and the provision of health-related services, as defined in Section 1020 of Title 56 of the Oklahoma Statutes, to residents;

6. Accountability for the management and safekeeping of any funds of the resident which the group home manages; and

7. Conditions and procedures for the involuntary transfer or discharge of a resident from a group home.

B. The Department may, as necessary and appropriate, establish a system of classification for group homes based upon the level of care or treatment, training, habilitation or rehabilitation services required by residents of the group home, and establish requirements for each classification.

Added by Laws 1987, c. 225, § 11, eff. July 1, 1987. Amended by Laws 1994, c. 236, § 9, eff. Sept. 1, 1994; Laws 1996, c. 155, § 11, eff. Nov. 1, 1996; Laws 1996, c. 354, § 11, eff. Nov. 1, 1996. Renumbered from § 1-818.11 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 8, eff. Nov. 1, 2006.

§10-1430.12. Fire safety inspections - Reports.

The State Fire Marshal or a designee shall conduct fire safety inspections on a regular basis at group homes subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act and report findings of such inspections to the Department of Human Services. Providers of group home services and licensees shall make reports of the inspections available to authorized staff of the Department of Human Services upon request.

Added by Laws 1987, c. 225, § 12, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 12, eff. Nov. 1, 1996; Laws 1996, c. 354, § 12, eff. Nov. 1, 1996. Renumbered from § 1-818.12 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 9, eff. Nov. 1, 2006.

§10-1430.13. Information subject to disclosure to public.

The following information is subject to disclosure to the public from the Department of Human Services:

1. Information submitted under Section 1430.14 of this title, except information concerning the remuneration of personnel licensed, registered or certified by the Department, and monthly charges for an individual private resident;

2. Records of inspections, surveys and evaluations of group homes; and

3. Complaints filed against a group home and complaint investigation reports, except that a complaint or complaint investigation report shall not be disclosed to a person other than the complainant or complainant's representative before it is disclosed to a group home as provided in Section 1430.7 of this title and, further, except that a complainant or resident's name shall not be disclosed except as provided in Section 1430.7 of this title.

Added by Laws 1987, c. 225, § 13, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 13, eff. Nov. 1, 1996; Laws 1996, c. 354, § 13, eff. Nov. 1, 1996. Renumbered from § 1-818.13 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 10, eff. Nov. 1, 2006.

§10-1430.14. Provisions of license - Application - Statement of zoning compliance - Qualifications of applicant or licensee - Statement of ownership - Issuance and renewal of licenses.

A. A license shall expire twelve (12) months from the date of issuance, unless sooner revoked, and may be renewed annually by the Department of Human Services pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act. All licenses shall be on a form prescribed by the Director of Human Services, and shall include, but not be limited to, the maximum bed capacity for which the license is granted, the kind of program the licensee is certified to operate, the date the license was issued, and the expiration date of the license. The provisions of the license shall require that the license shall:

1. Not be transferable or assignable except as authorized by the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;

2. Be available on the licensed premises; and

3. Be issued only for the premises named in the application, and may be renewed for twelve-month periods upon application and inspection, pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act.

B. An application shall be under oath and shall contain, but not be limited to, the following information:

1. The name and address of the applicant or licensee. If the applicant or licensee is a firm or partnership, the name and address

of each member thereof shall be included in the application. If the applicant or licensee is a firm, partnership, limited liability company, or corporation, the name and address of the firm, partnership, limited liability company, or corporation and the name and address of each member of the firm, major member of the limited liability company or manager, major partner of the partnership, or officer, major stockholder and registered agent of the corporation shall be included in the application;

2. The name and address of the applicant or licensee if the applicant or licensee is not the provider and is acting as agent for the provider of group home services or licensee;

3. The name and location of the group home for which a license is sought;

4. The name of the administrator of the home;

5. The number and type of residents for whom services are to be provided;

6. A description of the program and the staffing pattern for providing resident care. In the case of an application for an initial license, such description may be shown as the projected program and staffing pattern; and

7. Information or records required by the Department pursuant to the rules adopted by the Commission for Human Services regarding group homes.

C. Each initial application shall be accompanied by a statement from the unit of local government having zoning jurisdiction over the location of the group home stating that the location is not in violation of a zoning ordinance.

D. 1. An applicant or licensee shall be twenty-one (21) years of age or older and of reputable and responsible character. In addition, the applicant or licensee shall have appropriate business or professional experience.

2. No person who is ineligible for employment as a community services worker in accordance with Section 1025.2 of Title 56 of the Oklahoma Statutes shall be eligible to be licensed or to receive a contract to become a community services provider. If the applicant or licensee is a firm, partnership, limited liability company, or corporation, the applicant shall not be eligible to be licensed or to receive a contract if any member of the firm, any major member of the limited liability company or manager, any major partner of the partnership, or any officer or major stockholder of the corporation is ineligible for employment as a community services worker in accordance with Section 1025.2 of Title 56 of the Oklahoma Statutes.

E. The application for a license or renewal of a license shall be accompanied by a statement of ownership which shall include the following:

1. The name, address, telephone number, occupation or business activity, business address, and business telephone number of the

owner of the group home and of every person who owns the building in which the group home is located. If the owner is a partnership, limited liability company, or corporation, the name and address of each partner, major member of the limited liability company, and stockholder with an ownership interest of five percent (5%) or more shall be included in the statement; and

2. The name and address of any other group home in which the owner has a full or partial financial interest or, if the applicant or licensee is a partnership, limited liability company, or corporation, any other group home in which the partnership, limited liability company, or corporation has a full or partial financial interest. The statement shall indicate whether or not any other group home wherein a full or partial financial interest is held would, if located in this state, be required to be licensed.

F. The Director or designee shall issue and renew licenses for group homes which comply with the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act and the standards and rules promulgated by the Commission pursuant thereto. Added by Laws 1987, c. 225, § 14, eff. July 1, 1987. Amended by Laws 1994, c. 236, § 10, eff. Sept. 1, 1994; Laws 1996, c. 155, § 14, eff. Nov. 1, 1996; Laws 1996, c. 354, § 14, eff. Nov. 1, 1996. Renumbered from § 1-818.14 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 11, eff. Nov. 1, 2006.

§10-1430.15. Nontransferability of license - Transfer of operation of group home.

A. A license to operate a group home subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act is not transferable. Operation of a group home can only be transferred:

1. With the prior written approval of the director of the Developmental Disabilities Services Division (DDSD) of the Department of Human Services or designee; and

2. From the provider or licensee named in the application to another provider who has a current license or is deemed licensed in accordance with Section 1430.3 of this title.

B. The transferor shall remain responsible for the operation of the group home until the transfer is complete. The transferor shall remain liable for all penalties assessed which are imposed for violations occurring prior to transfer of operation. Any citations, problems identified by the Developmental Disabilities Services Division prior to the transfer, or outstanding deficiencies remaining after the transfer are the responsibility of the transferee to correct.

Added by Laws 1987, c. 225, § 15, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 15, eff. Nov. 1, 1996; Laws 1996, c. 354, § 15, eff. Nov. 1, 1996. Renumbered from § 1-818.15 of Title 63 by Laws 1996,

c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 12, eff. Nov. 1, 2006.

§10-1430.16. Repealed by Laws 2006, c. 137, § 30, eff. Nov. 1, 2006.

§10-1430.17. Conditional license.

A. The Department of Human Services may issue a conditional license to any group home if the Department finds that a violation exists in such group home. The issuance of a conditional license shall revoke any license held by the group home issued pursuant to the Group Homes for Persons with Developmental or Physical Disabilities Act.

B. Prior to the issuance of a conditional license, the Department shall review and approve a written plan of correction. The Department shall specify the violations which prevent issuance of a regular license and shall establish a time schedule for correction of the deficiencies. Retention of the license shall be conditional on meeting the requirements of the plan of correction. In the alternative or in addition to a conditional license, the Director of Human Services may withhold vendor payments due to a group home under its programs until such time as the corrections are made or a plan of correction for all deficiencies is approved by the Department.

C. Written notice of the decision to issue a conditional license shall be sent to the group home together with the proposed plan of correction. The notice shall inform the group home of its right to an informal conference prior to issuance of the conditional license and its right to a full hearing.

D. If the group home desires to have an informal conference it shall, within four (4) working days of receipt of notice, send a written request for an informal conference to the Department. The Department shall, within four (4) working days from the receipt of the request, hold an informal conference. Following the conference, the Department may affirm or overrule its previous decision, or modify the terms of the conditional license and plan of correction. The conditional license may be issued after the informal conference or after the time for requesting an informal conference has expired, prior to any further hearing.

E. If after the informal conference the group home desires to contest the basis for issuance of a conditional license, or the terms of the license or plan of correction, the facility shall send a written request for hearing to the Department within ten (10) days after issuance of the conditional license and the Department shall then hold the hearing.

F. A conditional license shall be issued for a period specified by the Department, but in no event for more than one (1) year. The Department shall periodically, but not less than semiannually, inspect any group home operating under a conditional license. If the

Department finds substantial failure by the group home to follow the plan of correction, the conditional license may be revoked.

G. If the Department determines that a conditional license shall expire without renewal or replacement of the conditional license by a regular license, the Department shall so notify the licensee at least thirty (30) days prior to expiration of the license. The licensee is entitled to a hearing if requested prior to expiration of the conditional license. The provider is entitled to a hearing if requested prior to expiration of the conditional license.

Added by Laws 1987, c. 225, § 17, eff. July 1, 1987. Amended by Laws 1994, c. 236, § 11, eff. Sept. 1, 1994; Laws 1996, c. 155, § 17, eff. Nov. 1, 1996; Laws 1996, c. 354, § 17, eff. Nov. 1, 1996. Renumbered from § 1-818.17 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 13, eff. Nov. 1, 2006.

§10-1430.18. Documents to be made available to residents, employees and visitors.

Every provider and licensee shall make available to residents, employees and visitors the following:

1. The current license or current contract with the Department of Human Services or the Oklahoma Health Care Authority for provision of group home services;

2. Rights of residents as listed in Section 1430.20 of this title;

3. A description of the grievance procedures of the group home established in accordance with OAC 340:2-3-54, to include the name, address and telephone number of the local grievance coordinator and the name, address, and telephone number of a person authorized by the Department to receive complaints regarding potential contract violations. A copy of the grievance and complaint procedures shall also be given to each resident and the guardian or advocate of the resident, if any;

4. A copy of any order pertaining to the group home issued by the Department or a court which is currently in effect; and

5. A list of the material available for public inspection under Section 1430.19 of this title.

Added by Laws 1987, c. 225, § 18, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 18, eff. Nov. 1, 1996; Laws 1996, c. 354, § 18, eff. Nov. 1, 1996. Renumbered from § 1-818.18 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 14, eff. Nov. 1, 2006.

§10-1430.19. Documents and records to be available for public inspection.

A group home subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act shall retain the following for public inspection:

1. A complete copy of every inspection report of the group home received from the Department of Human Services during the past three (3) years with resident-identifying information removed;

2. A copy of correspondence with resident-identifying information removed issued by the Department of Human Services, the Oklahoma Health Care Authority, or a court during the last three (3) years pertaining to the group home;

3. A description of the services provided by the group home, the rates charged for those services and items for which a resident may be separately charged;

4. A copy of the statement of ownership; and

5. A complete copy of any current license or group home contract between the group home and the Department or the Oklahoma Health Care Authority for the care, treatment, training, habilitation or rehabilitation of residents of the group home.

Added by Laws 1987, c. 225, § 19, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 19, eff. Nov. 1, 1996; Laws 1996, c. 354, § 19, eff. Nov. 1, 1996. Renumbered from § 1-818.19 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 15, eff. Nov. 1, 2006.

§10-1430.20. Statement of rights and responsibilities - Denial of appropriate care based on resident's source of payment - Staff training - Limitation of rights - Report of violations - Death of resident.

A. Rules promulgated by the Director of Human Services regarding the rights and responsibilities of residents shall be available in each group home subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, and each resident and guardian or advocate of the resident, if any, shall be provided a copy of these rules prior to or upon admission. The provider or licensee shall ensure that the staff is familiar with and observes the rights and responsibilities enumerated in this section.

B. A statement of rights and responsibilities shall include, but not be limited to, the following:

1. Every resident's civil and religious liberties, including the right to independent personal decisions and knowledge of available choices, shall not be infringed and the provider shall encourage and assist in the exercise of these rights;

2. Every resident shall have the right to have private communications and consultations with the physician, attorney or any other person of the resident's choice, and may send and promptly receive, unopened, the resident's personal mail;

3. Every resident shall have the right, without fear of reprisal, to present grievances on behalf of the resident or others to the provider's staff or administrator, to governmental officials or to any other person, and to join with other residents or

individuals within or outside of the facility to work for improvements in resident care;

4. Every resident shall have the right to manage his or her own financial affairs, unless the resident delegates the responsibility, in writing, to the provider. The resident shall have at least a quarterly accounting of any personal financial transactions undertaken in the resident's behalf by the provider during any period of time the resident has delegated such responsibilities to the provider;

5. Every resident shall have the right to receive adequate and appropriate medical care consistent with established and recognized medical practice standards within the community. Every resident shall be fully informed by the resident's attending physician of the resident's own medical condition and proposed treatment in terms and language that the resident can understand, and shall have the right to refuse medication and treatment after being fully informed of and understanding the consequences of such actions;

6. Every resident shall receive respect and privacy in the resident's medical care program. Case discussion, consultation, examination and treatment shall remain confidential and shall be conducted discreetly. Personal and medical records shall be confidential;

7. Every resident shall have the right to retain and use his or her personal clothing and possessions, unless prohibited by law, and shall have the right to security in the storage and use of such clothing and possessions;

8. Every resident shall have the right to be treated courteously and respectfully and shall be furnished by the provider with a written statement of the services and related charges;

9. Every resident shall be free from mental and physical abuse, and free from physical and chemical restraints, except those physical and chemical restraints which are authorized in writing by a physician, in accordance with rules promulgated by the Department, for a specified period of time;

10. Every resident shall receive a statement of the provider's guidelines and an explanation of the resident's responsibility to comply with all reasonable regulations of the group home and to respect the personal rights and private property of the other residents;

11. Every resident shall receive a statement that should they be adjudicated incompetent, the above rights and responsibilities shall be exercised by a court-appointed guardian;

12. No resident shall be required to perform services for a provider, except for normal, shared household tasks;

13. Every resident shall have privacy for conjugal visits. A resident may share a room with a spouse, if the spouse is residing in the same group home; and

14. Every resident shall be entitled to all rights provided in OAC 340:100-3-1.2.

C. No provider shall deny appropriate care on the basis of the resident's source of payment.

D. Each provider shall provide appropriate staff training to implement each resident's rights as stated in this section.

E. The rights enumerated in subsection B of this section may be limited for residents of an alternative group home, as described in OAC 340:100-5-22.6, if the resident has been placed in the alternative group home pursuant to Section 1175.6b or Section 1175.6c of Title 22 of the Oklahoma Statutes, or if the resident has an intellectual disability and a current community protection issue, which include, but are not limited to:

1. Allegation(s), charge, or conviction of a sexual offense;

2. A history of stalking or opportunistic behavior which demonstrates a likelihood of committing a sexually violent or predatory act;

3. A pattern of violence towards others;

4. A diagnosis of an intellectual disability and mental illness with ongoing episodes that are dangerous as defined in Section 1175.1 of Title 22 of the Oklahoma Statutes; or

5. Evidence of commission of a violent crime.

F. An action may be brought against an individual by any resident who is injured by any violation of this section, or who shall suffer injury from any person whose threats would cause a violation of this section if carried through, may maintain an action to prevent, restrain or enjoin a violation or threatened violation. If a violation or threatened violation of this section shall be established in any action, the court shall enjoin and restrain or otherwise prohibit the violation or threatened violation and assess in favor of the plaintiff and against the defendant the cost of the suit, and the reasonable attorney fees incurred by the plaintiff. If damages are alleged and proved in the action, the plaintiff shall be entitled to recover from the defendant the actual damages sustained by the plaintiff. If it is proved in an action that the defendant's conduct was willful or in reckless disregard of the rights provided by this section, punitive damages may be assessed.

G. Any employee of the Department of Human Services who inspects any group home shall report any flagrant violations of Section 1430.1 et seq. of this title or any other statute to the Director of Human Services, or a designee, who shall immediately take whatever steps are necessary to correct the situation including, when appropriate, reporting the violation to the district attorney of the county in which the violation occurred.

H. Upon the death of a resident who has no sources of payment for funeral services, the provider shall immediately notify appropriate county officials who shall be responsible for funeral and

burial procedures of the deceased in the same manner as with any indigent resident of the county.

Added by Laws 1987, c. 225, § 20, eff. July 1, 1987. Amended by Laws 1994, c. 236, § 12, eff. Sept. 1, 1994; Laws 1996, c. 155, § 20, eff. Nov. 1, 1996; Laws 1996, c. 354, § 20, eff. Nov. 1, 1996. Renumbered from § 1-818.20 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 16, eff. Nov. 1, 2006; Laws 2019, c. 475, § 12, eff. Nov. 1, 2019.

§10-1430.21. Repealed by Laws 2006, c. 137, § 30, eff. Nov. 1, 2006.

§10-1430.22. Resident's contract.

A. A written contract shall be executed between a person, the guardian of a resident, if any, and a group home or the agent of the group home prior to the time a person is admitted to a group home subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, and annually thereafter, or at the expiration of the period of previous contract, or when the source of payment for the care of the resident changes, or when there are changes in the terms of the contract.

B. The contract shall be executed between the provider and the resident and the guardian of the resident, if any.

C. A copy of the contract shall be given to the resident and to the guardian or advocate of the resident, if any.

D. A copy of the contract for a resident who is supported by nonpublic funds other than the personal funds of the resident shall be made available to the person providing the funds for the support of the resident.

E. The contract shall be written legibly in clear and unambiguous language.

F. The contract shall specify:

1. The expiration date of the contract;
2. The services to be provided under the contract and the charges for the services, including the amount of the room and board payment for which the service recipient is responsible;
3. The services that may be provided to supplement the contract and the charges for such additional services;
4. The amount of any deposit paid; and
5. The rights, duties and obligations of the resident, except that the specification of rights of a resident may be furnished on a separate document.

G. The contract shall state the name of the guardian or advocate of the resident, if any, and emergency contact.

H. The contract shall provide that if the resident dies or is compelled by a change in physical or mental health to leave the group home, the contract and all obligations under it shall terminate immediately. All charges shall be prorated as of the date on which

the contract terminates, and, if any payments have been made in advance, the excess shall be refunded to the resident or the guardian or advocate of the resident, if any.

Added by Laws 1987, c. 225, § 22, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 22, eff. Nov. 1, 1996; Laws 1996, c. 354, § 22, eff. Nov. 1, 1996. Renumbered from § 1-818.22 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 17, eff. Nov. 1, 2006.

§10-1430.23. Protection of resident's funds.

To protect the funds of a resident of a facility subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, the group home must comply with rules promulgated by the Department of Human Services regarding protection of the personal funds of the resident.

Added by Laws 1987, c. 225, § 23, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 23, eff. Nov. 1, 1996; Laws 1996, c. 354, § 23, eff. Nov. 1, 1996. Renumbered from § 1-818.23 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 18, eff. Nov. 1, 2006.

§10-1430.24. Access to group homes.

A. Residents of group homes subject to the Group Homes for Persons with Developmental or Physical Disabilities Act may receive any guest or visitor in the group home during reasonable hours as long as the visit does not infringe upon the rights of other group home residents. Any guest or visitor entering a group home shall promptly notify the staff on duty of their presence and shall, upon request, produce identification to establish their identity. No such person shall enter the immediate living area of any resident without first identifying oneself and then receiving permission from the resident to enter. The rights of other residents present in the room shall be respected. A resident may terminate at any time a visit by a person having access to the living area of the resident pursuant to this section.

B. This section shall not limit the power of the Department of Human Services or other public agency otherwise permitted or required by law to enter and inspect a group home.

C. The provider or licensee may refuse access to the group home to any person if the presence of that person in the group home would be injurious to the health and safety of a resident or would threaten the security of the property of a resident or the group home, or if the person seeks access to the group home for commercial purposes. Added by Laws 1987, c. 225, § 24, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 24, eff. Nov. 1, 1996; Laws 1996, c. 354, § 24, eff. Nov. 1, 1996. Renumbered from § 1-818.24 of Title 63 by Laws 1996,

c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 19, eff. Nov. 1, 2006.

§10-1430.25. Involuntary transfer or discharge of resident.

A group home subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act shall not involuntarily transfer or discharge a resident except for medical reasons, for the safety of the resident or for the safety of other residents, for violations of the contract between the resident and the group home or for nonpayment for the stay of the resident. Involuntary transfer or discharge of a resident for violations of the contract shall be subject to the conditions and procedures established by the rules adopted by the Commission for Human Services. Involuntary transfer or discharge of a resident from a group home shall be preceded by a minimum written notice of thirty (30) days. The thirty-day requirement shall not apply in any of the following instances:

1. When an emergency transfer or discharge is mandated by the health care needs of the resident and is in accordance with the written orders and medical justification of the attending physician; or

2. When the transfer or discharge is necessary for the physical safety of other residents as documented in the record.

Added by Laws 1987, c. 225, § 25, eff. July 1, 1987. Amended by Laws 1994, c. 236, § 14, eff. Sept. 1, 1994; Laws 1996, c. 155, § 25, eff. Nov. 1, 1996; Laws 1996, c. 354, § 25, eff. Nov. 1, 1996. Renumbered from § 1-818.25 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 20, eff. Nov. 1, 2006.

§10-1430.26. Provider prohibited from having insurable interest in life of resident or being beneficiary of life insurance policy - Appointment as guardian or conservator or holding power of attorney prohibited.

A. No provider or licensee, including a corporate officer, major stockholder or member of the board of directors, member of the firm, major member of the limited liability company or manager, major partner of the partnership when the provider or licensee is a firm, partnership, limited liability company, or corporation, administrator, or employee of a group home subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act shall have an insurable interest in the life of a resident of the home unless the provider, licensee, administrator, or employee is related to the resident of the home by blood, marriage or adoption.

B. No provider or licensee, including a corporate officer, major stockholder, or member of the board of directors, member of the firm, major member of the limited liability company or manager, major

partner of the partnership when the provider or licensee is a firm, partnership, limited liability company, or corporation, administrator, or employee of a group home shall be entitled or assigned to any benefits of a life insurance policy on the resident unless the provider, licensee, administrator, or employee is related to the resident of the home by blood, marriage or adoption.

C. No provider or licensee, including a corporate officer, major stockholder or member of the board of directors, member of the firm, major member of the limited liability company or manager, major partner of the partnership, when the provider or licensee is a firm, partnership, limited liability company, or corporation, administrator, or employee of a group home shall be appointed guardian or conservator of a resident of the home or hold power of attorney for a resident of the home unless said provider, licensee, administrator or employee is a relative of the resident and is otherwise eligible for appointment by a court as the guardian of the resident.

Added by Laws 1987, c. 225, § 26, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 26, eff. Nov. 1, 1996; Laws 1996, c. 354, § 26, eff. Nov. 1, 1996. Renumbered from § 1-818.26 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 21, eff. Nov. 1, 2006.

§10-1430.27. Inspection, investigation, survey or evaluation of group home.

A. Every group home shall be inspected at least annually by a duly appointed representative of the Department of Human Services pursuant to rules promulgated by the Commission for Human Services with the advice and counsel of the Group Homes for Persons with Developmental or Physical Disabilities Advisory Board established by Section 1430.4 of this title.

B. The Department shall at least annually and whenever it deems necessary inspect, survey, and evaluate each group home to determine compliance with applicable licensure and program requirements and standards.

C. Any inspection, investigation, survey, or evaluation may be conducted without prior notice to the home. At least one inspection per group home shall be unannounced. Any licensee or applicant for a license shall be deemed to have given consent to any duly authorized employee or agent of the Department to enter and inspect the group home in accordance with the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act. Refusal to permit such entry or inspection may constitute grounds for the denial, nonrenewal, suspension, or revocation of a license.

D. The Department shall maintain a log, updated at least monthly and available for public inspection, which shall at a minimum detail:

1. The name of the group home and date of inspection, investigation, survey, or evaluation;
2. Any deficiencies, lack of compliance, or violation noted at the inspection, investigation, survey, or evaluation;
3. The date a notice of violation, license denial, nonrenewal, suspension, or revocation was issued or other enforcement action occurred;
4. Proposed dates for the resolution of deficiencies;
5. The date corrections were completed, as verified by an inspection; and
6. If the inspection or investigation was made pursuant to the receipt of a complaint, the date such complaint was received and the date the group home was notified of the results of the inspection or investigation.

E. The Department shall require periodic reports and shall have access to books, records and other documents maintained by the group home to the extent necessary to implement the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act and the rules promulgated by the Commission for Human Services pursuant thereto.

F. Any state or local ombudsman or a representative of the Office of Client Advocacy having proper identification is authorized to enter any group home licensed pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, communicate privately and without unreasonable restriction with any resident of a group home who consents to such communication, to seek consent to communicate privately and without restriction with any resident of a group home, and to observe all areas of a group home that directly pertain to the care of a resident of a group home.

G. All state agencies receiving complaints on, or conducting surveys or inspections of group homes shall forward complete copies of complaints or inspection or survey results to the Office of Client Advocacy of the Department of Human Services.

Added by Laws 1987, c. 225, § 27, eff. July 1, 1987. Amended by Laws 1994, c. 236, § 15, eff. Sept. 1, 1994; Laws 1996, c. 155, § 27, eff. Nov. 1, 1996; Laws 1996, c. 354, § 27, eff. Nov. 1, 1996. Renumbered from § 1-818.27 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 22, eff. Nov. 1, 2006.

§10-1430.28. Repealed by Laws 2006, c. 137, § 30, eff. Nov. 1, 2006.

§10-1430.29. Repealed by Laws 2006, c. 137, § 30, eff. Nov. 1, 2006.

§10-1430.30. Repealed by Laws 2006, c. 137, § 30, eff. Nov. 1, 2006.

§10-1430.31. Prohibited acts.

A. No person shall willfully:

1. Fail to correct or interfere with the correction of a violation within the time specified on the notice or approved plan of correction pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act as the maximum period given for correction, unless an extension is granted and the corrections are made before expiration of extension;

2. Prevent, interfere with, or attempt to impede in any way the work of any duly authorized representative of the Department of Human Services in the investigation and enforcement of the Group Homes for Persons with Developmental or Physical Disabilities Act;

3. Prevent or attempt to prevent any such representative from examining any relevant books or records in the conduct of official duties pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;

4. Prevent or interfere with any such representative in the preserving of evidence of any violation of the Group Homes for Persons with Developmental or Physical Disabilities Act or the rules promulgated pursuant thereto;

5. Retaliate or discriminate against any resident or employee for contacting or providing information to any state official, or for initiating, participating in, or testifying in an action for any remedy authorized pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;

6. File any false, incomplete, or intentionally misleading information required to be filed pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, or willfully fail or refuse to file any information required by the Department pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act; or

7. Open or operate a group home without a license or a contract for group home services with the Department of Human Services or the Oklahoma Health Care Authority.

B. No employee of a state or unit of a local government agency shall aid, abet, assist, conceal, or conspire with any employee of a provider or licensee in a violation of any provision of the Group Homes for Persons with Developmental or Physical Disabilities Act or any rule or standard promulgated by the Commission for Human Services pursuant to the Group Homes for Persons with Developmental or Physical Disabilities Act.

C. Any person who violates any of the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, upon conviction, shall be guilty of a misdemeanor. Each day upon which such violation occurs shall constitute a separate violation. Added by Laws 1987, c. 225, § 31, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 31, eff. Nov. 1, 1996; Laws 1996, c. 354, § 31, eff. Nov. 1, 1996. Renumbered from § 1-818.31 of Title 63 by Laws 1996,

c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 23, eff. Nov. 1, 2006.

§10-1430.32. Violations - Penalties.

A. Any person who has been determined by the Department of Human Services to have violated any provision of the Group Homes for Persons with Developmental or Physical Disabilities Act, or any rule or order issued pursuant thereto may be liable for an administrative penalty of not more than One Hundred Dollars (\$100.00) for each day that the violation continues. The maximum administrative penalty shall not exceed Ten Thousand Dollars (\$10,000.00) for any related series of violations.

B. The amount of the penalty shall be assessed by the Department pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Department shall include but not be limited to consideration of the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the effect on ability of the person to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act.

C. Any license holder may elect to surrender such license in lieu of said fine but shall be forever barred from obtaining a reissuance of such license.

D. In addition to or in lieu of a fine as provided in this section, the Department may issue an administrative order prohibiting a group home which has a history of incomplete or partial compliance with the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, or which has a history of failure to fully implement a plan of correction in a timely manner from admitting new or additional residents to the group home.

Added by Laws 1987, c. 225, § 32, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 32, eff. Nov. 1, 1996; Laws 1996, c. 354, § 32, eff. Nov. 1, 1996. Renumbered from § 1-818.32 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§10-1430.33. Notice of voluntary closing - Alternative placement of residents.

Any provider or licensee operating under the Group Homes for Persons with Developmental or Physical Disabilities Act shall give ninety (90) days' notice prior to voluntarily closing a group home or closing any part of a group home, or prior to closing any part of a group home if closing such part will require the transfer or discharge of more than ten percent (10%) of the residents. Such notice shall be given to the Department of Human Services, to any resident who must be transferred or discharged, to the resident's

guardian or advocate, and to a member of the resident's family, where practicable. Notice shall state the proposed date of closing and the reason for closing. The provider or licensee shall offer to assist the resident in securing an alternative placement and shall advise the resident on available alternatives. Where the resident is unable to choose an alternative placement and is not under guardianship, the Department shall be notified of the need for relocation assistance. The provider or licensee shall comply with all applicable laws and rules until the date of closing, including those related to transfer or discharge of residents. The Department may place a relocation team in the group home if needed. Also, the Department may promulgate rules that establish criteria for the acceleration of the notice requirement if extraordinary circumstances warrant it. Added by Laws 1987, c. 225, § 33, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 33, eff. Nov. 1, 1996; Laws 1996, c. 354, § 33, eff. Nov. 1, 1996. Renumbered from § 1-818.33 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 24, eff. Nov. 1, 2006.

§10-1430.34. Appointment of monitor or receiver.

A. The Department of Human Services may place an employee or agent to serve as a monitor at a provider agency or licensee subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act or may petition the district court for appointment of a receiver for a provider or licensee, or both, when any of the following conditions exist:

1. The group home is operating without a license;
2. The Department has suspended, revoked or refused to renew the existing license of the provider or licensee;
3. The provider or licensee has closed or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least thirty (30) days prior to closure; or
4. The Department determines that an emergency exists, whether or not it has initiated revocation or nonrenewal procedures, if because of the unwillingness or inability of the provider or licensee to remedy the emergency the Department believes a monitor or receiver is necessary.

B. In any situation described in subsection A of this section, the Department may place a qualified person to act as monitor at the provider agency or licensee. The monitor shall observe the operation of the provider agency or licensee, assist the provider or licensee by advising it on how to comply with the state rules promulgated by the Commission for Human Services and shall report periodically to the Department on the operation of the provider agency or licensee. Added by Laws 1987, c. 225, § 34, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 34, eff. Nov. 1, 1996; Laws 1996, c. 354, § 34, eff.

Nov. 1, 1996. Renumbered from § 1-818.34 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 25, eff. Nov. 1, 2006.

§10-1430.35. Emergencies - Investigations - Hearing.

A. Where a resident of a group home subject to the Group Homes for Persons with Developmental or Physical Disabilities Act, a guardian or advocate of a resident, if any, or a resident's next of kin believes that an emergency exists, each of them, collectively or separately, may file a verified statement with the Director of Human Services, or a designee, who shall immediately investigate. If the Director, or a designee, determines that proper cause exists, the Director, or a designee, shall take whatever steps are necessary to protect the health, welfare and safety of the residents including, if necessary, petitioning the court to place the group home under the control of a receiver to ensure that the residents receive adequate care.

B. The court shall hold a hearing within five (5) days of the filing of the petition. The petition and notice of the hearing shall be served on the provider or licensee or designated agent of the provider or licensee and the petition and notice of hearing shall be posted in a conspicuous place in the group home not later than three (3) days before the time specified for the hearing, unless a different time limit is fixed by order of the court. The court shall appoint a receiver for a limited time period, not to exceed one hundred eighty (180) days, which shall automatically terminate the receivership unless extended by the court, if it finds that:

1. The group home is operating without a license;
2. The Department has suspended, revoked or refused to renew the existing license of the provider or licensee;
3. The group home is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least thirty (30) days prior to closure;
4. An emergency exists, whether or not the Department has initiated revocation or nonrenewal procedures, if because of the unwillingness or inability of the provider or licensee to remedy the emergency, the appointment of a receiver is necessary; or
5. It is necessary to ensure that the residents get adequate care in a situation in which the health, welfare and safety of the residents are threatened.

C. If a petition filed under this section alleges that the conditions listed in subsection B of this section exist within a group home, the court may set the matter for hearing at the earliest possible time. The petitioner shall notify the provider of the group home or licensee or registered agent of the provider or licensee more than five (5) days prior to the hearing. Any form of written notice

may be used. A receivership shall not be established ex parte by the court unless the Director of Human Services, under oath, has provided a statement that such Director, or a designee, has personally determined that there is a life-endangering situation. A waiver of the five-day notice requirement may be approved by the court in life-endangering situations as determined and confirmed under oath, by the Director.

Added by Laws 1987, c. 225, § 35, eff. July 1, 1987. Amended by Laws 1994, c. 236, § 17, eff. Sept. 1, 1994; Laws 1996, c. 155, § 35, eff. Nov. 1, 1996; Laws 1996, c. 354, § 35, eff. Nov. 1, 1996. Renumbered from § 1-818.35 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 26, eff. Nov. 1, 2006.

§10-1430.36. Appointment of receiver.

A. The court may appoint any qualified person as a receiver, except it shall not appoint any employee or affiliate of the provider or licensee which is in receivership as its receiver. The Department of Human Services shall maintain a list of such persons to operate group homes which the court may consider.

B. The receiver shall make provisions for the continued health, safety and welfare of all residents of the group home.

C. A receiver appointed pursuant to the Group Homes for Persons with Developmental or Physical Disabilities Act shall exercise those powers and shall perform those duties set out by the court. These powers and duties may include those generally ascribed to receivers and receiverships and may also include the powers and duties of trustees under the current Bankruptcy Code for the State of Oklahoma. The court shall provide for the receiver to have sufficient power and duties to ensure that the residents receive adequate care.

Added by Laws 1987, c. 225, § 36, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 36, eff. Nov. 1, 1996; Laws 1996, c. 354, § 36, eff. Nov. 1, 1996. Renumbered from § 1-818.36 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 27, eff. Nov. 1, 2006.

§10-1430.37. Expenses of receiver - Insufficient funds - Compensation of receiver.

A. If funds are insufficient to meet the expenses of performing the powers and duties conferred on the receiver appointed pursuant to the Group Homes for Persons with Developmental or Physical Disabilities Act, or if there are insufficient funds on hand to meet those expenses, the Department of Human Services may reimburse the receiver for those expenses from funds available.

B. The court shall set the compensation of the receiver, which shall be considered a necessary expense of a receivership.

Added by Laws 1987, c. 225, § 37, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 37, eff. Nov. 1, 1996; Laws 1996, c. 354, § 37, eff.

Nov. 1, 1996. Renumbered from § 1-818.37 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§10-1430.38. Liability of receiver - Bond.

A. A receiver may be held liable in a personal capacity only for the receiver's own gross negligence, intentional acts or breaches of fiduciary duty.

B. The court may require a receiver to post a bond.

Added by Laws 1987, c. 225, § 38, eff. July 1, 1987. Renumbered from § 1-818.38 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§10-1430.39. Conditional license for provider in receivership.

Other provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act notwithstanding, the Department of Human Services may issue a conditional license to a provider placed in receivership. The duration of a license issued under this section is limited to the duration of the receivership. Added by Laws 1987, c. 225, § 39, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 38, eff. Nov. 1, 1996; Laws 1996, c. 354, § 38, eff. Nov. 1, 1996. Renumbered from § 1-818.39 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996.

§10-1430.40. Termination of receivership.

A. The court may terminate a receivership:

1. If the time period specified in the order appointing the receiver elapses and is not extended;

2. If the court determines that the receivership is no longer necessary because the conditions which gave rise to the receivership no longer exist; or the Department of Human Services issues the provider or licensee a new license, whether the structure of the group home, the right to operate the group home, or the land on which it is located is under the same or different ownership; or

3. If all of the residents in the group home have been transferred or discharged.

B. 1. Within thirty (30) days after termination, the receiver shall give the court a complete accounting of all property of which the receiver has taken possession, of all funds collected, and of the expenses of the receivership.

2. If the operating funds exceed the reasonable expenses of the receivership, the court shall order payment of the surplus to the provider or licensee, after reimbursement of funds drawn from the contingency fund provided for in Section 1430.37 of this title. If the operating funds are insufficient to cover the reasonable expenses of the receivership, the provider or licensee shall be liable for the deficiency. Payment recovered from the provider or licensee shall be used to reimburse the contingency fund for amounts drawn by the receiver under Section 1430.37 of this title.

3. The Department shall have a lien for any payment made under Section 1430.37 of this title upon any beneficial interest, direct or indirect, of any owner in the following property:

- a. the building in which the group home is located,
- b. any fixtures, equipment or goods used in the operation of the group home,
- c. the land on which the group home is located, or
- d. the proceeds from any conveyance of property described in subparagraphs a, b or c above, made by the provider or licensee within one (1) year prior to the filing of the petition for receivership.

4. The receiver shall, within sixty (60) days after termination of the receivership, file a notice of any lien created under this section. If the lien is on real property, the notice shall be filed with the county clerk. If the lien is on personal property, the notice shall be filed with the Secretary of State. The notice shall specify the name of the person against whom the lien is claimed, the name of the receiver, the dates of the petition for receivership and the termination of receivership, a description of the property involved and the amount claimed. No lien shall exist under this act against any person, on any property, or for any amount not specified in the notice filed under this paragraph.

Added by Laws 1987, c. 225, § 40, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 39, eff. Nov. 1, 1996; Laws 1996, c. 354, § 39, eff. Nov. 1, 1996. Renumbered from § 1-818.40 of Title 63 by Laws 1996, c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 28, eff. Nov. 1, 2006.

§10-1430.41. Rights, obligations and liability during receivership.

Notwithstanding the general rules of receiverships and trustees, nothing in the Group Homes for Persons with Developmental or Physical Disabilities Act shall be deemed to relieve any administrator or employee of a group home placed in receivership of any civil or criminal liability incurred, or any duty imposed by law, by reason of acts or omissions of the administrator or employee prior to the appointment of a receiver; provided, that nothing contained in this act shall be construed to suspend during the receivership any obligation of the administrator or employee for payment of taxes or other operating and maintenance expenses of the group home or of the administrator, employee or any other person for the payment of mortgages or liens. The provider or licensee shall retain the right to sell or mortgage any group home under receivership, subject to approval of the court which ordered the receivership.

Added by Laws 1987, c. 225, § 41, eff. July 1, 1987. Amended by Laws 1996, c. 155, § 40, eff. Nov. 1, 1996; Laws 1996, c. 354, § 40, eff. Nov. 1, 1996. Renumbered from § 1-818.41 of Title 63 by Laws 1996,

c. 354, § 56, eff. Nov. 1, 1996. Amended by Laws 2006, c. 137, § 29, eff. Nov. 1, 2006.

§10-1430.42. Repealed by Laws 2014, c. 104, § 1, eff. Nov. 1, 2014.

§10-1501. Various references deemed to be references to District Court or judge thereof.

Wherever reference is made to the county court, Children's Court and Juvenile Court, or to a judge thereof in the statutes relating to juveniles, domestic relations or the status of persons, the reference shall be deemed to be to the District Court or a judge thereof. Laws 1968, c. 282, § 501, eff. Jan. 13, 1969.

§10-1505. Employment of persons to provide juvenile officer or assistant juvenile officer services in certain counties.

A. 1. As provided by this subsection, the presiding or associate district judge or other judge with juvenile or deprived child docket responsibilities, with the approval of the county commissioners, may employ a juvenile officer or an assistant juvenile officer or contract with a court-appointed special advocate program to provide juvenile officer or assistant juvenile officer services.

2. In counties having a population in excess of twenty-four thousand (24,000), the presiding or associate district judge, with the approval of the county commissioners, may:

- a. employ one juvenile officer for the respective county, or
- b. contract with a court-appointed special advocate program to provide such services.

3. In counties having a population in excess of forty thousand (40,000), the presiding or associate district judge, with the approval of the county commissioners, may:

- a. employ one juvenile officer and one assistant juvenile officer for the respective county, or
- b. contract with a court-appointed special advocate program to provide such services.

B. 1. If employed:

- a. the salary of the juvenile officer shall be not less than sixty percent (60%) nor more than ninety percent (90%) of Class A officers of the county, and
- b. the salary of the assistant juvenile officer shall be not less than sixty percent (60%) nor more than eighty percent (80%) of Class A officers of the county. Such salaries shall be paid from county funds.

2. The juvenile officer and assistant juvenile officer shall be entitled to reimbursement for all traveling expenses incurred in the performance of official duties. Such expenses shall be paid upon sworn itemized claims. When transportation involves the use of the private automobile of the juvenile officer or assistant juvenile officer, such officer shall be entitled to claim reimbursement for use thereof at the rate provided for state employees under the State Travel Reimbursement Act. Such reimbursement shall be from county funds.

C. 1. If the county contracts with a court-appointed special advocate program:

- a. the county may allow program employees to participate in all county employee benefit programs including, but not limited to, health care plans, and
- b. the county may provide adequate office space for the court-appointed special advocate program.

2. Participation in any county benefit program or the provision of office space shall be included in the contract with the court-appointed special advocate program.

D. Any juvenile officer and assistant juvenile officer shall serve at the pleasure of the court.

E. For purposes of this section, a court-appointed special advocate program means a program as defined by Section 7001-1.3 of this title.

Added by Laws 1969, c. 108, § 1, emerg. eff. April 1, 1969. Amended by Laws 1981, c. 98, § 1, emerg. eff. April 22, 1981; Laws 1981, c. 238, § 7; Laws 2003, c. 105, § 1, eff. Nov. 1, 2003; Laws 2004, c. 273, § 1; Laws 2011, c. 64, § 1, eff. Nov. 1, 2011.

§10-1505a. Assistant juvenile officer in certain counties.

In every county of the state having a population of more than twenty-four thousand (24,000), but less than forty thousand (40,000), and having located within it a city with a population of not less than twenty thousand (20,000), according to the latest Federal Decennial Census, in which county there is employed a juvenile officer, an assistant juvenile officer may be appointed by order of the associate district judge with the consent of the chief judge of the judicial district in which said county is located. The assistant so appointed may receive as his annual compensation the sum of not more than Six Thousand Dollars (\$6,000.00), payable monthly; provided, however, no part of said salary or salaries shall be paid out of the court fund, or from state appropriated funds; and provided further, that such salary may be set by order of said chief judge upon concurrence of a majority of the county commissioners of such county.

Laws 1971, c. 296, § 1, operative July 1, 1971. d

- §10-1506. Repealed by Laws 1991, c. 296, § 33, eff. January 1, 1992.
- §10-1507.1. Repealed by Laws 1995, c. 352, § 202, eff. July 1, 1995.
- §10-1507.2. Repealed by Laws 1995, c. 352, § 202, eff. July 1, 1995.
- §10-1507.3. Renumbered as § 7302-1.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.
- §10-1507.4. Renumbered as § 7302-2.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.
- §10-1507.5. Renumbered as § 7302-2.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.
- §10-1507.6. Renumbered as § 7302-3.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.
- §10-1507.7. Renumbered as § 7302-3.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.
- §10-1507.8. Renumbered as § 7302-6.8 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.
- §10-1507.9. Renumbered as § 7302-6.9 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.
- §10-1507.10. Renumbered as § 7302-7.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.
- §10-1507.11. Renumbered as § 7302-7.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.
- §10-1507.12. Renumbered as § 7302-7.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.
- §10-1507.13. Renumbered as § 7302-7.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.
- §10-1507.14. Renumbered as § 7302-7.5 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.
- §10-1507.15. Renumbered as § 7306-2.1 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.
- §10-1507.16. Renumbered as § 7306-2.2 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1507.17. Renumbered as § 7306-2.3 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1507.18. Renumbered as § 7306-2.4 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1507.19. Renumbered as § 7306-2.5 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1507.20. Renumbered as § 7306-2.6 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1507.21. Renumbered as § 7306-2.7 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1507.22. Renumbered as § 7306-2.8 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1507.23. Renumbered as § 7306-2.9 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1507.24. Renumbered as § 7306-2.10 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1507.25. Renumbered as § 7306-2.11 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1507.26. Renumbered as § 7306-2.12 of this title by Laws 1995, c. 352, § 199, eff. July 1, 1995.

§10-1507.27. Repealed by Laws 1997, c. 293, § 42, eff. July 1, 1997.

§10-1507.28. Repealed by Laws 1998, c. 21, § 1, emerg. eff. April 1, 1998.

§10-1507.29. Repealed by Laws 1998, c. 21, § 1, emerg. eff. April 1, 1998.

§10-1601. Renumbered as § 501 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1602. Renumbered as § 502 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1603. Renumbered as § 503 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1604. Renumbered as § 504 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1605. Renumbered as § 505 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1606. Renumbered as § 506 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1607. Renumbered as § 507 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1608. Renumbered as § 508 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1609. Renumbered as § 509 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1610. Renumbered as § 510 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1611. Renumbered as § 511 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1612. Renumbered as § 512 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1613. Renumbered as § 513 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1614. Renumbered as § 514 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1615. Renumbered as § 515 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1616. Renumbered as § 516 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1617. Renumbered as § 517 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1618. Renumbered as § 518 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1619. Renumbered as § 519 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1620. Renumbered as § 520 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1621. Renumbered as § 521 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1622. Renumbered as § 522 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1623. Renumbered as § 523 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1624. Renumbered as § 524 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1625. Renumbered as § 525 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1626. Renumbered as § 526 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1627. Renumbered as § 527 of Title 43 by Laws 1990, c. 188, § 1, eff. Sept. 1, 1990.

§10-1628. Missing child 16 and under - Investigation of disappearance.

It is hereby made the duty of any sheriff, chief of police, city marshal, constable, or any other law enforcement officer, upon notification of a report of a missing child sixteen (16) years and under, to immediately initiate an investigation into the disappearance of said child.

Added by Laws 1983, c. 87, § 1, emerg. eff. May 9, 1983.

§10-1629. Short title.

Sections 1 through 5 of this act shall be known and may be cited as the "Oklahoma Minor Identification Act".

Added by Laws 1986, c. 288, § 1, eff. July 1, 1986.

§10-1630. Definitions.

For purposes of the Oklahoma Minor Identification Act:

1. "Fingerprint" means the impression of the lines upon the fingertip taken with ink and placed upon a paper or plastic card for the purpose of identification;

2. "Local law enforcement agency" means the office of the county sheriff or a department of a municipality authorized by law or ordinance with the duties to maintain public order, make arrests, and enforce the criminal laws of this state or municipal ordinances;

3. "Minor or child" means a person under eighteen (18) years of age; and

4. "Parent" means the natural or adoptive parent who has legal custody of the minor.

Added by Laws 1986, c. 288, § 2, eff. July 1, 1986.

§10-1631. Fingerprinting minors and identification card.

A. Upon request of a parent, legal guardian or legal custodian of a minor and the presentation of the minor at a local law enforcement agency, the local law enforcement agency shall take a complete set of fingerprints of the minor and issue a fingerprint identification card to the parent, legal guardian, or legal custodian which shall contain the fingerprints of such minor.

B. The local law enforcement agency taking the fingerprints and issuing a fingerprint identification card shall use forms and cards provided by the Oklahoma State Bureau of Investigation.

Added by Laws 1986, c. 288, § 3, eff. July 1, 1986.

§10-1632. Intent of legislature.

It is the intent of the Legislature that the children of this state be provided certain safeguards. It is important that children entering the school system of this state as well as children already in the school system be fingerprinted in accordance with the provisions of the Oklahoma Minor Identification Act and said fingerprints be used for locating or identifying any child in this state or any other state who is reported lost, missing, kidnapped, or killed.

Added by Laws 1986, c. 288, § 4, eff. July 1, 1986.

§10-1633. School district fingerprinting programs.

A. Each board of education may develop a fingerprinting program for students within the district. The principal or chief administrative officer of a nonpublic school in this state may develop a fingerprinting program for students of the school. If developed, the program shall be developed in conjunction with local law enforcement agencies having jurisdiction within the school district or where the nonpublic school is located or in conjunction with any organization providing such services on a voluntary basis. Such local law enforcement agencies shall cooperate fully with the board of education or nonpublic school in the development of its fingerprinting program.

B. Such fingerprinting program shall be developed for the sole purpose of providing a means by which a missing child might be located or identified and shall be operated on the following basis:

1. No student shall be required to participate in the program;
 2. The Oklahoma State Bureau of Investigation shall provide fingerprint cards upon request of any school, organization, or local law enforcement agency who requests such cards to implement the provisions of the Oklahoma Minor Identification Act;
 3. In order for a student to participate in the program, the parent, legal guardian, or legal custodian of the student shall authorize the student's participation by signing a form that shall be developed for the program by the board of education of a public school or by the principal or chief administrative officer of the nonpublic school. No student shall be fingerprinted unless a signed authorization form is in the possession of school officials;
 4. The fingerprinting of students shall be performed by members of the local law enforcement agencies or members of any organization volunteering to provide such service;
 5. Two copies of a student's fingerprints shall be made. One copy shall be given to the student's parent, legal guardian, or legal custodian and one copy shall be retained in the student's records by the school and transferred with other school records of the student until the student's eighteenth birthday. The copy of the student's fingerprints retained by the school shall be destroyed by such school on the student's eighteenth birthday;
 6. The name, sex, hair and eye color, height, weight, and date and place of birth of the student shall be indicated on the fingerprint card;
 7. The fingerprint card shall include in a conspicuous place on the card a statement that the card may be used for identification purposes only and may not be used in any juvenile or criminal investigation or proceeding conducted against the student. A fingerprint card prepared pursuant to the Oklahoma Minor Identification Act may be used by a law enforcement agency only to help identify a student who is lost, missing, kidnapped, or killed; and
 8. The fingerprinting program developed pursuant to this section shall be offered on a periodic basis. Parents, legal guardians, and legal custodians in the districts or in the communities served by the schools shall be notified at least two (2) weeks prior to the date set for commencement of the fingerprinting program. These notifications may be given by means of memoranda or letters sent to such parents, legal guardians, or legal custodians.
- Added by Laws 1986, c. 288, § 5, eff. July 1, 1986.

§10-7001-1.1. Renumbered as § 1-1-101 of Title 10A by Laws 2009, c. 233, § 209, emerg. eff. May 21, 2009.

§10-7001-1.2. Renumbered as § 1-1-102 of Title 10A by Laws 2009, c. 233, § 210, emerg. eff. May 21, 2009.

§10-7001-1.3. Renumbered as § 1-1-105 of Title 10A by Laws 2009, c. 233, § 211, emerg. eff. May 21, 2009.

§10-7002-1.1. Renumbered as § 1-4-101 of Title 10A by Laws 2009, c. 233, § 224, emerg. eff. May 21, 2009.

§10-7002-1.2. Renumbered as § 1-4-102 of Title 10A by Laws 2009, c. 233, § 225, emerg. eff. May 21, 2009.

§10-7002-1.3. Repealed by Laws 2009, c. 233, § 176, emerg. eff. May 21, 2009.

§10-7002-2.1. Renumbered as § 1-7-102 of Title 10A by Laws 2009, c. 233, § 276, emerg. eff. May 21, 2009.

§10-7002-2.2. Renumbered as § 1-8-108 of Title 10A by Laws 2009, c. 233, § 292, emerg. eff. May 21, 2009.

§10-7002-3.1. Renumbered as § 1-4-901 of Title 10A by Laws 2009, c. 233, § 261, emerg. eff. May 21, 2009.

§10-7003-1.1. Renumbered as § 1-2-102 of Title 10A by Laws 2009, c. 233, § 213, emerg. eff. May 21, 2009.

§10-7003-2.1. Renumbered as § 1-4-201 of Title 10A by Laws 2009, c. 233, § 226, emerg. eff. May 21, 2009.

§10-7003-2.2. Repealed by Laws 2009, c. 233, § 177, emerg. eff. May 21, 2009.

§10-7003-2.3. Repealed by Laws 2009, c. 233, § 178, emerg. eff. May 21, 2009.

§10-7003-2.4. Renumbered as § 1-4-202 of Title 10A by Laws 2009, c. 233, § 227, emerg. eff. May 21, 2009.

§10-7003-2.5. Renumbered as § 1-3-103 of Title 10A by Laws 2009, c. 233, § 223, emerg. eff. May 21, 2009.

§10-7003-3.1. Renumbered as § 1-4-301 of Title 10A by Laws 2009, c. 233, § 229, emerg. eff. May 21, 2009.

§10-7003-3.2. Repealed by Laws 1998, c. 421, § 34, emerg. eff. June 11, 1998.

§10-7003-3.3. Renumbered as § 1-4-302 of Title 10A by Laws 2009, c. 233, § 230, emerg. eff. May 21, 2009.

§10-7003-3.4. Renumbered as § 1-4-303 of Title 10A by Laws 2009, c. 233, § 231, emerg. eff. May 21, 2009.

§10-7003-3.5. Renumbered as § 1-4-304 of Title 10A by Laws 2009, c. 233, § 232, emerg. eff. May 21, 2009.

§10-7003-3.6. Renumbered as § 1-4-305 of Title 10A by Laws 2009, c. 233, § 233, emerg. eff. May 21, 2009.

§10-7003-3.7. Renumbered as § 1-4-306 of Title 10A by Laws 2009, c. 233, § 234, emerg. eff. May 21, 2009.

§10-7003-3.8. Renumbered as § 1-4-502 of Title 10A by Laws 2009, c. 233, § 236, emerg. eff. May 21, 2009.

§10-7003-4.1. Renumbered as § 1-4-503 of Title 10A by Laws 2009, c. 233, § 237, emerg. eff. May 21, 2009.

§10-7003-4.2. Renumbered as § 1-4-505 of Title 10A by Laws 2009, c. 233, § 238, emerg. eff. May 21, 2009.

§10-7003-4.3. Renumbered as § 1-4-506 of Title 10A by Laws 2009, c. 233, § 239, emerg. eff. May 21, 2009.

§10-7003-4.4. Renumbered as § 1-4-602 of Title 10A by Laws 2009, c. 233, § 241, emerg. eff. May 21, 2009.

§10-7003-4.5. Renumbered as § 1-4-603 of Title 10A by Laws 2009, c. 233, § 242, emerg. eff. May 21, 2009.

§10-7003-4.6. Renumbered as § 1-4-809 of Title 10A by Laws 2009, c. 233, § 255, emerg. eff. May 21, 2009.

§10-7003-4.7. Renumbered as § 1-4-902 of Title 10A by Laws 2009, c. 233, § 262, emerg. eff. May 21, 2009.

§10-7003-5.1. Repealed by Laws 2009, c. 233, § 179, emerg. eff. May 21, 2009.

§10-7003-5.2. Renumbered as § 1-4-703 of Title 10A by Laws 2009, c. 233, § 245, emerg. eff. May 21, 2009.

§10-7003-5.3. Renumbered as § 1-4-704 of Title 10A by Laws 2009, c. 233, § 246, emerg. eff. May 21, 2009.

§10-7003-5.4. Renumbered as § 1-7-104 of Title 10A by Laws 2009, c. 233, § 278, emerg. eff. May 21, 2009.

§10-7003-5.4a. Renumbered as § 1-4-804 of Title 10A by Laws 2009, c. 233, § 250, emerg. eff. May 21, 2009.

§10-7003-5.5. Renumbered as § 1-4-706 of Title 10A by Laws 2009, c. 233, § 248, emerg. eff. May 21, 2009.

§10-7003-5.5a. Renumbered as § 1-4-806 of Title 10A by Laws 2009, c. 233, § 252, emerg. eff. May 21, 2009.

§10-7003-5.6. Renumbered as § 1-4-807 of Title 10A by Laws 2009, c. 233, § 253, emerg. eff. May 21, 2009.

§10-7003-5.6a. Renumbered as § 1-4-808 of Title 10A by Laws 2009, c. 233, § 254, emerg. eff. May 21, 2009.

§10-7003-5.6b. Renumbered as § 1-9-122 of Title 10A by Laws 2009, c. 233, § 314, emerg. eff. May 21, 2009.

§10-7003-5.6d. Renumbered as § 1-4-811 of Title 10A by Laws 2009, c. 233, § 257, emerg. eff. May 21, 2009.

§10-7003-5.6e. Renumbered as § 1-4-810 of Title 10A by Laws 2009, c. 233, § 256, emerg. eff. May 21, 2009.

§10-7003-5.6f. Renumbered as § 1-4-813 of Title 10A by Laws 2009, c. 233, § 259, emerg. eff. May 21, 2009.

§10-7003-5.6g. Repealed by Laws 2004, c. 452, § 5, eff. Nov. 1, 2004.

§10-7003-5.6h. Renumbered as § 1-4-812 of Title 10A by Laws 2009, c. 233, § 258, emerg. eff. May 21, 2009.

§10-7003-6.1. Renumbered as § 1-4-814 of Title 10A by Laws 2009, c. 233, § 260, emerg. eff. May 21, 2009.

§10-7003-6.2. Renumbered as § 1-5-101 of Title 10A by Laws 2009, c. 233, § 266, emerg. eff. May 21, 2009.

§10-7003-6.2A. Renumbered as § 1-4-802 of Title 10A by Laws 2009, c. 233, § 249, emerg. eff. May 21, 2009.

§10-7003-6.3. Renumbered as § 1-5-102 of Title 10A by Laws 2009, c. 233, § 267, emerg. eff. May 21, 2009.

§10-7003-6.4. Renumbered as § 1-5-103 of Title 10A by Laws 2009, c. 233, § 268, emerg. eff. May 21, 2009.

§10-7003-7.1. Renumbered as § 1-7-101 of Title 10A by Laws 2009, c. 233, § 275, emerg. eff. May 21, 2009.

§10-7003-7.2. Repealed by Laws 2009, c. 233, § 180, emerg. eff. May 21, 2009.

§10-7003-8.1. Renumbered as § 1-4-705 of Title 10A by Laws 2009, c. 233, § 247, emerg. eff. May 21, 2009.

§10-7003-8.2. Renumbered as § 1-8-104 of Title 10A by Laws 2009, c. 233, § 289, emerg. eff. May 21, 2009.

§10-7003-8.3. Renumbered as § 1-8-105 of Title 10A by Laws 2009, c. 233, § 290, emerg. eff. May 21, 2009.

§10-7003-8.4. Renumbered as § 1-4-501 of Title 10A by Laws 2009, c. 233, § 235, emerg. eff. May 21, 2009.

§10-7003-8.5. Renumbered as § 1-4-207 of Title 10A by Laws 2009, c. 233, § 228, emerg. eff. May 21, 2009.

§10-7003-8.6. Renumbered as § 1-8-103 of Title 10A by Laws 2009, c. 233, § 288, emerg. eff. May 21, 2009.

§10-7003-8.7. Renumbered as § 1-4-701 of Title 10A by Laws 2009, c. 233, § 243, emerg. eff. May 21, 2009.

§10-7003-8.8. Renumbered as § 1-4-702 of Title 10A by Laws 2009, c. 233, § 244, emerg. eff. May 21, 2009.

§10-7004-1.1. Renumbered as § 1-7-103 of Title 10A by Laws 2009, c. 233, § 277, emerg. eff. May 21, 2009.

§10-7004-1.2. Repealed by Laws 2009, c. 233, § 181, emerg. eff. May 21, 2009.

§10-7004-1.3. Renumbered as § 1-9-105 of Title 10A by Laws 2009, c. 233, § 297, emerg. eff. May 21, 2009.

§10-7004-1.4. Repealed by Laws 2009, c. 233, § 182, emerg. eff. May 21, 2009.

§10-7004-1.5. Renumbered as § 1-9-106 of Title 10A by Laws 2009, c. 233, § 298, emerg. eff. May 21, 2009.

§10-7004-1.6. Renumbered as § 1-9-107 of Title 10A by Laws 2009, c. 233, § 299, emerg. eff. May 21, 2009.

§10-7004-1.7. Renumbered as § 1-9-108 of Title 10A by Laws 2009, c. 233, § 300, emerg. eff. May 21, 2009.

§10-7004-1.8. Renumbered as § 1-9-109 of Title 10A by Laws 2009, c. 233, § 301, emerg. eff. May 21, 2009.

§10-7004-2.1. Renumbered as § 1-9-110 of Title 10A by Laws 2009, c. 233, § 302, emerg. eff. May 21, 2009.

§10-7004-3.1. Renumbered as § 1-9-111 of Title 10A by Laws 2009, c. 233, § 303, emerg. eff. May 21, 2009.

§10-7004-3.2. Renumbered as § 1-7-105 of Title 10A by Laws 2009, c. 233, § 279, emerg. eff. May 21, 2009.

§10-7004-3.3. Repealed by Laws 2009, c. 233, § 183, emerg. eff. May 21, 2009.

§10-7004-3.4. Renumbered as § 1-9-112 of Title 10A by Laws 2009, c. 233, § 304, emerg. eff. May 21, 2009.

§10-7004-3.5. Renumbered as § 1-9-113 of Title 10A by Laws 2009, c. 233, § 305, emerg. eff. May 21, 2009.

§10-7005-1.1. Renumbered as § 1-6-101 of Title 10A by Laws 2009, c. 233, § 269, emerg. eff. May 21, 2009.

§10-7005-1.2. Renumbered as § 1-6-102 of Title 10A by Laws 2009, c. 233, § 270, emerg. eff. May 21, 2009.

§10-7005-1.3. Renumbered as § 1-6-103 of Title 10A by Laws 2009, c. 233, § 271, emerg. eff. May 21, 2009.

§10-7005-1.4. Repealed by Laws 2009, c. 233, § 184, emerg. eff. May 21, 2009.

§10-7005-1.5. Repealed by Laws 2009, c. 233, § 185, emerg. eff. May 21, 2009.

§10-7005-1.6. Renumbered as § 1-8-106 of Title 10A by Laws 2009, c. 233, § 291, emerg. eff. May 21, 2009.

§10-7005-1.7. Repealed by Laws 2009, c. 233, § 186, emerg. eff. May 21, 2009.

§10-7005-1.8. Renumbered as § 1-6-108 of Title 10A by Laws 2009, c. 233, § 274, emerg. eff. May 21, 2009.

§10-7005-1.9. Renumbered as § 1-6-105 of Title 10A by Laws 2009, c. 233, § 272, emerg. eff. May 21, 2009.

§10-7006-1.1. Renumbered as § 1-4-904 of Title 10A by Laws 2009, c. 233, § 263, emerg. eff. May 21, 2009.

§10-7006-1.2. Renumbered as § 1-4-905 of Title 10A by Laws 2009, c. 233, § 264, emerg. eff. May 21, 2009.

§10-7006-1.3. Renumbered as § 1-4-906 of Title 10A by Laws 2009, c. 233, § 265, emerg. eff. May 21, 2009.

§10-7006-1.4. Repealed by Laws 2009, c. 233, § 187, emerg. eff. May 21, 2009.

§10-7006-1.5. Repealed by Laws 2009, c. 233, § 188, emerg. eff. May 21, 2009.

§10-7006-1.6. Repealed by Laws 2009, c. 233, § 189, emerg. eff. May 21, 2009.

§10-7007-1.1. Repealed by Laws 2004, c. 92, § 1, eff. July 1, 2004.

§10-7007-1.2. Repealed by Laws 2004, c. 92, § 1, eff. July 1, 2004.

§10-7007-1.3. Repealed by Laws 2004, c. 92, § 1, eff. July 1, 2004.

§10-7007-1.4. Repealed by Laws 2004, c. 92, § 1, eff. July 1, 2004.

§10-7007-1.5. Repealed by Laws 2004, c. 92, § 1, eff. July 1, 2004.

§10-7007-1.6. Repealed by Laws 2002, c. 112, § 8, eff. Dec. 31, 2002.

§10-7007-1.7. Membership.

A. The Judicial Coordination Advisory Study Panel shall consist of the following fourteen (14) members:

1. Nine members representing various rural and metropolitan areas across Oklahoma and who are judges having juvenile docket responsibilities, appointed by the Juvenile Justice Oversight Committee of the Supreme Court;

2. One member who serves as a court-appointed special advocate, appointed by the Oklahoma Court-Appointed Special Advocate Association;

3. The Director of the Administrative Office of the Courts, or designee;

4. The Director of the Department of Human Services, or designee;

5. The Director of the Oklahoma Commission on Children and Youth, or designee; and

6. The Executive Director of the Office of Juvenile Affairs, or designee.

B. 1. Appointments to the Judicial Coordination Advisory Study Panel shall be made as soon as possible after the effective date of this act. The Study Panel shall call its first meeting as soon as possible after the appointments are made.

2. Members of the Judicial Coordination Advisory Study Panel shall elect two cochairs from its membership to serve until June 30, 2002.

3. Vacancy in such office shall be filled in the same manner as the original appointment. A majority of the members of the Study Panel shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining members to exercise all of the powers of the Study Panel.

C. Members of the Judicial Coordination Advisory Study Panel shall receive no compensation for serving on the Study Panel, but shall receive travel reimbursement as follows:

1. State agency members of the Study Panel shall be reimbursed by their respective agencies for their necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act; and

2. Any other Study Panel members shall receive reimbursement pursuant to the State Travel Reimbursement Act from funds of the Legislative Service Bureau.

D. The Study Panel may divide into subcommittees in furtherance of its purposes. Staffing shall be provided by the respective agencies of the Study Panel.

Added by Laws 2001, c. 415, § 11, emerg. eff. June 5, 2001.

§10-7007-1.8. Purposes - Report.

A. The purposes of the Judicial Coordination Advisory Study Panel shall be to develop a comprehensive plan for court systems throughout Oklahoma to apply for federal funds authorized in the Strengthening Abuse and Neglect Courts Act of 2000, which provides:

1. Competitive grant funding for automated case tracking systems;
2. Competitive grant funding for backlogged abuse and neglect cases; and
3. Competitive grant funding for expansion of court-appointed special advocates (CASA) in underserved areas.

B. The duties of the Study Panel shall include, but not be limited to:

1. Providing information concerning federal grant application;
2. Developing a process by which court systems can apply for federal grant funding;
3. Identifying interested court systems applying for such federal funding;
4. Monitoring the progress of court systems applications for federal grant funding; and
5. Documenting federal grant funding awards made to court systems in Oklahoma.

C. The Judicial Coordination Advisory Study Panel shall issue a report concerning the comprehensive plan developed, and a listing of the court systems in Oklahoma awarded federal funding, pursuant to the Strengthening Abuse and Neglect Courts Act of 2000, to the Legislature and the Governor on or before February 15, 2002. Added by Laws 2001, c. 415, § 12, emerg. eff. June 5, 2001.

§10-7007-1.9. Task Force on Reactive Attachment Disorder in Children - Membership - Duties.

A. There is hereby created to continue until December 31, 2006, the Task Force on Reactive Attachment Disorder in Children. The task force will examine this issue as it relates to children in the custody of the Department of Human Services or the Office of Juvenile Affairs, and children served by the Department of Mental Health and Substance Abuse Services. For purposes of this section, "Reactive Attachment Disorder" means a disorder resulting from the lack of reasonable care and nurturance, usually in the early years of life, which results in an inability to establish normal, stable attachments to caregivers and others.

B. The task force shall consist of eighteen (18) members as follows:

1. The Director of the Department of Human Services, or designee;
2. The Director of the Oklahoma Commission on Children and Youth, or designee;
3. The State Superintendent of Public Instruction, or designee;
4. The Commissioner of the Department of Mental Health and Substance Abuse Services, or designee;
5. The State Commissioner of Health, or designee;

6. The Administrator of the Oklahoma Health Care Authority, or designee;

7. The Director of the Oklahoma Areawide Services Information Systems, or designee;

8. The Executive Coordinator of the District Attorneys Council, or designee;

9. The Executive Director of the Office of Juvenile Affairs, or designee;

10. The Speaker of the Oklahoma House of Representatives shall appoint members as follows:

- a. one member who serves on the Oklahoma House of Representatives Health and Human Services Committee,
- b. one member who is a foster-care or adoptive parent of a child with Reactive Attachment Disorder, and
- c. one member who is a mental health expert knowledgeable in treating children with Reactive Attachment Disorder;

11. The President Pro Tempore of the State Senate shall appoint members as follows:

- a. one member who serves on the Senate Health and Human Resources Committee,
- b. one representative of a statewide child advocacy organization, and
- c. one member who is a practicing attorney in the area of child welfare and who is an active member of the Family Law Section of the Oklahoma Bar Association; and

12. The Governor shall appoint members as follows:

- a. one member who is a pediatrician knowledgeable in the area of Reactive Attachment Disorder in children,
- b. one member who serves on a postadjudication review board, chosen from a list of names submitted by the State Postadjudication Review Advisory Board, and
- c. one member who is a representative of the Oklahoma Youth Services Center.

C. 1. Members shall serve at the pleasure of their appointing authorities. A vacancy on the task force shall be filled by the original appointing authority.

2. Appointments to the task force shall be made by July 1, 2005.

3. A majority of the members of the task force shall constitute a quorum. A majority of the members present at a meeting may act for the task force.

4. The Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the State Senate shall each designate a cochair from among the members of the task force.

5. The cochairs of the task force shall convene the first meeting of the task force on or before July 15, 2005, at which time a schedule of the meetings shall be determined.

6. The task force may divide into subcommittees in furtherance of its purpose.

D. 1. Staff of the Department of Human Services shall serve as primary staff for the task force with assistance from the staffs of the Department of Mental Health and Substance Abuse Services and the Office of Juvenile Affairs.

2. The task force may use the expertise and services of the staffs of the Oklahoma House of Representatives and the Oklahoma State Senate and may, as necessary, seek the advice and services of experts in the field of child welfare.

E. All departments, officers, agencies and employees of this state shall cooperate with the task force in fulfilling its duties and responsibilities including, but not limited to, providing any information, records or reports requested by the task force.

F. Members of the task force shall receive no compensation for their service, but shall receive travel reimbursement as follows:

1. Legislative members of the task force shall be reimbursed for necessary travel expenses incurred in the performance of their duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes; and

2. Nonlegislative members of the task force shall be reimbursed by their appointing authorities or respective agencies for necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

G. The duties and responsibilities of the Task Force on Reactive Attachment Disorder in Children shall include, but not be limited to:

1. Identifying the number of children in the custody of the Department of Human Services or the Office of Juvenile Affairs or the number served by the Department of Mental Health and Substance Abuse Services who have Reactive Attachment Disorder or who may have a predisposition for the disorder;

2. Assessing current resources available to families who have a child with Reactive Attachment Disorder;

3. Determining if additional services are necessary including, but not limited to, networking and support groups, treatment options, information/resource links; and

4. Determining if conferences and training sessions are needed for families who have a child with Reactive Attachment Disorder.

H. The task force shall publish its findings and recommendations by December 31, 2006, including recommendations for any resulting legislation.

Added by Laws 2005, c. 133, § 1, emerg. eff. May 2, 2005.

§10-7008-1.1. Repealed by Laws 2009, c. 233, § 190, emerg. eff. May 21, 2009.

§10-7008-1.2. Repealed by Laws 2009, c. 233, § 191, emerg. eff. May 21, 2009.

§10-7008-1.3. Repealed by Laws 2009, c. 233, § 191, emerg. eff. May 21, 2009.

§10-7008-1.4. Repealed by Laws 2009, c. 233, § 191, emerg. eff. May 21, 2009.

§10-7008-1.5. Repealed by Laws 2009, c. 233, § 191, emerg. eff. May 21, 2009.

§10-7008-1.6. Repealed by Laws 2009, c. 233, § 192, emerg. eff. May 21, 2009.

§10-7101. Repealed by Laws 2009, c. 233, § 193, emerg. eff. May 21, 2009.

§10-7102. Repealed by Laws 2009, c. 233, § 194, emerg. eff. May 21, 2009.

§10-7103. Renumbered as § 1-2-101 of Title 10A by Laws 2009, c. 233, § 212, emerg. eff. May 21, 2009.

§10-7104. Repealed by Laws 2009, c. 233, § 195, emerg. eff. May 21, 2009.

§10-7104.1. Renumbered as § 1-2-103 of Title 10A by Laws 2009, c. 233, § 214, emerg. eff. May 21, 2009.

§10-7105. Renumbered as § 1-2-104 of Title 10A by Laws 2009, c. 233, § 215, emerg. eff. May 21, 2009.

§10-7105.1. Renumbered as § 1-9-101 of Title 10A by Laws 2009, c. 233, § 293, emerg. eff. May 21, 2009.

§10-7106. Renumbered as § 1-2-105 of Title 10A by Laws 2009, c. 233, § 216, emerg. eff. May 21, 2009.

§10-7107. Renumbered as § 1-6-107 of Title 10A by Laws 2009, c. 233, § 273, emerg. eff. May 21, 2009.

§10-7108. Renumbered as § 1-2-106 of Title 10A by Laws 2009, c. 233, § 217, emerg. eff. May 21, 2009.

§10-7109. Renumbered as § 1-2-107 of Title 10A by Laws 2009, c. 233, § 218, emerg. eff. May 21, 2009.

§10-7110. Renumbered as § 1-9-102 of Title 10A by Laws 2009, c. 233, § 294, emerg. eff. May 21, 2009.

§10-7110.1. Renumbered as § 1-9-103 of Title 10A by Laws 2009, c. 233, § 295, emerg. eff. May 21, 2009.

§10-7110.2. Renumbered as § 1-9-104 of Title 10A by Laws 2009, c. 233, § 296, emerg. eff. May 21, 2009.

§10-7111. Renumbered as § 1-2-108 of Title 10A by Laws 2009, c. 233, § 219, emerg. eff. May 21, 2009.

§10-7112. Renumbered as § 843.7 of Title 21 by Laws 2009, c. 233, § 205, emerg. eff. May 21, 2009.

§10-7113. Renumbered as § 1-4-507 of Title 10A by Laws 2009, c. 233, § 240, emerg. eff. May 21, 2009.

§10-7114. Renumbered as § 843.6 of Title 21 by Laws 2009, c. 233, § 206, emerg. eff. May 21, 2009.

§10-7115. Renumbered as § 843.5 of Title 21 by Laws 2009, c. 233, § 207, emerg. eff. May 21, 2009.

§10-7115.1. Renumbered as § 1-2-109 of Title 10A by Laws 2009, c. 233, § 220, emerg. eff. May 21, 2009.

§10-7201. Repealed by Laws 2009, c. 233, § 196, emerg. eff. May 21, 2009.

§10-7202. Renumbered as § 1-7-106 of Title 10A by Laws 2009, c. 233, § 280, emerg. eff. May 21, 2009.

§10-7202.1. Renumbered as § 21.3 of this title by Laws 1999, c. 396, § 30, emerg. eff. June 10, 1999.

§10-7202.2. Renumbered as § 21.4 of this title by Laws 1999, c. 396, § 30, emerg. eff. June 10, 1999.

§10-7202.3. Renumbered as § 109.5 of Title 43 by Laws 2009, c. 233, § 208, emerg. eff. May 21, 2009.

§10-7202.4. Repealed by Laws 2009, c. 233, § 196, emerg. eff. May 21, 2009.

§10-7203. Repealed by Laws 2009, c. 233, § 196, emerg. eff. May 21, 2009.

§10-7203.1. Repealed by Laws 2009, c. 233, § 196, emerg. eff. May 21, 2009.

§10-7203.2. Repealed by Laws 2009, c. 233, § 196, emerg. eff. May 21, 2009.

§10-7204. Renumbered as § 1-7-108 of Title 10A by Laws 2009, c. 233, § 281, emerg. eff. May 21, 2009.

§10-7204.1. Renumbered as § 1-9-117 of Title 10A by Laws 2009, c. 233, § 309, emerg. eff. May 21, 2009.

§10-7205. Renumbered as § 1-7-109 of Title 10A by Laws 2009, c. 233, § 282, emerg. eff. May 21, 2009.

§10-7206. Renumbered as § 1-9-118 of Title 10A by Laws 2009, c. 233, § 310, emerg. eff. May 21, 2009.

§10-7206.1. Renumbered as § 1-9-119 of Title 10A by Laws 2009, c. 233, § 311, emerg. eff. May 21, 2009.

§10-7206.3. Repealed by Laws 2009, c. 233, § 196, emerg. eff. May 21, 2009.

§10-7207. Renumbered as § 1-7-110 of Title 10A by Laws 2009, c. 233, § 283, emerg. eff. May 21, 2009.

§10-7208. Renumbered as § 1-4-805 of Title 10A by Laws 2009, c. 233, § 251, emerg. eff. May 21, 2009.

§10-7209. Renumbered as § 1-7-111 of Title 10A by Laws 2009, c. 233, § 284, emerg. eff. May 21, 2009.

§10-7209.1. Repealed by Laws 1999, c. 396, § 31, emerg. eff. June 10, 1999.

§10-7210. Renumbered as § 1-9-114 of Title 10A by Laws 2009, c. 233, § 306, emerg. eff. May 21, 2009.

§10-7211. Renumbered as § 1-9-115 of Title 10A by Laws 2009, c. 233, § 307, emerg. eff. May 21, 2009.

§10-7212. Renumbered as § 1-9-116 of Title 10A by Laws 2009, c. 233, § 308, emerg. eff. May 21, 2009.

§10-7213. Renumbered as § 1-9-120 of Title 10A by Laws 2009, c. 233, § 312, emerg. eff. May 21, 2009.

§10-7214. Renumbered as § 1-7-112 of Title 10A by Laws 2009, c. 233, § 285, emerg. eff. May 21, 2009.

§10-7218. Renumbered as § 1-2-110 of Title 10A by Laws 2009, c. 233, § 221, emerg. eff. May 21, 2009.

§10-7220. Renumbered as § 1-9-121 of Title 10A by Laws 2009, c. 233, § 313, emerg. eff. May 21, 2009.

§10-7221. Renumbered as § 1-7-113 of Title 10A by Laws 2009, c. 233, § 286, emerg. eff. May 21, 2009.

§10-7301-1.1. Renumbered as § 2-1-101 of Title 10A by Laws 2009, c. 234, § 168, emerg. eff. May 21, 2009.

§10-7301-1.2. Renumbered as § 2-1-102 of Title 10A by Laws 2009, c. 234, § 168, emerg. eff. May 21, 2009.

§10-7301-1.3. Renumbered as § 2-1-103 of Title 10A by Laws 2009, c. 234, § 168, emerg. eff. May 21, 2009.

§10-7302-1.1. Renumbered as § 2-7-101 of Title 10A by Laws 2009, c. 234, § 169, emerg. eff. May 21, 2009.

§10-7302-2.1. Renumbered as § 2-7-201 of Title 10A by Laws 2009, c. 234, § 170, emerg. eff. May 21, 2009.

§10-7302-2.2. Renumbered as § 2-7-202 of Title 10A by Laws 2009, c. 234, § 170, emerg. eff. May 21, 2009.

§10-7302-2.3. Renumbered as § 2-7-203 of Title 10A by Laws 2009, c. 234, § 170, emerg. eff. May 21, 2009.

§10-7302-2.4. Renumbered as § 2-7-204 of Title 10A by Laws 2009, c. 234, § 170, emerg. eff. May 21, 2009.

§10-7302-2.5. Repealed by Laws 2009, c. 234, § 166, emerg. eff. May 21, 2009.

§10-7302-3.1. Renumbered as § 2-7-301 of Title 10A by Laws 2009, c. 234, § 171, emerg. eff. May 21, 2009.

§10-7302-3.2. Renumbered as § 2-7-302 of Title 10A by Laws 2009, c. 234, § 171, emerg. eff. May 21, 2009.

§10-7302-3.3. Renumbered as § 2-7-303 of Title 10A by Laws 2009, c. 234, § 171, emerg. eff. May 21, 2009.

§10-7302-3.4. Renumbered as § 2-7-304 of Title 10A by Laws 2009, c. 234, § 171, emerg. eff. May 21, 2009.

§10-7302-3.5. Renumbered as § 2-7-305 of Title 10A by Laws 2009, c. 234, § 171, emerg. eff. May 21, 2009.

§10-7302-3.6. Repealed by Laws 2002, c. 4, § 10, emerg. eff. Feb. 15, 2002.

§10-7302-3.6a. Renumbered as § 2-7-306 of Title 10A by Laws 2009, c. 234, § 171, emerg. eff. May 21, 2009.

§10-7302-3.7. Renumbered as § 2-7-307 of Title 10A by Laws 2009, c. 234, § 171, emerg. eff. May 21, 2009.

§10-7302-3.8. Renumbered as § 2-7-308 of Title 10A by Laws 2009, c. 234, § 171, emerg. eff. May 21, 2009.

§10-7302-3.9. Renumbered as § 2-7-309 of Title 10A by Laws 2009, c. 234, § 171, emerg. eff. May 21, 2009.

§10-7302-3.10. Renumbered as § 2-7-310 of Title 10A by Laws 2009, c. 234, § 171, emerg. eff. May 21, 2009.

§10-7302-3.11. Renumbered as § 2-7-311 of Title 10A by Laws 2009, c. 234, § 171, emerg. eff. May 21, 2009.

§10-7302-4.1. Renumbered as § 2-7-401 of Title 10A by Laws 2009, c. 234, § 172, emerg. eff. May 21, 2009.

§10-7302-4.2. Renumbered as § 2-7-402 of Title 10A by Laws 2009, c. 234, § 172, emerg. eff. May 21, 2009.

§10-7302-5.1. Renumbered as § 2-7-501 of Title 10A by Laws 2009, c. 234, § 173, emerg. eff. May 21, 2009.

§10-7302-5.2. Renumbered as § 2-7-502 of Title 10A by Laws 2009, c. 234, § 173, emerg. eff. May 21, 2009.

§10-7302-5.3. Renumbered as § 2-7-503 of Title 10A by Laws 2009, c. 234, § 173, emerg. eff. May 21, 2009.

§10-7302-5.4. Renumbered as § 2-7-504 of Title 10A by Laws 2009, c. 234, § 173, emerg. eff. May 21, 2009.

§10-7302-6.1. Renumbered as § 2-7-601 of Title 10A by Laws 2009, c. 234, § 174, emerg. eff. May 21, 2009.

§10-7302-6.2. Renumbered as § 2-7-602 of Title 10A by Laws 2009, c. 234, § 174, emerg. eff. May 21, 2009.

§10-7302-6.3. Renumbered as § 2-7-603 of Title 10A by Laws 2009, c. 234, § 174, emerg. eff. May 21, 2009.

§10-7302-6.4. Renumbered as § 2-7-604 of Title 10A by Laws 2009, c. 234, § 174, emerg. eff. May 21, 2009.

§10-7302-6.5. Renumbered as § 2-7-605 of Title 10A by Laws 2009, c. 234, § 174, emerg. eff. May 21, 2009.

§10-7302-6.6. Renumbered as § 2-7-606 of Title 10A by Laws 2009, c. 234, § 174, emerg. eff. May 21, 2009.

§10-7302-6.7. Renumbered as § 2-7-607 of Title 10A by Laws 2009, c. 234, § 174, emerg. eff. May 21, 2009.

§10-7302-6.8. Renumbered as § 2-7-608 of Title 10A by Laws 2009, c. 234, § 174, emerg. eff. May 21, 2009.

§10-7302-6.9. Renumbered as § 2-7-609 of Title 10A by Laws 2009, c. 234, § 174, emerg. eff. May 21, 2009.

§10-7302-6.10. Renumbered as § 2-7-610 of Title 10A by Laws 2009, c. 234, § 174, emerg. eff. May 21, 2009.

§10-7302-7.1. Renumbered as § 2-7-701 of Title 10A by Laws 2009, c. 234, § 175, emerg. eff. May 21, 2009.

§10-7302-7.2. Renumbered as § 2-7-702 of Title 10A by Laws 2009, c. 234, § 175, emerg. eff. May 21, 2009.

§10-7302-7.3. Renumbered as § 2-7-703 of Title 10A by Laws 2009, c. 234, § 175, emerg. eff. May 21, 2009.

§10-7302-7.4. Renumbered as § 2-7-704 of Title 10A by Laws 2009, c. 234, § 175, emerg. eff. May 21, 2009.

§10-7302-7.5. Renumbered as § 2-7-705 of Title 10A by Laws 2009, c. 234, § 175, emerg. eff. May 21, 2009.

§10-7302-8.1. Renumbered as § 2-7-801 of Title 10A by Laws 2009, c. 234, § 176, emerg. eff. May 21, 2009.

§10-7302-9.1. Renumbered as § 2-7-901 of Title 10A by Laws 2009, c. 234, § 177, emerg. eff. May 21, 2009.

§10-7302-9.2. Renumbered as § 2-7-902 of Title 10A by Laws 2009, c. 234, § 177, emerg. eff. May 21, 2009.

§10-7302-9.3. Renumbered as § 2-7-903 of Title 10A by Laws 2009, c. 234, § 177, emerg. eff. May 21, 2009.

§10-7302-9.4. Renumbered as § 2-7-904 of Title 10A by Laws 2009, c. 234, § 177, emerg. eff. May 21, 2009.

§10-7302-9.5. Repealed by Laws 1997, c. 293, § 42, eff. July 1, 1997.

§10-7302-9.6. Renumbered as § 2-7-905 of Title 10A by Laws 2009, c. 234, § 177, emerg. eff. May 21, 2009.

§10-7303-1.1. Renumbered as § 2-2-101 of Title 10A by Laws 2009, c. 234, § 178, emerg. eff. May 21, 2009.

§10-7303-1.2. Renumbered as § 2-2-102 of Title 10A by Laws 2009, c. 234, § 178, emerg. eff. May 21, 2009.

§10-7303-1.3. Renumbered as § 2-2-104 of Title 10A by Laws 2009, c. 234, § 178, emerg. eff. May 21, 2009.

§10-7303-1.4. Renumbered as § 2-2-105 of Title 10A by Laws 2009, c. 234, § 178, emerg. eff. May 21, 2009.

§10-7303-1.5. Renumbered as § 2-2-106 of Title 10A by Laws 2009, c. 234, § 178, emerg. eff. May 21, 2009.

§10-7303-1.6. Renumbered as § 2-2-107 of Title 10A by Laws 2009, c. 234, § 178, emerg. eff. May 21, 2009.

§10-7303-1.7. Renumbered as § 2-2-108 of Title 10A by Laws 2009, c. 234, § 178, emerg. eff. May 21, 2009.

§10-7303-2.1. Repealed by Laws 2009, c. 234, § 167, emerg. eff. May 21, 2009.

§10-7303-2.2. Repealed by Laws 2009, c. 234, § 167, emerg. eff. May 21, 2009.

§10-7303-3.1. Renumbered as § 2-2-301 of Title 10A by Laws 2009, c. 234, § 179, emerg. eff. May 21, 2009.

§10-7303-4.1. Renumbered as § 2-2-401 of Title 10A by Laws 2009, c. 234, § 180, emerg. eff. May 21, 2009.

§10-7303-4.2. Renumbered as § 2-2-402 of Title 10A by Laws 2009, c. 234, § 180, emerg. eff. May 21, 2009.

§10-7303-4.3. Renumbered as § 2-2-403 of Title 10A by Laws 2009, c. 234, § 180, emerg. eff. May 21, 2009.

§10-7303-4.4. Repealed by Laws 1998, c. 268, § 18, eff. July 1, 1998.

§10-7303-4.5. Repealed by Laws 2009, c. 234, § 167, emerg. eff. May 21, 2009.

§10-7303-4.6. Renumbered as § 2-2-404 of Title 10A by Laws 2009, c. 234, § 180, emerg. eff. May 21, 2009.

§10-7303-5.1. Renumbered as § 2-2-501 of Title 10A by Laws 2009, c. 234, § 181, emerg. eff. May 21, 2009.

§10-7303-5.2. Renumbered as § 2-2-502 of Title 10A by Laws 2009, c. 234, § 181, emerg. eff. May 21, 2009.

§10-7303-5.3. Renumbered as § 2-2-503 of Title 10A by Laws 2009, c. 234, § 181, emerg. eff. May 21, 2009.

§10-7303-5.4. Renumbered as § 2-2-504 of Title 10A by Laws 2009, c. 234, § 181, emerg. eff. May 21, 2009.

§10-7303-5.5. Renumbered as § 2-2-505 of Title 10A by Laws 2009, c. 234, § 181, emerg. eff. May 21, 2009.

§10-7303-5.6. Renumbered as § 2-2-506 of Title 10A by Laws 2009, c. 234, § 181, emerg. eff. May 21, 2009.

§10-7303-5.7. Repealed by Laws 2009, c. 234, § 167, emerg. eff. May 21, 2009.

§10-7303-5.8. Renumbered as § 2-2-507 of Title 10A by Laws 2009, c. 234, § 181, emerg. eff. May 21, 2009.

§10-7303-5.9. Renumbered as § 2-2-508 of Title 10A by Laws 2009, c. 234, § 181, emerg. eff. May 21, 2009.

§10-7303-5.10. Renumbered as § 2-2-509 of Title 10A by Laws 2009, c. 234, § 181, emerg. eff. May 21, 2009.

§10-7303-6.1. Repealed by Laws 2009, c. 234, § 167, emerg. eff. May 21, 2009.

§10-7303-6.2. Renumbered as § 2-2-601 of Title 10A by Laws 2009, c. 234, § 182, emerg. eff. May 21, 2009.

§10-7303-6.3. Repealed by Laws 2009, c. 234, § 167, emerg. eff. May 21, 2009.

§10-7303-7.1. Repealed by Laws 2009, c. 234, § 167, emerg. eff. May 21, 2009.

§10-7303-7.2. Repealed by Laws 2009, c. 234, § 167, emerg. eff. May 21, 2009.

§10-7303-7.3. Repealed by Laws 2009, c. 234, § 167, emerg. eff. May 21, 2009.

§10-7303-7.4. Renumbered as § 2-2-701 of Title 10A by Laws 2009, c. 234, § 183, emerg. eff. May 21, 2009.

§10-7303-7.5. Renumbered as § 2-2-702 of Title 10A by Laws 2009, c. 234, § 183, emerg. eff. May 21, 2009.

§10-7303-7.6. Renumbered as § 2-2-703 of Title 10A by Laws 2009, c. 234, § 183, emerg. eff. May 21, 2009.

§10-7303-8.1. Renumbered as § 2-2-801 of Title 10A by Laws 2009, c. 234, § 184, emerg. eff. May 21, 2009.

§10-7303-8.2. Renumbered as § 2-2-802 of Title 10A by Laws 2009, c. 234, § 184, emerg. eff. May 21, 2009.

§10-7303-8.3. Renumbered as § 2-2-803 of Title 10A by Laws 2009, c. 234, § 184, emerg. eff. May 21, 2009.

§10-7303-8.4. Renumbered as § 2-2-804 of Title 10A by Laws 2009, c. 234, § 184, emerg. eff. May 21, 2009.

§10-7303-8.5. Repealed by Laws 2009, c. 234, § 167, emerg. eff. May 21, 2009.

§10-7303-8.6. Renumbered as § 2-2-805 of Title 10A by Laws 2009, c. 234, § 184, emerg. eff. May 21, 2009.

§10-7304-1.1. Renumbered as § 2-3-101 of Title 10A by Laws 2009, c. 234, § 185, emerg. eff. May 21, 2009.

§10-7304-1.2. Renumbered as § 2-3-102 of Title 10A by Laws 2009, c. 234, § 185, emerg. eff. May 21, 2009.

§10-7304-1.3. Renumbered as § 2-3-103 of Title 10A by Laws 2009, c. 234, § 185, emerg. eff. May 21, 2009.

§10-7304-1.4. Renumbered as § 2-3-104 of Title 10A by Laws 2009, c. 234, § 185, emerg. eff. May 21, 2009.

§10-7305-1.1. Renumbered as § 2-4-101 of Title 10A by Laws 2009, c. 234, § 186, emerg. eff. May 21, 2009.

§10-7305-1.2. Renumbered as § 2-4-102 of Title 10A by Laws 2009, c. 234, § 186, emerg. eff. May 21, 2009.

§10-7305-1.3. Renumbered as § 2-4-103 of Title 10A by Laws 2009, c. 234, § 186, emerg. eff. May 21, 2009.

§10-7305-1.4. Renumbered as § 2-4-104 of Title 10A by Laws 2009, c. 234, § 186, emerg. eff. May 21, 2009.

§10-7305-1.5. Renumbered as § 2-4-105 of Title 10A by Laws 2009, c. 234, § 186, emerg. eff. May 21, 2009.

§10-7305-1.6. Renumbered as § 2-4-106 of Title 10A by Laws 2009, c. 234, § 186, emerg. eff. May 21, 2009.

§10-7305-1.7. Renumbered as § 2-4-107 of Title 10A by Laws 2009, c. 234, § 186, emerg. eff. May 21, 2009.

§10-7305-1.8. Renumbered as § 2-4-108 of Title 10A by Laws 2009, c. 234, § 186, emerg. eff. May 21, 2009.

§10-7305-1.9. Renumbered as § 2-4-109 of Title 10A by Laws 2009, c. 234, § 186, emerg. eff. May 21, 2009.

§10-7305-1.10. Renumbered as § 2-4-110 of Title 10A by Laws 2009, c. 234, § 186, emerg. eff. May 21, 2009.

§10-7306-1.1. Renumbered as § 2-5-101 of Title 10A by Laws 2009, c. 234, § 187, emerg. eff. May 21, 2009.

§10-7306-2.1. Renumbered as § 2-5-201 of Title 10A by Laws 2009, c. 234, § 188, emerg. eff. May 21, 2009.

§10-7306-2.2. Renumbered as § 2-5-202 of Title 10A by Laws 2009, c. 234, § 188, emerg. eff. May 21, 2009.

§10-7306-2.3. Renumbered as § 2-5-203 of Title 10A by Laws 2009, c. 234, § 188, emerg. eff. May 21, 2009.

§10-7306-2.4. Renumbered as § 2-5-204 of Title 10A by Laws 2009, c. 234, § 188, emerg. eff. May 21, 2009.

§10-7306-2.5. Renumbered as § 2-5-205 of Title 10A by Laws 2009, c. 234, § 188, emerg. eff. May 21, 2009.

§10-7306-2.6. Renumbered as § 2-5-206 of Title 10A by Laws 2009, c. 234, § 188, emerg. eff. May 21, 2009.

§10-7306-2.7. Repealed by Laws 1997, c. 293, § 43, eff. July 1, 1997.

§10-7306-2.7a. Renumbered as § 2-5-207 of Title 10A by Laws 2009, c. 234, § 188, emerg. eff. May 21, 2009.

§10-7306-2.8. Renumbered as § 2-5-208 of Title 10A by Laws 2009, c. 234, § 188, emerg. eff. May 21, 2009.

§10-7306-2.9. Renumbered as § 2-5-209 of Title 10A by Laws 2009, c. 234, § 188, emerg. eff. May 21, 2009.

§10-7306-2.10. Renumbered as § 2-5-210 of Title 10A by Laws 2009, c. 234, § 188, emerg. eff. May 21, 2009.

§10-7306-2.10a. Renumbered as § 2-5-211 of Title 10A by Laws 2009, c. 234, § 188, emerg. eff. May 21, 2009.

§10-7306-2.11. Renumbered as § 2-5-212 of Title 10A by Laws 2009, c. 234, § 188, emerg. eff. May 21, 2009.

§10-7306-2.12. Renumbered as § 2-5-213 of Title 10A by Laws 2009, c. 234, § 188, emerg. eff. May 21, 2009.

§10-7306-2.13. Repealed by Laws 1997, c. 293, § 43, eff. July 1, 1997.

§10-7306-3.1. Renumbered as § 2-5-301 of Title 10A by Laws 2009, c. 234, § 189, emerg. eff. May 21, 2009.

§10-7307-1.1. Renumbered as § 2-6-101 of Title 10A by Laws 2009, c. 234, § 190, emerg. eff. May 21, 2009.

§10-7307-1.2. Renumbered as § 2-6-102 of Title 10A by Laws 2009, c. 234, § 190, emerg. eff. May 21, 2009.

§10-7307-1.3. Renumbered as § 2-6-104 of Title 10A by Laws 2009, c. 234, § 190, emerg. eff. May 21, 2009.

§10-7307-1.4. Renumbered as § 2-6-105 of Title 10A by Laws 2009, c. 234, § 190, emerg. eff. May 21, 2009.

§10-7307-1.5. Renumbered as § 2-6-106 of Title 10A by Laws 2009, c. 234, § 190, emerg. eff. May 21, 2009.

§10-7307-1.6. Renumbered as § 2-6-107 of Title 10A by Laws 2009, c. 234, § 190, emerg. eff. May 21, 2009.

§10-7307-1.7. Renumbered as § 2-6-108 of Title 10A by Laws 2009, c. 234, § 190, emerg. eff. May 21, 2009.

§10-7307-1.8. Renumbered as § 2-6-109 of Title 10A by Laws 2009, c. 234, § 190, emerg. eff. May 21, 2009.

§10-7307-1.9. Renumbered as § 2-6-110 of Title 10A by Laws 2009, c. 234, § 190, emerg. eff. May 21, 2009.

§10-7308-1.1. Renumbered as § 2-8-101 of Title 10A by Laws 2009, c. 234, § 191, emerg. eff. May 21, 2009.

§10-7308-1.2. Renumbered as § 2-8-102 of Title 10A by Laws 2009, c. 234, § 191, emerg. eff. May 21, 2009.

§10-7308-1.3. Renumbered as § 2-8-103 of Title 10A by Laws 2009, c. 234, § 191, emerg. eff. May 21, 2009.

§10-7308-1.4. Renumbered as § 2-8-104 of Title 10A by Laws 2009, c. 234, § 191, emerg. eff. May 21, 2009.

§10-7308-1.5. Renumbered as § 2-8-105 of Title 10A by Laws 2009, c. 234, § 191, emerg. eff. May 21, 2009.

§10-7308-1.6. Repealed by Laws 2002, c. 164, § 6, eff. July 1, 2002.

§10-7308-1.7. Renumbered as § 2-8-106 of Title 10A by Laws 2009, c. 234, § 191, emerg. eff. May 21, 2009.

§10-7308-1.8. Renumbered as § 2-8-107 of Title 10A by Laws 2009, c. 234, § 191, emerg. eff. May 21, 2009.

§10-7308-1.9. Renumbered as § 2-8-108 of Title 10A by Laws 2009, c. 234, § 191, emerg. eff. May 21, 2009.

§10-7308-1.10. Renumbered as § 2-8-109 of Title 10A by Laws 2009, c. 234, § 191, emerg. eff. May 21, 2009.

§10-7308-1.11. Renumbered as § 2-8-110 of Title 10A by Laws 2009, c. 234, § 191, emerg. eff. May 21, 2009.

§10-7308-1.12. Renumbered as § 2-8-111 of Title 10A by Laws 2009, c. 234, § 191, emerg. eff. May 21, 2009.

§10-7308-1.13. Renumbered as § 2-8-112 of Title 10A by Laws 2009, c. 234, § 191, emerg. eff. May 21, 2009.

§10-7309-1.1. Renumbered as § 2-9-101 of Title 10A by Laws 2009, c. 234, § 192, emerg. eff. May 21, 2009.

§10-7309-1.2. Renumbered as § 2-9-102 of Title 10A by Laws 2009, c. 234, § 192, emerg. eff. May 21, 2009.

§10-7309-1.3. Renumbered as § 2-9-103 of Title 10A by Laws 2009, c. 234, § 192, emerg. eff. May 21, 2009.

§10-7309-1.4. Renumbered as § 2-9-104 of Title 10A by Laws 2009, c. 234, § 192, emerg. eff. May 21, 2009.

§10-7309-1.5. Renumbered as § 2-9-105 of Title 10A by Laws 2009, c. 234, § 192, emerg. eff. May 21, 2009.

§10-7309-1.6. Renumbered as § 2-9-106 of Title 10A by Laws 2009, c. 234, § 192, emerg. eff. May 21, 2009.

§10-7309-1.7. Renumbered as § 2-9-107 of Title 10A by Laws 2009, c. 234, § 192, emerg. eff. May 21, 2009.

§10-7309-1.8. Renumbered as § 2-9-108 of Title 10A by Laws 2009, c. 234, § 192, emerg. eff. May 21, 2009.

§10-7309-1.9. Renumbered as § 2-9-109 of Title 10A by Laws 2009, c. 234, § 192, emerg. eff. May 21, 2009.

§10-7309-1.10. Renumbered as § 2-9-110 of Title 10A by Laws 2009, c. 234, § 192, emerg. eff. May 21, 2009.

§10-7309-1.11. Renumbered as § 2-9-111 of Title 10A by Laws 2009, c. 234, § 192, emerg. eff. May 21, 2009.

§10-7309-1.12. Renumbered as § 2-9-112 of Title 10A by Laws 2009, c. 234, § 192, emerg. eff. May 21, 2009.

§10-7309-1.13. Renumbered as § 2-9-113 of Title 10A by Laws 2009, c. 234, § 192, emerg. eff. May 21, 2009.

§10-7309-1.14. Renumbered as § 2-9-114 of Title 10A by Laws 2009, c. 234, § 192, emerg. eff. May 21, 2009.

§10-7501-1.1. Short title - Composition of Code.

A. Chapter 75 of this title shall be known and may be cited as the "Oklahoma Adoption Code".

B. The Oklahoma Adoption Code shall be composed of eleven articles:

Article 1. State Policy and General Definitions.

Article 2. Jurisdiction, Venue and Choice of Law.

Article 3. Adoption of Minors.

Article 4. Medical and Social Histories.

Article 5. Adoption Proceedings.

Article 6. Paternity Registry.

Article 7. Adult Adoptions.

Article 8. Adult Adoptee Services.

Article 9. General Provisions.

Article 10. Subsidized Adoption Programs.

Article 11. Studies and Committees.

C. All statutes hereinafter enacted and codified in Chapter 75 of this title shall be considered and deemed part of the Oklahoma Adoption Code.

D. The provisions of the Oklahoma Adoption Code shall not invalidate any adoption heretofore granted by any court.

Added by Laws 1957, p. 26, § 23. Amended by Laws 1996, c. 297, § 1, emerg. eff. June 10, 1996. Renumbered from § 60.23 of this title by Laws 1996, c. 297, § 28, emerg. eff. June 10, 1996. Amended by Laws 1997, c. 366, § 1, eff. Nov. 1, 1997. Renumbered from § 60 of this

title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 4, emerg. eff. June 11, 1998.

§10-7501-1.2. Purpose of Code.

A. The Legislature of this state believes that every child should be raised in a secure, loving home and finds that adoption is the best way to provide a permanent family for a child whose biological parents are not able or willing to provide for the child's care or whose parents believe the child's best interest will be best served through adoption. The purpose of the Oklahoma Adoption Code is to:

1. Ensure and promote the best interests of the child in adoptions and to establish an orderly and expeditious process for movement of adoption matters through the courts;
2. Affirm that the parent-child relationship is fundamental and that all adoption laws should be fair to the child and to each parent of the child;
3. Affirm the duty of the biological parents to provide appropriately for the care of the child unless custody of the child has been transferred either voluntarily or involuntarily;
4. Affirm the duty of a noncustodial parent to:
 - a. provide financial support for the parent's biological child, and otherwise exercise parental responsibilities,
 - b. maintain a parent-child relationship, regardless of the absence of any court order to that effect, and
 - c. provide for the appropriate financial support of the mother of the child during her term of pregnancy;
5. Affirm the duty of a male person who has sexual relations with a female person outside of marriage to be aware that a pregnancy might occur;
6. Affirm the duty of the biological father of a child who is to be born or who is born outside of marriage to exercise his parental responsibilities for the child. This includes the duty to inform himself about the existence and needs of any such child and to exercise parental responsibilities toward that child even before birth;
7. Encourage prebirth planning for adoption as a means of facilitating adoption of a child into a permanent family as soon as possible. To that end, the Oklahoma Adoption Code provides for a prebirth notice of a plan for adoption and for procedures by which a putative father may give his consent or otherwise respond to the notice;
8. Ensure that children placed for adoption will be raised in stable, permanent loving families whose qualifications for adoption have been properly evaluated in light of the child's needs;

9. Promote and strengthen the integrity and finality of adoptions by limiting the time and circumstances for a consent to be withdrawn or a challenge to the adoption filed; and

10. Recognize the right of all children who have been adopted to have access to information about their social and medical history.

B. It is the intent of the Legislature to balance the privacy rights of all parties to an adoption while clarifying when and to whom information may be released. The Legislature seeks to promote voluntary reunions, provide for confidential intermediaries, and collect and maintain social and medical information relating to the adoption in the recognition that all children should have access to knowledge about their heritage.

Added by Laws 1957, p. 26, § 22. Amended by Laws 1997, c. 366, § 2, eff. Nov. 1, 1997. Renumbered from § 60.22 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-7501-1.3. Definitions.

As used in the Oklahoma Adoption Code:

1. "Abandonment" includes, but is not limited to, the following:
 - a. the parent has left the minor alone or in the care of another who is not the parent of the minor without identifying the minor or furnishing a means of identification for the minor, the whereabouts of the parents are unknown, and the minor's identity cannot be ascertained by the exercise of reasonable diligence,
 - b. the parent has voluntarily left the minor alone or in the care of another who is not the parent of the minor and expressed a willful intent by words, actions, or omissions not to return for the minor, or
 - c. the parent fails to maintain a substantial and positive relationship with the minor for a period of six (6) consecutive months out of the last fourteen (14) months immediately preceding the filing of a petition for termination of parental rights. For purposes of this section, "establish and/or maintain a substantial, positive relationship" includes but is not limited to:
 - (1) frequent and regular contact with the minor through frequent and regular visitation or frequent, regular communication to or with the minor, and
 - (2) exercising parental rights and responsibilities. Incidental or token visits or communications shall not be sufficient to establish or maintain a substantial and positive relationship with the minor.

The term "abandonment" shall not include when a parent has relinquished a minor to or placed the minor in the custody of a licensed child-placing agency or other court-appointed individual;

2. "Adoptee" means an individual who is adopted or is to be adopted;

3. "Adult" means an individual who has attained eighteen (18) years of age;

4. "Minor" means any person who has not attained the age of eighteen (18) years;

5. "Child-placing agency" means any child welfare agency licensed pursuant to the Oklahoma Child Care Facilities Licensing Act and authorized to place minors for adoption;

6. "Contested proceeding" means any proceeding pursuant to the Oklahoma Adoption Code in which an interested party enters an appearance to contest the petition;

7. "Department" means the Department of Human Services;

8. "Direct placement adoption" means any adoption in which the minor is not placed for adoption by the Department of Human Services or a child-placing agency. A stepparent or relative adoption shall not be considered a direct placement adoption;

9. "Guardian" means an individual, other than a parent, appointed by a court to be the guardian of the person of a minor;

10. "Parent" means an individual who is the biological or adoptive parent of a child or who is legally recognized as a mother or father of a child. The term "parent" does not include an individual whose parental relationship to a child has been terminated;

11. "Permanent relinquishment" means the voluntary surrender of the rights of the parent or guardian with respect to a minor, including legal and physical custody of the minor, to a child-placing agency, Department of Human Services or any person with the assent of the court, by a minor's parent or guardian, for purposes of the minor's adoption;

12. "Putative father" means the father of a minor born out of wedlock or a minor whose mother was married to another person at the time of the birth of the minor or within the ten (10) months prior to the birth of the minor and includes, but is not limited to, a man who has acknowledged or claims paternity of a minor, a man named by the mother of the minor to be the father of the minor, or any man who is alleged to have engaged in sexual intercourse with a woman during a possible time of conception;

13. "Relative adoption" means the placement of a child for adoption with a parent, grandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle or aunt, who is related to the child by either birth or marriage;

14. "State" means any state, territory, or possession of the United States, the commonwealth of Puerto Rico, and the District of Columbia; and

15. "Stepparent" means an individual who is the spouse or surviving spouse of a parent of a minor, but who is not a legal parent of the minor.

Added by Laws 1957, p. 22, § 1. Amended by Laws 1996, c. 297, § 2, emerg. eff. June 10, 1996; Laws 1997, c. 366, § 3, eff. Nov. 1, 1997. Renumbered from Title 10, § 60.1 by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 2001, c. 434, § 6, emerg. eff. June 8, 2001; Laws 2002, c. 445, § 8, eff. Nov. 1, 2002; Laws 2011, c. 371, § 1, eff. Nov. 1, 2011.

§10-7502-1.1. Jurisdiction.

Jurisdiction over proceedings to terminate parental rights and proceedings for the adoption of a minor commenced pursuant to the Oklahoma Adoption Code shall be governed by the Uniform Child Custody Jurisdiction and Enforcement Act as provided in Sections 551-101 through 551-402 of Title 43 of the Oklahoma Statutes.

Added by Laws 1997, c. 366, § 4, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 5, emerg. eff. June 11, 1998; Laws 1999, c. 29, § 1, emerg. eff. April 5, 1999; Laws 2001, c. 434, § 7, emerg. eff. June 8, 2001; Laws 2005, c. 69, § 2, eff. Nov. 1, 2005; Laws 2011, c. 371, § 2, eff. Nov. 1, 2011.

§10-7502-1.2. Venue.

Proceedings for adoption shall be brought in the district court in the county where the petitioners or the child to be adopted resides, in Tulsa County or in Oklahoma County, or where termination proceedings took place, at the election of the petitioners.

Added by Laws 1957, p. 23, § 4. Amended by Laws 1991, c. 113, § 3, eff. Sept. 1, 1991; Laws 1997, c. 366, § 5, eff. Nov. 1, 1997. Renumbered from § 60.4 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 2009, c. 107, § 1, eff. Nov. 1, 2009; Laws 2014, c. 152, § 1, eff. Nov. 1, 2014.

§10-7502-1.3. Laws governing.

A. Except as otherwise provided by this section, a proceeding to terminate parental rights pursuant to Article 5 of the Oklahoma Adoption Code or an adoption in this state of a minor born in this state or brought into this state from another state by a prospective adoptive parent, or by a person who places the minor for adoption in this state, is governed by the laws of this state, including but not limited to, the Oklahoma Adoption Code and the Interstate Compact on the Placement of Children.

B. A permanent relinquishment of a child for adoption or a consent to adoption, including, but not limited to, an extrajudicial

consent signed by a putative father, will be recognized as valid and given effect in all proceedings brought pursuant to the Oklahoma Adoption Code in the courts of this state, if the permanent relinquishment or consent was executed:

1. Before an appropriate official and in the manner prescribed by the Oklahoma Adoption Code; or
2. Except as otherwise provided in subsection I of Section 7503-2.3 and subsection H of Section 7503-2.4 of this title, before an appropriate official and in the manner prescribed by the law of the state or country in which the permanent relinquishment or consent was executed.

C. The laws of this state shall govern when and under which circumstances a permanent relinquishment of a child for adoption or a consent to adoption, including, but not limited to, an extrajudicial consent signed by a putative father, may be revoked or set aside, if:

1. The permanent relinquishment or consent was executed in this state; or
2. The permanent relinquishment or consent was executed outside of this state before an appropriate official and in a manner in compliance with all of the requirements of the Oklahoma Adoption Code.

D. If a permanent relinquishment for adoption or consent to adoption, including, but not limited to, an extrajudicial consent signed by a putative father, is executed outside of this state before an official or in a manner that is not in compliance with all of the requirements of the Oklahoma Adoption Code, the law of the state in which the permanent relinquishment or consent was executed shall govern the circumstances under which the relinquishment or consent may be revoked or set aside.

Added by Laws 1997, c. 366, § 6, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 6, emerg. eff. June 11, 1998.

§10-7502-1.4. Foreign adoptions.

A. The courts of this state shall recognize a decree, judgment, or final order creating the relationship of parent and child by adoption, issued by a court or other governmental authority with appropriate jurisdiction in a foreign country or in another state or territory of the United States. The rights and obligations of the parties as to matters within the jurisdiction of this state shall be determined as though the decree, judgment, or final order were issued by a court of this state. Except that, this state, any of its agencies, or any court of this state shall not recognize an adoption by more than one individual of the same sex from any other state or foreign jurisdiction.

B. An adoptive parent of a minor adopted outside of the United States with a decree, judgment or final order issued by a court or other governmental authority with appropriate jurisdiction in a

foreign country may present the decree, judgment, or final order or present proof that the minor has United States citizenship to the court in combination with a petition for a name change. Upon presentation of a decree, judgment, or final order or if the minor presents proof of United States citizenship, the court shall order the State Registrar to prepare a supplementary certificate of birth for the child as provided for in Section 7505-6.6 of this title, unless good cause is shown why the certificate should not be issued.

C. A minor born outside of the United States without a decree, judgment, or final adoption order issued by a court or other governmental authority with appropriate jurisdiction in a foreign country may be adopted in Oklahoma if one or both of the petitioners for adoption are citizens of Oklahoma and the minor is residing in Oklahoma at the time the petition for adoption is filed.

D. An adoptive parent of a minor adopted outside of the United States may petition to readopt the minor under Oklahoma law, if one or both of the petitioners are citizens of Oklahoma and the minor is residing in Oklahoma at the time the petition for adoption is filed.

E. A proceeding to adopt a minor born outside of the United States as provided for in subsection C of this section shall proceed pursuant to the Oklahoma Adoption Code, with the following provisions:

1. The court may grant a decree of adoption without requiring notice to the biological parent and without requiring the consent of the biological parent, if the petitioner files with the petition for adoption a copy of the termination of parental rights granted by a judicial, administrative, or executive body of the country of origin, or a document or documents from such a governmental body stating that the biological parent has consented to the adoption, or stating that the parental rights of the biological parent of the minor have been terminated, or stating that the minor to be adopted has been relinquished by the biological parent or stating that the minor has been abandoned. Any document in a foreign language shall be translated into English by the Department of State or by a translator who shall certify the accuracy of the translation, and a copy of the translation and certification shall be filed with the court along with a copy of the original documents;

2. If a minor born outside of the United States is in the legal custody of a child-placing agency at the time that the petition for adoption is filed, notice of the proceedings shall be given to the child-placing agency prior to the hearing on the petition, and the consent of the child-placing agency to the adoption shall be obtained pursuant to Section 7503-2.1 of this title prior to the granting of the decree of adoption; and

3. The court may waive the issuance of an interlocutory decree of adoption and the waiting period of six (6) months provided in

Sections 7505-6.1 and 7505-6.3 of this title, and grant a final decree of adoption, if:

a. the minor has been in the home of petitioner for at least six (6) months prior to the filing of the petition for adoption, and

b. a postplacement report has been submitted to the court.

Added by Laws 1957, p. 26, § 20. Amended by Laws 1996, c. 297, § 11, emerg. eff. June 10, 1996; Laws 1997, c. 366, § 7, eff. Nov. 1, 1997. Renumbered from § 60.20 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 2004, c. 176, § 1, eff. July 1, 2004.

§10-7503-1.1. Eligibility to adopt.

The following persons are eligible to adopt a child:

1. A husband and wife jointly if both spouses are at least twenty-one (21) years of age;

2. Either the husband or wife if the other spouse is a parent or a relative of the child;

3. An unmarried person who is at least twenty-one (21) years of age; or

4. A married person at least twenty-one (21) years of age who is legally separated from the other spouse.

Added by Laws 1957, p. 22, § 3. Amended by Laws 1974, c. 297, § 2, operative July 1, 1974; Laws 1997, c. 366, § 8, eff. Nov. 1, 1997. Renumbered from § 60.3 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 7, emerg. eff. June 11, 1998.

§10-7503-1.2. Written adoption full-disclosure statement - Signatures.

A. A written adoption full-disclosure statement shall be prepared by the attorneys of record for the petitioner and birth parents in a direct-placement adoption of a minor in this state. Each statement shall include:

1. The name and address of the attorney;

2. A copy of Sections 865 through 869 of Title 21 of the Oklahoma Statutes relating to child trafficking;

3. A copy of Section 7505-3.2 of Title 10 of the Oklahoma Statutes relating to allowable adoption-related costs and expenses;

4. The scope of services provided by the attorney to, or discussed by the attorney with, the client or clients of the attorney including, but not limited to, services, if rendered, that aid in:

a. coping with the particular behaviors and developmental history of the child,

b. understanding the psychological needs of the child that are related to the racial, ethnic, or cultural background of the child,

- c. explaining how to help the child understand adoption,
- d. understanding the perspective of the birth parent,
- e. coping with the loss of the child by the birth parent,
- f. understanding search and reunion issues,
- g. information addressing open and closed adoptions, and
- h. search and reunion resources;

5. A procedure for grievances; provided, that this may be a reference to a Bar Association service for addressing fee disputes or ethics complaints;

6. The manner by which the attorney charges fees for legal services for an adoption, the refund policy, if any, and other expected or anticipated related fees and expenses of the adoption;

7. A statement that customary risks associated with adoptions involve:

- a. birth parents who choose not to relinquish parental rights or not to consent to the adoption,
- b. birth parents who seek to withdraw a consent to adoption or oppose the adoption for other reasons,
- c. uncertainty or inaccurate information regarding paternity,
- d. the prenatal care or actions of the birth mother or care or health of the child, and
- e. discovery of the applicability of the federal and Oklahoma Indian Child Welfare Acts;

8. A provision informing persons that coercion of birth parents is prohibited;

9. A statement that an attorney in this state shall not represent both a relinquishing or consenting parent and a prospective adoptive parent, except in a stepparent adoption;

10. A copy of Section 7505-6.2 of Title 10 of the Oklahoma Statutes, specifying the statutory list of items required to be filed before the final hearing in an adoption;

11. The anticipated time frame for prosecuting a typical uncontested adoption; and

12. Copies of the federal and Oklahoma Indian Child Welfare Acts, found at 25 U.S.C., Sections 1901 through 1923 and Sections 40 through 40.9 of Title 10 of the Oklahoma Statutes, respectively.

B. Every adoptive parent and birth parent represented by legal counsel in a direct-placement adoption of a minor in this state shall:

1. Be provided by their respective attorneys an adoption full-disclosure statement as provided for in subsection A of this section; and

2. Read and sign the adoption full-disclosure statement acknowledging that they have read and understand the statement.

C. The adoption full-disclosure statement signed by the petitioner or petitioners shall be attached to the petition for

adoption filed with the court in each direct-placement adoption of a minor in this state. As to birth parents, the signed adoption full-disclosure statement shall be attached to the first entry of appearance or pleading filed by counsel for said party. The information disclosed in paragraph 6 of subsection A of this section shall also be separately stated and attached as an addendum to the adoption full-disclosure statement and the addendum shall not disclose the caption of the proceeding, the identities of the parties or attorney or any other information identifying the parties or proceeding.

Added by Laws 2009, c. 288, § 1, eff. Nov. 1, 2009.

§10-7503-2.1. Who may consent.

A. A minor may be adopted when there has been filed written consent to adoption or a permanent relinquishment for adoption executed by:

1. Both parents of the minor;
2. One parent of the minor, alone, if:
 - a. the other parent is dead,
 - b. the parental rights of the other parent have been terminated, or
 - c. the consent of the other parent is otherwise not required pursuant to Section 7505-4.2 of this title;
3. The legal guardian of the person of the minor or the guardian ad litem of the minor if both parents are dead or if the rights of the parents have been terminated by judicial proceedings, or the consent of both parents is otherwise not required pursuant to Section 7505-4.2 of this title, and such guardian or guardian ad litem has authority by order of the court appointing the guardian to consent to the adoption;
4. The executive head of a licensed child-placing agency if:
 - a. the minor has been permanently relinquished to such agency by:
 - (1) both parents, or
 - (2) one parent alone if the other parent is dead, the parental rights of the other parent have been terminated, or the consent of the other parent is otherwise not required pursuant to Section 7505-4.2 of this title, or
 - b. the rights of both parents have been judicially terminated and custody of the minor has been legally vested in such agency with authority to consent to adoption of the minor; or
5. Any person having legal custody of a minor by court order if:
 - a. the parental rights of both parents have been judicially terminated, and

- b. the court that issued the custody order for the minor has consented to adoption and a certified copy of its order containing its consent is filed before the final decree.

B. 1. A parent of a minor born in wedlock or a parent who is sixteen (16) years of age or older shall be deemed capable of giving consent to the adoption of a minor.

2. If the parent of a minor born out of wedlock is under sixteen (16) years of age, that parent's consent to the adoption shall be deemed sufficient when:

- a. given by such minor parent before a judge of the district court, and
- b. accompanied by the written consent of:
 - (1) the legal guardian of the minor parent,
 - (2) the parents of the minor parent,
 - (3) the parent having custody of the minor parent, if the other parent of the minor parent is deceased or the parents of the minor parent are divorced, or
 - (4) the person having physical custody of the minor parent, if both parents of the minor parent are deceased, or
- c. accompanied by a finding of the court issuing the decree of adoption, if consent cannot be secured from any individual whose consent is required by subparagraph b of this paragraph, that:
 - (1) either notice was given by mail by the court to such person directing the person to show cause at a time appointed by the court, which shall be not less than ten (10) days from the date of mailing, why the adoption should not be granted without the individual's consent, or that notice was waived by the personal appearance of the individual, and
 - (2) the individual did not appear to contest the adoption, or the consent of the individual is unreasonably withheld.

C. If a minor to be adopted is twelve (12) years of age or older, the consent of the minor to the adoption is required in addition to the consents required by subsections A and B of this section before a decree of adoption may be granted, unless the court makes a finding that it is not in the best interest of the minor to require the minor's consent. The consent of the minor must be given before the court in such form as the court shall direct.

D. 1. When consent for adoption is necessary for minors in the custody of the Department of Human Services, the Director of the Department of Human Services or the designee of the Director may designate, authorize, and direct in writing an employee of the

Department to appear in the court of the county in which said adoption proceedings are to be completed and to give written consent for the adoption of such minor by the family whose application for adoption has been approved by the Department of Human Services; or

2. The executive head of a licensed child-placing agency whose consent is required for the adoption of a minor who is in the custody of the licensed child-placing agency may designate, authorize and direct in writing an employee of the agency to appear in the district court of the county in which the adoption proceedings are to be completed or before anyone authorized by law to take acknowledgements and to give written consent for the adoption of the minor.

Added by Laws 1957, p. 23, § 5. Amended by Laws 1959, p. 26, § 1, emerg. eff. July 15, 1959; Laws 1961, p. 15, § 1, emerg. eff. June 29, 1961; Laws 1971, c. 316, § 1, emerg. eff. June 24, 1971; Laws 1974, c. 297, § 3, operative July 1, 1974; Laws 1985, c. 337, § 1, eff. Feb. 1, 1986; Laws 1994, c. 122, § 1, eff. July 1, 1994; Laws 1996, c. 297, § 3, emerg. eff. June 10, 1996; Laws 1997, c. 366, § 9, eff. Nov. 1, 1997. Renumbered from § 60.5 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 8, emerg. eff. June 11, 1998.

§10-7503-2.2. When consent may be given.

A. The mother of a minor shall not execute a valid consent to the adoption of the minor or a permanent relinquishment of the minor prior to the birth of the minor.

B. The father of a minor born in wedlock shall not execute a valid consent to the adoption of the minor or a permanent relinquishment of the minor prior to the birth of the minor.

C. A putative father of a minor may execute a consent to the adoption of the minor, a permanent relinquishment of the minor, or an extrajudicial consent to the adoption of the minor before or after the birth of the minor.

D. A guardian, guardian ad litem or legal custodian of a child may execute a consent to the adoption of a minor or a permanent relinquishment at any time after being authorized by a court to do so.

E. A child-placing agency that places a child for adoption may execute its consent at any time at or before the hearing on the petition for adoption.

F. A minor twelve (12) years of age or older whose consent is required pursuant to Section 7503-2.1 of this title may execute a consent to adoption at any time at or before the hearing on the petition for adoption.

Added by Laws 1997, c. 366, § 10, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 9, emerg. eff. June 11, 1998.

§10-7503-2.3. Permanent relinquishments.

A. A permanent relinquishment may be executed by a person whose consent to the adoption of a minor is required by Section 7503-2.1 of this title. The permanent relinquishment shall be in writing and shall relinquish all of that individual's rights with respect to the minor, including legal and physical custody and the right to consent to the minor's adoption.

B. Permanent relinquishments may be made only to:

1. The Department of Human Services;
2. A child-placing agency; or
3. Any other person, with the written consent of the Department or court.

C. A permanent relinquishment shall be in writing, executed before a judge of the district court in this state, recorded by a court reporter and contain:

1. The date, place, and time of the execution of the permanent relinquishment;
2. The name and date of birth of the person executing the permanent relinquishment;
3. The current mailing address, telephone number and social security number of the person executing the permanent relinquishment;
4. Instructions that the permanent relinquishment is irrevocable, except upon the specific grounds specified in Section 7503-2.7 of this title, upon which the permanent relinquishment can be revoked and the manner in which a motion to set aside the permanent relinquishment must be filed; and
5. The name of the person or agency as described in subsection B of this section to whom the permanent relinquishment is being given and who shall have the right to give consent to the minor's adoption.

D. A permanent relinquishment must state:

1. That the person executing the document is voluntarily and unequivocally consenting to the adoption of the minor;
2. An understanding that after the permanent relinquishment is executed, it is final and, except for fraud or duress, may not be revoked or set aside for any reason except as otherwise authorized by the Oklahoma Adoption Code;
3. That the person executing the permanent relinquishment is represented by counsel or has waived any right to counsel;
4. That the execution of the permanent relinquishment does not terminate any duty of the person executing the permanent relinquishment to support the mother or the minor until the adoption is completed;
5. That the person executing the permanent relinquishment has not received or been promised any money or anything of value for the permanent relinquishment, except for payments authorized by law;
6. Whether the individual executing the permanent relinquishment is a member of an Indian tribe and whether the minor is eligible for membership or the minor is a member of an Indian tribe;

7. That the person believes the adoption of the minor is in the minor's best interest; and

8. That the person executing the permanent relinquishment has been advised that an adult adopted person born in Oklahoma, whose decree of adoption is finalized after November 1, 1997, may obtain a copy of such person's original certificate of birth unless affidavits of nondisclosure have been filed pursuant to Section 7503-2.5 of this title and that the relinquishing parent may sign an affidavit of nondisclosure.

E. When it appears to the court that the parent or guardian executing a permanent relinquishment desires counsel but is indigent and cannot for that reason employ counsel, the court shall appoint counsel. In all counties having county indigent defenders, the county indigent defenders shall assume the duties of representation in such proceedings.

F. The transcript of the court proceedings pursuant to this section shall be placed in the court record.

G. The verification of the court shall be in substantially the following form:

I, _____, Judge of the District Court in and for _____ County, State of Oklahoma, a Court having original adoption jurisdiction, do hereby certify, that upon this day, _____ personally appeared in open Court, before me, and orally and in writing executed the above and foregoing permanent relinquishment for adoption.

In executing this acknowledgement, I further certify that the said _____ acknowledged that the person executed said relinquishment to adoption freely and voluntarily, and that it was explained to such person by or before me, the undersigned Judge of the District Court, that in executing the relinquishment, the person was surrendering all parental authority whatsoever over the minor; and that with such explanation made to the person relinquishing the minor by or before me, the undersigned Judge of the District Court, the person executed the relinquishment, freely, voluntarily and intelligently for all uses and purposes therein set forth.

I further certify that it was explained to the relinquishing person that this relinquishment is irrevocable and final except for fraud or duress and may not be revoked or set aside except and unless no Petition to Adopt is filed within nine (9) months after placement of the minor or if this or some other court decides not to terminate the rights of the other parent of the minor. I further certify that I am satisfied that the relinquishing person understands the consequences of an adoption; the relinquishing person has represented that such person has not received or been promised any money or anything of value for the giving of the permanent relinquishment except for those payments authorized by law; the relinquishing person has represented that such person is not under the influence of

alcohol or medication or any other substance that affects the person's competence; the person fully understood the English language and communicated in the English language at all times during said hearing, or all information was translated into the relinquishing person's language, and was fully understood by the person; and if the relinquishing person was the biological parent, such parent was advised regarding the affidavit of nondisclosure.

H. A permanent relinquishment shall be signed before any judge of a court having probate or adoption jurisdiction in this state or in the state of residence of the person executing the permanent relinquishment.

I. 1. a. If an individual permanently relinquishing the child resides in a country or place other than the United States of America, other than a member of the United States Armed Services stationed abroad, the permanent relinquishment of the individual may be obtained by a written instrument signed by such person and acknowledged before an officer of the legal subdivision of the government of the place of such person's residence who is authorized to administer oaths under the laws of such country or place.

b. If the foreign country's government does not involve itself in adoption matters, the permanent relinquishment may be executed before an officer of the Judge Advocate General's Office of the United States Armed Services or before an officer of the United States Embassy located in that country, provided the execution of a permanent relinquishment is not a violation of the laws of the foreign country, or a violation of international law or treaty between the foreign country's government and the United States. The permanent relinquishment shall reflect that the permanent relinquishment is not given or accepted in violation of the laws of the foreign country or in violation of international law or treaty between such foreign country's government and the United States.

2. If an individual permanently relinquishing the child is a member of the United States Armed Services stationed in a country or place other than the United States, the individual's permanent relinquishment may be acknowledged before an officer of the Judge Advocate General's Office or other legal officer possessing the authority to administer oaths.

J. If the written instrument containing a permanent relinquishment is written in a language other than the English language, the petitioner must have it translated into the English language by a person qualified to do so, and must file the original instrument together with the translation with the court. The

translation must be sworn to as being a true and correct translation by the person translating the document.

K. Except as otherwise required by subsection I of this section, when the person permanently relinquishing the child for the purposes of adoption resides outside of Oklahoma, the permanent relinquishment by such person may be executed in that state or country in the manner set forth in the Oklahoma Adoption Code or in the manner prescribed by the laws of the state or country of such person's residence.

L. 1. A court before which a permanent relinquishment has been executed may enter an order terminating parental rights of the parent of a child if such parent has executed a permanent relinquishment for adoption pursuant to the Oklahoma Adoption Code.

2. Any order terminating parental rights of a parent pursuant to this subsection shall state that the termination of parental rights shall not terminate the duty of the parent to support the child of such parent. The duty of the parent to support the child shall not be terminated until such time as a final decree of adoption has been entered.

3. Any proceedings held pursuant to this subsection shall not require the state as a necessary party.

Added by Laws 1997, c. 366, § 11, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 10, emerg. eff. June 11, 1998; Laws 1999, c. 396, § 15, emerg. eff. June 10, 1999.

§10-7503-2.4. Contents of consent to adoption.

A. A consent to an adoption of a minor shall be in writing, recorded by a court reporter, and executed before a judge of the district court in this state and contain:

1. The date, place, and time of the execution of the consent;
2. The name and date of birth of the person executing the

consent;

3. The current mailing address, telephone number, and social security number of the person executing the consent; and

4. Instructions that the consent is irrevocable, except upon the specific grounds specified in Section 7503-2.7 of this title, upon which the consent can be revoked and the manner in which a motion to set aside the consent must be filed.

B. A consent must state:

1. That the person executing the document is voluntarily and unequivocally consenting to the adoption of the minor;

2. An understanding that after the consent is executed, it is final and, except for fraud or duress, may not be revoked or set aside for any reason except as otherwise authorized by the Oklahoma Adoption Code;

3. That the person executing the consent is represented by counsel or has waived any right to counsel;

4. That the execution of the consent does not terminate any duty of the person executing the consent to support the mother or the minor until the adoption is completed;

5. That the person executing the consent has not received or been promised any money or anything of value for the consent, except for payments authorized by law;

6. Whether the individual executing the consent is a member of an Indian tribe and whether the minor is eligible for membership or the child is a member of an Indian tribe;

7. That the person believes the adoption of the minor is in the minor's best interest; and

8. That the person executing the consent has been advised that an adult adopted person born in Oklahoma, whose decree of adoption is finalized after November 1, 1997, may obtain a copy of such person's original certificate of birth unless affidavits of nondisclosure have been filed pursuant to Section 7503-2.5 of this title and that the consenting parent may file an affidavit of nondisclosure.

C. Before executing a consent, a minor twelve (12) years of age or older must have been informed by the court of the meaning and consequences of the adoption and the availability of social and medical history information, pursuant to Section 7504-1.2 of this title, when the minor turns eighteen (18) years of age.

D. When it appears to the court that the parent or guardian executing a consent desires counsel but is indigent and cannot for that reason employ counsel, the court shall appoint counsel. In all counties having county indigent defenders, the county indigent defenders shall assume the duties of representation in such proceedings.

E. The transcript of the court proceedings pursuant to this section shall be placed in the court record.

F. Except as otherwise provided by subsection K of this section, verification of the court shall be in substantially the following form:

I, _____, Judge of the District Court in and for _____ County, State of Oklahoma, a Court having original adoption jurisdiction, do hereby certify, that upon this day, _____ personally appeared in open Court, before me, and orally and in writing executed the above and foregoing Appearance and Consent to Adoption.

In executing this acknowledgement, I further certify that the said _____ acknowledged that the person executed said consent to adoption freely and voluntarily, and that it was explained to such person by or before me, the undersigned Judge of the District Court, that in executing the consent the person was surrendering all parental authority whatsoever over the minor; and that with such explanation made to the consenting person by or before me, the undersigned Judge of the District Court, the person executed the

consent, freely, voluntarily and intelligently for all uses and purposes therein set forth.

I further certify that it was explained to the consenting person that this consent is irrevocable and final except for fraud or duress and may not be revoked or set aside except and unless no Petition to Adopt is filed within nine (9) months after placement of the minor or if this or some other court decides not to terminate the rights of the other parent of the minor. I further certify that I am satisfied that the consenting person understands the consequences of an adoption; the consenting person has represented that such person has not received or been promised any money or anything of value for the giving of consent except for those payments authorized by law; the consenting person has represented that such person is not under the influence of alcohol or medication or other substance that affects the person's competence; the parent fully understood the English language and communicated in the English language at all times during said hearing, or all information was translated into the consenting person's language, and was fully understood by the person; and if the consenting person was the biological parent, such parent was advised regarding the affidavit of nondisclosure.

G. A consent may be signed before any judge of a court having probate or adoption jurisdiction in this state or in the state of residence of the person executing the consent.

- H. 1. a. If an individual whose consent is necessary resides in a country or place other than the United States of America, other than a member of the United States Armed Services stationed abroad, the consent of the individual to the adoption may be obtained by a written instrument signed by such person and acknowledged before an officer of the legal subdivision of the government of the place of such person's residence who is authorized to administer oaths under the laws of such country or place.
- b. If the foreign country's government does not involve itself in adoption matters, the consent may be executed before an officer of the Judge Advocate General's Office of the United States Armed Services or before an officer of the United States Embassy located in that country, provided the execution of such consent is not a violation of the laws of the foreign country, or a violation of international law or treaty between the foreign country's government and the United States. The consent shall reflect that the consent is not given or accepted in violation of the laws of the foreign country or in violation of international law or treaty between such foreign country's government and the United States.

2. If an individual whose consent is necessary is a member of the United States Armed Services stationed in a country or place other than the United States, the individual's consent may be acknowledged before an officer of the Judge Advocate General's Office or other legal officer possessing the authority to administer oaths.

I. If the written instrument containing a consent to adoption is written in a language other than the English language, the petitioner must have it translated into the English language by a qualified translator, and must file the original instrument together with the translation with the court. The translation must be sworn to as being a true and correct translation by the person translating the document.

J. Except as otherwise required by subsection H of this section, when the person whose consent is or may be required resides outside of Oklahoma, the consent to adoption by such person may be executed in that state or country in the manner set forth in the Oklahoma Adoption Code or in the manner prescribed by the laws of the state or country of such person's residence.

K. 1. When the person whose consent is required is the Director or designee of the Department of Human Services for minors in the custody of the Department of Human Services, the contents of the consent need only contain the full name of the person executing the consent, that the person executing the consent is duly authorized by the Director to consent to the adoption, the full name of the child being adopted, and the names and addresses of adoptive petitioners.

2. The verification of the court shall be in substantially the following form:

I, _____, Judge of the District Court in and for _____ County, State of Oklahoma, a Court having original adoption jurisdiction, do hereby certify, that upon this day, _____ personally appeared in open Court, before me, and orally and in writing executed the above and foregoing Appearance and Consent to Adoption.

Added by Laws 1997, c. 366, § 12, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 11, emerg. eff. June 11, 1998; Laws 2000, c. 385, § 9, eff. Nov. 1, 2000.

§10-7503-2.5. Acknowledgment of consent to adoption or permanent relinquishment before judge - Affidavit of nondisclosure.

A. At the time that a written consent to adoption or permanent relinquishment is acknowledged by a biological parent before a judge of a court of this state, the judge shall advise the biological parent:

1. That an adult adopted person born in the State of Oklahoma whose decree of adoption is finalized after November 1, 1997, may obtain such person's original certificate of birth;

2. That, if affidavits of nondisclosure have been filed by both biological parents and have not been revoked by either biological parent at the time that the request for the original birth certificate is made by the adult adopted person, the original birth certificate will not be released to the adult adopted person; and

3. That if an unrevoked affidavit of nondisclosure by only one biological parent is on file with the State Registrar of Vital Statistics at the time that the request for the original birth certificate is made by the adult adopted person, identifying information regarding the parent who filed the unrevoked affidavit of nondisclosure will be deleted from the original birth certificate before it is provided to the adult adopted person. The identity of the parent who does not have an unrevoked affidavit of nondisclosure on file, if it is contained in the original birth certificate, will be disclosed.

B. 1. The judge shall ascertain whether the biological parent wishes to execute an affidavit of nondisclosure. If so, an affidavit of nondisclosure form shall be made available to the biological parent by the court and may be executed in the presence of the judge at the time the written consent to adoption or relinquishment for adoption is acknowledged.

2. An affidavit of nondisclosure signed at the time a consent or relinquishment is acknowledged shall be filed in the adoption action with the consent or relinquishment for adoption.

3. Affidavit of nondisclosure forms shall also be available in each district court clerk's office and may be executed and filed by a biological parent in the court in which an adoption action is pending.

4. An affidavit of nondisclosure may be filed after a final decree of adoption has been entered.

C. A biological parent who has executed an affidavit of nondisclosure may revoke the affidavit of nondisclosure at any time by filing a revocation with the State Registrar of Vital Statistics. Upon receipt of a revocation of an affidavit of nondisclosure, the State Registrar shall attach the revocation to the affidavit of nondisclosure and file it with the original certificate of birth and other records of the adoption.

D. The failure to follow any provisions of this section shall not be grounds to challenge a decree of adoption.

Added by Laws 1997, c. 366, § 13, eff. Nov. 1, 1997.

§10-7503-2.6. Extrajudicial consent.

A. 1. A putative father at least sixteen (16) years of age, of a minor born out of wedlock who is not an Indian child, as defined by the Oklahoma Indian Child Welfare Act, may execute an extrajudicial consent before a notary public in which the putative father waives any legal interest in the minor, disclaims any legal rights with

respect to the minor, and consents to the adoption of the minor. An extrajudicial consent may be executed by a putative father before or after the birth of the minor.

2. A man who is the legal husband of the mother of a minor who is not an Indian child, as defined by the Oklahoma Indian Child Welfare Act, may execute an extrajudicial consent before a notary public in which he waives any legal interest in the minor, disclaims any legal rights with respect to the minor, and consents to the adoption of the minor. An extrajudicial consent may be executed by the father only after the birth of the minor.

B. The extrajudicial consent shall contain:

1. The date, place, and time of the execution of the consent;

2. The name, current mailing address, telephone number, date of birth, and social security number of the putative father executing the consent;

3. Instructions that the consent is revocable for any reason for fifteen (15) days after the execution of the consent, the manner in which it may be revoked, and that thereafter the consent is irrevocable, except upon the specific grounds specified in Section 7503-2.7 of this title;

4. A statement that the putative father is executing the document voluntarily and is unequivocally consenting to the adoption of the minor, and that the putative father understands that the consent is final, and except for fraud or duress or the other grounds set forth in Section 7503-2.7 of this title, may not be revoked for any reason more than fifteen (15) days after execution of the document;

5. A statement that the putative father executing consent is represented by counsel or has waived the right to counsel;

6. A statement that the putative father understands that the execution of the extrajudicial consent does not terminate any duty of the person executing the extrajudicial consent to support the mother or the minor until the adoption is completed;

7. A statement that the putative father executing the consent is not a member of an Indian tribe and that the minor is not, through him, eligible for membership in an Indian tribe;

8. A statement that the putative father believes that the adoption of the minor is in the minor's best interests;

9. A statement that the putative father has been advised that an adult adopted person born in Oklahoma, whose decree of adoption is finalized after November 1, 1997, may obtain a copy of such person's original certificate of birth unless affidavits of nondisclosure have been filed pursuant to Section 7503-2.5 of this title and that the consenting putative father may file an affidavit of nondisclosure;

10. A statement that the putative father has not received or been promised any money or any thing of value for the extrajudicial consent, except for payments authorized by law; and

11. A statement that the putative father is not under the influence of alcohol or medication or other substance that affects his competence at the time of the signing of the extrajudicial consent.

C. An extrajudicial consent shall be revocable for any reason for fifteen (15) calendar days after the execution of the consent before the notary public. To revoke the extrajudicial consent, the consenting person must file a notice of revocation and an intent to claim paternity, an acknowledgement of paternity, or a notice of his desire to receive notice of adoption proceedings or proceedings to terminate his parental rights, with the Paternity Registry of the Department of Human Services pursuant to Section 7506-1.1 of this title, and must provide a copy of this notice to the birth mother at the time of filing the notice with the Paternity Registry of the Department of Human Services.

D. The execution of an extrajudicial consent does not extinguish any duty of the putative father to support the mother or the minor until the adoption is completed.

E. Where no notice of revocation is filed in the time period specified in subsection C of this section, the execution of the extrajudicial consent shall operate as a waiver of the consenting person's right to notice and participation in any adoption proceedings or termination of parental rights proceedings regarding the minor referenced in the extrajudicial consent.

Added by Laws 1997, c. 366, § 14, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 12, emerg. eff. June 11, 1998; Laws 1999, c. 396, § 16, emerg. eff. June 10, 1999; Laws 2005, c. 57, § 1, eff. Nov. 1, 2005.

§10-7503-2.7. Setting aside permanent relinquishment or consent to adoption.

A. Except as otherwise provided in subsection B of this section and in Section 7503-2.6 of this title, a permanent relinquishment or consent to adoption executed pursuant to the Oklahoma Adoption Code shall be irrevocable.

B. The court shall set aside a permanent relinquishment or consent to adoption or vacate an order terminating parental rights based upon the execution of a permanent relinquishment only if it would be in the best interests of the minor and if the individual who executed the permanent relinquishment or consent establishes:

1. By a preponderance of the evidence that without good cause shown, a petition to adopt was not filed within nine (9) months after the minor was placed for adoption;

2. By a preponderance of the evidence, that another consent or permanent relinquishment was not executed or that a court decided not to terminate another individual's parental relationship to the minor; or

3. By clear and convincing evidence, before a decree of adoption is issued, or within three (3) months of the discovery of the fraud, whichever is later, that the consent was obtained by fraud or duress.

C. Notice of the motion to set aside the consent or permanent relinquishment and hearing on the motion shall be provided to:

1. The person who filed for adoption of the minor;

2. The Department of Human Services or any child-placing agency participating in the adoption; and

3. To any person or agency in whose favor the consent was given.

D. The court shall provide an opportunity to be heard to the person who has filed for adoption and to any agency participating in the adoption as to why the withdrawal of consent would not be in the best interest of the minor.

E. The court may enter such orders as justice requires regarding the costs and legal fees of the person who filed for adoption, the agency, the Department and the person seeking that the consent or permanent relinquishment be set aside.

Added by Laws 1957, p. 24, § 10. Amended by Laws 1973, c. 157, § 1, emerg. eff. May 14, 1973; Laws 1990, c. 65, § 1, operative July 1, 1990; Laws 1997, c. 366, § 15, eff. Nov. 1, 1997. Renumbered from § 60.10 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 13, emerg. eff. June 11, 1998.

§10-7503-3.1. Notice of plan for adoption.

A. 1. Before or after the birth of a minor born out of wedlock, the Department of Human Services, a licensed child-placing agency, or an attorney representing prospective adoptive parents of the minor may, by in-hand service to the putative father or certified mail to the putative father, to be signed by the putative father only, notify or cause to be notified a putative father of the minor that the mother of the child is considering an adoptive placement for the minor through a Notice of Plan for Adoption. If service of the Notice of Plan for Adoption is made by in-hand service, delivery of the Notice must be made by a person licensed to make service of process in civil cases. Residence service delivered to or signed by a person residing in the home of the putative father or any other forms of substitute service shall not be sufficient service pursuant to this subsection.

2. Service of a Notice of Plan for Adoption may be served in the manner permitted in this subsection upon a putative father within this state or outside of this state.

B. The Notice of Plan for Adoption shall include the following:

1. The identity of the mother, that she is pregnant and the estimated date of birth, that the notified person may be the father of the minor, and that a plan for the adoption of the minor is being considered by the mother;

2. A preaddressed form for filing by mail or in person with the Paternity Registry of the Department of Human Services and a copy to be returned to the attorney or agency who sent it. On this form, the recipient shall sign the form and indicate one of the following choices:

- a. "I do not know if I am the father of this minor. I desire to receive notice of the adoption proceedings or the proceeding to terminate parental rights. I understand that this creates no evidence that could be introduced in court to prove paternity. Its only legal effect is to entitle me to notice, at the address listed on the form, of an adoption proceeding that may be filed after the birth of the minor."
- b. "I hereby file my notice of intent to claim paternity. I understand that a notice of intent to claim paternity may be revoked at any time by filing a notice to disclaim with the Paternity Registry of the Department of Human Services. I also understand that an unrevoked notice of intent to claim paternity may be used as evidence in any future court proceeding in which it may be relevant, including a child support proceeding. I desire to receive notice of the adoption proceeding or the proceeding to terminate parental rights."
- c. "I acknowledge paternity. I understand that this acknowledgement of paternity cannot be revoked and may be used as evidence in any future court proceeding in which it may be relevant, including a child support proceeding. I desire to receive notice of the adoption proceeding or the proceeding to terminate parental rights."
- d. "I deny paternity. I am not the father of the minor and I do not want to receive notice of any adoption proceeding, or proceeding to terminate my parental rights regarding the minor. I understand that I am waiving and surrendering any parental rights in relation to the minor in connection with the adoption of the minor. I understand that my consent to the adoption will not be required."
- e. "I may or may not be the father of the minor. I do not want to receive notice of any adoption proceeding, or proceeding to terminate my parental rights regarding the minor. I understand that I am waiving and surrendering any parental rights in relation to the minor in connection with the adoption of the minor. I understand that my consent to the adoption will not be required."

3. In addition, the Notice of Plan for Adoption shall inform the putative father that:

- a. if the form is not received by the Department of Human Services or the attorney or child-placing agency sending it within thirty (30) days from the date that the Notice of Plan for Adoption is served, the failure to file the form shall constitute:
 - (1) a waiver of the right to receive further notice of any adoption proceedings or proceedings to terminate parental rights, if any, that may be filed regarding the minor,
 - (2) a denial of interest in the minor, which denial shall result in the court's termination of the notified party's parental rights to the minor and approval of an adoption without his consent if an adoption proceeding is filed regarding the minor and the adoption is approved by the court,
- b. if the form is received by the Paternity Registry of the Department of Human Services or the attorney or child-placing agency sending it within thirty (30) days of the date of service of the Notice of Plan for Adoption, and it indicates that any of the options specified in subparagraphs a, b and c of paragraph 2 of this subsection have been chosen, the notified person shall have a right to receive notice of any adoption proceedings or any termination of parental rights proceedings that may be filed regarding the minor, at the address given by the putative father on the form, or at an address later provided to the Paternity Registry of the Department of Human Services. The return of the form to the Paternity Registry of the Department of Human Services or the attorney or child-placing agency sending the form is the only action by which the notified person will retain the right, if any, to notice of adoption or termination of parental rights proceedings regarding the minor,
- c. the filing of the enclosed form shall not, by itself, constitute the bearing of parental responsibilities, and shall not, by itself, establish parental rights,
- d. the filing of the enclosed form or the failure to file the enclosed form shall not affect the duty to support the mother or child during the pregnancy or after the delivery of the minor,
- e. if a petition to adopt the minor is not filed within twelve (12) months of the placement of the minor for adoption, failure to mail the enclosed notice form

shall not affect the notified person's parental rights and responsibilities,

- f. the failure to give such notice shall not be grounds available to the father to establish that he was denied knowledge of the pregnancy, and
- g. receipt by a putative father of a Notice of Plan for Adoption or return of the form does not obligate the mother of the minor to proceed with an adoptive placement of the minor.

C. If the form is not received by the Paternity Registry of the Department of Human Services, the attorney or child-placing agency within thirty (30) days from the date that the Notice of Plan for Adoption is served, the failure to file the form shall constitute:

- 1. A waiver of the right to receive further notice of any adoption proceedings or proceedings to terminate parental rights, if any, that may be filed regarding the minor; and
- 2. A denial of interest in the minor, which denial shall result in the court's termination of the notified party's parental rights to this minor and approval of an adoption without his consent if an adoption proceeding is filed regarding this minor and the adoption is approved by the court.

D. If the form is received by the Paternity Registry of the Department of Human Services, or the attorney or child-placing agency within thirty (30) days of the date of service of the Notice of Plan for Adoption, and it indicates that any of the options specified in subparagraphs a, b and c of paragraph 2 of subsection B of this section have been chosen, the putative father shall have a right to receive notice of any adoption proceedings or any termination of parental rights proceedings that may be filed regarding the minor, at the address of the putative father given on the form, or at an address later provided to the Paternity Registry of the Department of Human Services. The return of the form to the Paternity Registry of the Department of Human Services, or the attorney or child-placing agency sending the form within thirty (30) days is the only action by which the notified person will retain the right, if any, to notice of adoption or termination of parental rights proceedings regarding the minor.

E. The filing of the enclosed form shall not, by itself, constitute the bearing of parental responsibilities, and shall not, by itself, establish parental rights.

F. The filing of the enclosed form or the failure to file the enclosed form shall not affect the duty to support the mother or minor during the pregnancy or after the delivery of the minor.

G. If a petition to adopt the minor has not been filed within twelve (12) months of placement of the minor for adoption, failure to mail the enclosed notice form shall not affect the notified person's parental rights and responsibilities.

H. The failure to give such notice shall not be grounds available to the father to establish that he was denied knowledge of the pregnancy.

I. Receipt by a putative father of a Notice of Plan for Adoption or return of the form does not obligate the mother of the minor to proceed with an adoptive placement of the minor.

Added by Laws 1997, c. 366, § 16, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 14, emerg. eff. June 11, 1998.

§10-7503-3.2. Notice of filing of paternity action by putative father.

A. 1. If a putative father files a paternity action after receiving notice of or having knowledge of a potential adoption, the putative father shall notify the attorney for the petitioner for adoption or the child-placing agency that is placing the minor for adoption that the paternity action has been filed, including, but not limited to:

- a. the name of the court,
- b. the case number, and
- c. the date of filing.

2. If the name or location of the attorney for the petitioner for adoption or the child-placing agency placing the minor for adoption cannot be ascertained by the putative father, the putative father shall notify the petitioner for adoption. If the petitioner for adoption is also unknown to the putative father, the putative father shall notify the Paternity Registry of the Department of Human Services.

B. Upon a motion of the prospective adoptive parent, the court having jurisdiction over the paternity action, if it is filed in a court of this state, shall allow the prospective adoptive parent to intervene in the paternity action and have the opportunity to be heard and seek custody and/or visitation. If a proceeding for adoption or for termination of parental rights of the putative father and a paternity action by the putative father regarding the same minor are both pending in the courts of this state, upon motion of any party, the court having jurisdiction over the paternity action shall transfer the paternity proceeding to the court in which the adoption or termination proceeding is pending, whereupon the two proceedings may be considered.

Added by Laws 1998, c. 415, § 15, emerg. eff. June 11, 1998.

§10-7503-4.1. Temporary orders of custody.

A. 1. If a mother of a minor born out of wedlock or a mother and father of a minor born in wedlock appear before a judge of the district court prior to the birth of the minor and request that the court issue a temporary order of custody effective after the birth of the minor to a child-placing agency licensed in Oklahoma, an attorney

licensed in Oklahoma, or a prospective adoptive parent who has presented to the court a favorable preplacement home study, the court may, following the birth of the minor but prior to the execution of a consent or permanent relinquishment by such parent or parents, issue an order of temporary custody to the agency or attorney so designated or, upon review by the judge of the preplacement home study, to the prospective adoptive parent.

2. A prebirth request by a mother of a minor born out of wedlock or of the mother and father of a child born in wedlock for an order of temporary custody shall not be construed to be a consent to the adoption of the minor or a permanent relinquishment of the minor.

3. Until such time as a consent or permanent relinquishment is signed by the mother of a minor born out of wedlock or by both parents of a minor born in wedlock, pursuant to the Oklahoma Adoption Code, the mother of the minor born out of wedlock or either parent of the minor born in wedlock may apply to the court at any time to vacate the order of temporary custody. Upon such application, the court shall set aside the temporary custody order and order that the minor be returned to the parent.

4. The temporary order of custody issued pursuant to this subsection shall, by its own terms, expire no later than ninety (90) days after it has been issued by the court. Provided, the court upon application may grant an extension if, prior to the application, the mother of a minor born out of wedlock or the mother and father of a minor born in wedlock have executed a consent or permanent relinquishment and if the court has jurisdiction to adjudicate termination of parental rights or adoption proceedings pursuant to Section 7502-1.1 of this title.

B. 1. After a birth mother of a minor born out of wedlock executes a consent to adoption or a permanent relinquishment pursuant to Section 7503-2.3 or 7503-2.4 of Title 10 of the Oklahoma Statutes, the court may issue an order granting temporary custody of the minor to a child-placing agency licensed in this state, an attorney licensed in this state or, upon review by the court of the preplacement home study, to a prospective adoptive parent.

2. After the mother and father of a minor born in wedlock execute a consent to adoption or permanent relinquishment pursuant to Section 7503-2.3 or 7503-2.4 of Title 10 of the Oklahoma Statutes, the court may issue an order granting temporary custody of the minor to a child-placing agency licensed in this state, an attorney licensed in this state or, upon review by the court of the preplacement home study, to a prospective adoptive parent.

3. The temporary order of custody issued pursuant to this subsection shall, by its own terms, expire no later than ninety (90) days after it has been issued by the court. Provided, the court upon application may grant an extension if the court has jurisdiction to

adjudicate termination of parental rights or adoption proceedings pursuant to Section 7502-1.1 of this title.

Added by Laws 1998, c. 415, § 16, emerg. eff. June 11, 1998.

§10-7504-1.1. Medical and social history report.

A. 1. Except as otherwise provided by the Oklahoma Adoption Code, before placing a minor for adoption, the Department of Human Services or a child-placing agency shall compile a written medical and social history report of the minor to be adopted, containing:

- a. all of the information required in subsections B and C of this section that is reasonably available from each biological parent, from any person who has had legal or physical custody of the minor, and from any other relative, or other person or entity who can provide information that cannot otherwise reasonably be obtained from the biological parents or a person who has had legal or physical custody of the minor,
- b. a copy of all medical, dental and psychological records of the minor obtained from anyone who has provided medical, dental or psychological services to the minor, and
- c. a copy of all educational records of the minor.

2. If a minor is not being placed for adoption through the Department or a child-placing agency, the attorney representing the adoptive parent in the adoption proceedings shall compile the report. If the adoptive parent is not represented by an attorney in a direct placement adoption, the person placing the minor for adoption shall compile the report.

B. 1. The Department shall prescribe the form to be used to record the medical history of the minor and the minor's biological relatives. The Department shall furnish the forms to any child-placing agency and to any person who is authorized to place a minor for adoption or who provides services with respect to placements for adoption.

2. The medical history form shall include, but is not limited to:

- a. a current medical and psychological history of the minor, including information concerning:
 - (1) any prenatal, neonatal, medical, dental, psychiatric or psychological diagnoses, examinations or reports,
 - (2) any diseases, illnesses, accidents, allergies, and congenital or birth defects,
 - (3) a record of any immunization and other health care received,

- (4) the minor's developmental history, including the age at which the minor developed basic gross motor, fine motor, language and cognitive skills,
 - (5) any behavioral problems the minor has exhibited,
 - (6) any physical, sexual or emotional abuse suffered by the minor, and
 - (7) any other information necessary to determine the child's eligibility for state or federal benefits, including subsidies for adoption and other financial, medical, or similar assistance, and
- b. relevant information concerning the medical and psychological history of the minor's biological parents and relatives, including information concerning:
- (1) the gynecologic and obstetric history of the biological mother,
 - (2) the health of the biological mother during her pregnancy with the minor,
 - (3) the consumption of drugs, medication or alcohol by the biological father or the biological mother at the time of conception and by the biological mother during her pregnancy with the minor,
 - (4) the exposure of the biological mother to toxic substances, fumes or occupational hazards during her pregnancy that could affect the health of the minor,
 - (5) whether the minor's biological mother and biological father are related to each other and to what degree,
 - (6) any history of venereal disease afflicting either biological parent,
 - (7) physical characteristics of the biological parents, other children of either biological parent, and the biological grandparents, including age at the time of the minor's birth, height, weight, color of eyes, hair, skin and other information of a similar nature,
 - (8) unusual physical characteristics of any biological parent, other children of either biological parent, biological grandparents and other biological relatives,
 - (9) potentially inheritable genetic, psychological, or physical diseases, disorders, traits, or tendencies of the biological parents, other children of either biological parent, the biological grandparents or other biological relatives,

- (10) allergies, diseases, illnesses, and other medical history of biological parents, other children of either biological parent, biological grandparents and other biological relatives, including but not limited to diabetes, high blood pressure, alcoholism, heart disease, cancer, and epilepsy or predisposition thereto,
- (11) any addiction or predisposition to addiction to drugs or alcohol by the biological parents, other children of either biological parent, biological grandparents or other biological relatives,
- (12) if the death of either biological parent, other children of either biological parent, or a biological grandparent has occurred, the fact of the death, the age of the decedent at the time of death, and the cause, if known,
- (13) the psychological history of the biological parents, other children of either biological parent, biological grandparents and other biological relatives, including any psychiatric or psychological evaluations, the date of the evaluation, any diagnoses, and a summary of any psychiatric or psychological findings or treatment, and
- (14) any other useful or unusual health-related information that the biological parents or relatives are willing to provide.

C. The social history report regarding the minor to be adopted, the biological parents, other children of either biological parent and other biological relatives shall include, but is not limited to:

1. The educational history of the minor including, but not limited to, the minor's enrollment and performance in school, the results of educational testing, special educational needs of the minor, if any, and the number of years of school completed at the time of the adoption;

2. The age of the minor, the biological parents, other children of either biological parent, and the biological grandparents at the time of the adoption, and the gender of the other children of either biological parent;

3. The circumstances leading to the adoption;

4. The heritage of the minor including, but not limited to, the minor's nationality, ethnic background, tribal affiliation, if any, and race;

5. The occupation of the biological parents and the biological grandparents, but not specific titles or places of employment;

6. The talents, hobbies and special interests of the minor, the biological parents, and the biological grandparents;

7. Nonidentifying information about the extended family of the biological parents and biological grandparents;

8. The level of educational and vocational achievement of the minor's biological parents and relatives and any noteworthy accomplishments;

9. An account of the minor's past and existing relationship with any individual with whom the minor has regularly lived or visited;

10. A criminal conviction, judicial order terminating parental rights, or other proceeding in which a biological parent of the minor was alleged to have abused, neglected, abandoned or otherwise mistreated the minor to be adopted, a sibling of the minor to be adopted, or the other biological parent; and

11. A criminal conviction or delinquency adjudication of the minor.

D. A report prepared pursuant to this section must indicate who prepared the report.

E. 1. Whenever it is feasible, biological parents, legal or physical custodians of the minor and other biological relatives should be assisted in providing information for the medical and social history report by trained professionals employed by the Department or the licensed child-placing agency, by the attorney for the adoptive parents or by trained professionals employed by the attorney for the adoptive parent.

2. The Department or agency, attorney for the adoptive parent, or person who prepares the medical and social history report shall advise the biological parents, any other persons who submitted information for the report and the adoptive parent that additional information about the adopted person, the biological parents, and the adopted person's genetic history that becomes available may be submitted to the Department, agency, attorney, or person who prepared the report or if the location is known to them, to the clerk of the court that issues the decree of adoption. Nothing in this section shall require that the location of the court in which the adoption action is filed be revealed to the biological parents, biological relatives or other persons who submitted information for the report, if the location is not otherwise known to them.

F. The court may request that a biological parent, a present or former legal or physical custodian of the minor, a biological relative, a school, or a medical, dental or psychological care provider for the child supply the information or records required by this section.

G. Information contained in a medical and social history report compiled pursuant to this section shall not be used as evidence in any criminal proceeding against the individual who furnished the information. This is a use immunity and not a transactional immunity.

H. 1. If the petitioner for the adoption of a minor is a stepparent of the minor and the minor will remain in the custody of one biological parent and the stepparent following the adoption, only the medical and social history of the parent whose parental rights are sought to be terminated and that parent's biological relatives must be compiled in the medical and social history report.

2. If the petitioner for the adoption of a minor is related to the child, only the medical and social history of the parent who is not related to the petitioner and the biological relatives of such parent must be completed in the medical and social history report. Added by Laws 1996, c. 297, § 4, emerg. eff. June 10, 1996. Amended by Laws 1997, c. 366, § 17, eff. Nov. 1, 1997. Renumbered from § 60.5B of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 2011, c. 38, § 1, eff. Nov. 1, 2011.

§10-7504-1.2. Disclosure.

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

B. As early as practicable before the first meeting of the prospective adoptive parent with a minor and before the prospective adoptive parent accepts physical custody of the minor, the Department or child-placing agency that is placing the minor for adoption, or the attorney for the adoptive parent in a direct placement adoption, or the person who is placing the minor for adoption in a direct placement adoption in which the adoptive parent is not represented by an attorney, shall furnish to the prospective adoptive parent a copy of the medical and social history report, containing all of the medical and social history information and records regarding the minor reasonably available at that time. If placement of the minor with the prospective adoptive parent does not subsequently occur, the prospective adoptive parent shall return the medical and social

history report to the Department, agency, attorney or other person who furnished it to the prospective adoptive parent.

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

D. A petition for adoption may not be granted until a copy of the medical and social history report is filed with the court. If the court finds that information or records required by Section 7505-1.1 of this title cannot be obtained by the reasonable efforts of the Department or child-placing agency placing the minor, or by the attorney for the adoptive parent in a direct placement adoption, or by the person who placed the minor for adoption in a direct placement adoption in which the adopted parent is unrepresented, the court may accept the report and proceed with the adoption.

E. 1. Any additional information about an adopted person, the adopted person's biological parents, or the adopted person's genetic history that is submitted to the clerk of the district court that issues the final decree of adoption, before or after the final decree of adoption is issued, shall be made a part of the court's permanent record of the adoption, pursuant to Section 7505-1.1 of this title. No filing fee shall be charged for filing this supplemental information with the court clerk.

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

3. Upon filing with the court clerk supplemental information concerning the biological parents or the adopted person's genetic history, the court clerk shall send notice by ordinary mail, at the most recent address, if any, listed in the court records, to the adoptive parent or legal guardian of a minor adopted person or to the adult adopted person. The notice shall state that supplemental information has been received and is available from the court clerk upon request.

4. Upon filing with the court clerk supplemental information concerning the adopted person that may be genetically significant for

a biological parent or biological relative, the court clerk shall send notice by ordinary mail, at the most recent address, if any, listed in the court records, to the biological parent. The notice shall state that supplemental information has been received and is available from the court clerk upon request.

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

1. Retain this supplemental information with their other records of the adoption for as long as these records are maintained;
2. File a copy of the supplemental information with the clerk of the court that issued the decree of adoption, to be made a part of the court's permanent record of the adoption pursuant to subsection E of this section; and
3. Furnish a copy of the supplemental information to:
 - a. the adoptive parent or current legal guardian of the child, if the adopted person is under the age of eighteen (18), or the adult adopted person, if the location of the adoptive parent, guardian or adult adopted person is known to the Department, agency, attorney, or person, or
 - b. the biological parents, if the supplemental information is submitted by an adoptive parent or adopted person and concerns genetically significant information about the adopted person that is relevant to the health or childbearing decisions of the biological parents or other biological relatives, if the location of the biological parents is known to the Department, agency, attorney, or person.

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

- a. the adoptive parent or legal guardian of a minor adopted person,
- b. an adopted person who has attained eighteen (18) years of age, and
- c. an adult whose biological mother's and biological father's parental rights were terminated and who was never adopted.

2. The clerk of the district court that issues the final adoption decree or the Department, agency, attorney, or person who prepared the medical and social history report shall provide a copy

of the medical report and any additional medical information in its possession to the following persons upon request:

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

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

- a. a biological parent or biological relative of an adopted person, and
- b. a biological parent or biological relative of a person whose biological mother's and biological father's rights were terminated and who was never adopted.

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

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

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

H. The Department, a child-placing agency, or an attorney for an adoptive parent who facilitated or participated in an adoption proceeding prior to the effective date of this act shall be subject to the same requirements and duties set forth in subsections F and G of this section that are required in those subsections for the Department, agency, or attorney who prepared the medical or social history.

Added by Laws 1996, c. 297, § 5, emerg. eff. June 10, 1996. Amended by Laws 1997, c. 366, § 18, eff. Nov. 1, 1997. Renumbered from § 60.5C of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 2010, c. 324, § 1, emerg. eff. June 5, 2010; Laws 2017, c. 7, § 1, eff. Nov. 1, 2017.

§10-7505-1.1. Confidential character of hearings and records - Release - Exceptions - Misdemeanor.

A. Unless otherwise ordered by the district court exercising jurisdiction over the adoption proceeding, all hearings held in proceedings pursuant to the Oklahoma Adoption Code shall be confidential and shall be held in closed court without admittance of any person other than interested parties and their counsel.

B. All papers, records, and books of proceedings in adoption cases and any papers, records, and books relating to such proceedings:

1. Shall be kept as a permanent record of the court and maintained in a separate file by the court clerk; and

2. Shall be confidential and shall not be open to inspection or copy except as authorized in Sections 7504-1.2, 7505-3.2, 7505-6.6, 7508-1.2 and 7508-1.3 of this title or upon order of a court of record for good cause shown.

C. Upon application and notice to the person or agency in whose possession the records being sought are held, and for good cause being shown, any court of record may, by written order reciting its findings, permit the necessary information to be released, or may restrict the purposes for which it shall be used. The findings shall include the reasons the information being sought cannot be obtained through the methods authorized by Sections 7504-1.2, 7505-3.2, 7505-6.6, 7508-1.2 and 7508-1.3 of this title.

D. The provisions of this section shall not prohibit persons employed by the court, the Department of Human Services, a child-placing agency, an attorney participating or assisting in a direct placement adoption or any physician, minister or other person or entity assisting or participating in an adoption from providing partial or complete identifying information between a biological parent and prospective adoptive or adoptive parent if a biological parent and a prospective adoptive or adoptive parent mutually agree to share specific identifying information and each gives written, signed notice of their agreement to the court, the Department of Human Services, the child-placing agency, or any attorney participating or assisting in the direct placement adoption pursuant to the Oklahoma Adoption Code.

E. Any person in charge of adoption records or having access to adoption records or information who discloses any information, including, but not limited to, all records and reports relevant to the case and any records and reports of examination of the minor's parent or other custodian pertaining to an adoption proceeding, contrary to the provisions of this section, upon conviction thereof, shall be guilty of a misdemeanor.

Added by Laws 1957, p. 25, § 17. Amended by Laws 1984, c. 24, § 2, operative July 1, 1984; Laws 1990, c. 27, § 2, emerg. eff. April 3,

1990; Laws 1993, c. 253, § 3, emerg. eff. May 26, 1993; Laws 1996, c. 297, § 7, emerg. eff. June 10, 1996; Laws 1997, c. 366, § 19, eff. Nov. 1, 1997. Renumbered from Title 10, § 60.17 by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 2000, c. 385, § 10, eff. Nov. 1, 2000; Laws 2011, c. 371, § 3, eff. Nov. 1, 2011.

§10-7505-1.2. Appointment of attorney and guardian ad litem.

A. 1. In a proceeding pursuant to the Oklahoma Adoption Code, the court shall appoint an attorney for a minor in a contested proceeding pursuant to the Oklahoma Adoption Code and may appoint an attorney for a child in an uncontested proceeding or appoint an attorney for the child to examine all expenses and attorney fees presented to the court for approval.

2. The attorney shall be charged with the representation of the child. To that end, the attorney shall make such further investigation as the attorney deems necessary to ascertain the facts, to interview witnesses, examine and cross-examine witnesses at the preliminary hearing and trial, make recommendations to the court, and participate further in the proceedings to the degree appropriate for adequately representing the child.

3. The attorney shall be given access to all reports relevant to the case and to any reports of examination of the child's parents or other custodian made pursuant to this section.

4. Upon approval of the court, the attorney may be allowed a reasonable fee for services provided by this section.

B. 1. The court may appoint a separate guardian ad litem for the minor in a contested proceeding and shall appoint a separate guardian ad litem upon the request of a party, the minor, the attorney of the minor, prospective adoptive parent, or a person or agency having physical or legal custody of the child.

2. The guardian ad litem shall not be a district attorney, an employee of the office of the district attorney, an employee of the court, an employee of a juvenile bureau, or an employee of any public agency having duties or responsibilities towards the minor.

3. The guardian ad litem shall be appointed to objectively advocate on behalf of the minor and act as an officer of the court to investigate all matters concerning the best interests of the minor. In addition to other duties required by the court and as specified by the court, a guardian ad litem shall have the following responsibilities:

- a. review relevant documents, reports and other information,
- b. meet with and/or observe the child,
- c. consider the child's wishes, as appropriate,
- d. interview parents, caregivers and others with knowledge relevant to the case,

- e. advocate for the minor's best interests by participating in appropriate aspects of the case and advocating for appropriate community and other services when necessary,
- f. maintain the confidentiality of information related to the case,
- g. monitor the minor's best interests throughout any judicial proceeding, and
- h. advise the court of his or her findings and recommendations, if any, and the facts upon which they are based.

4. The guardian ad litem shall be given access to the court file and access to all records and reports relevant to the case and to any records and reports of examination of the minor's parent or other custodian, as specified by the court, subject to such protective orders regarding identifying information as the court deems advisable.

5. Any person participating in a judicial proceeding as a guardian ad litem shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any civil liability that otherwise might be incurred or imposed.

Added by Laws 1997, c. 366, § 20, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 17, emerg. eff. June 11, 1998; Laws 2000, c. 385, § 12, eff. Nov. 1, 2000; Laws 2009, c. 107, § 2, eff. Nov. 1, 2009.

§10-7505-1.3. Court clerk or deputy may affix signature of judge to order and notice of hearing.

Whenever the Oklahoma Adoption Code requires that an order setting the date of hearing and giving notice thereof be signed by a judge, the chief judge in the county may, by judicial order, provide that such order or notice may be signed by the court clerk or the deputy of the court clerk affixing the signature of the court clerk or deputy beneath the place where the judge's name appears followed with the word "by:" and then followed with the signing officer's title.

Added by Laws 1985, c. 160, § 1, emerg. eff. June 13, 1985. Amended by Laws 1997, c. 366, § 21, eff. Nov. 1, 1997. Renumbered from § 60.7a of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-7505-1.4. Priority on docket - Proceedings to be expedited.

Any petitions filed with the court pursuant to the Oklahoma Adoption Code when docketed shall have priority over all cases pending on said docket. Any other proceedings concerning the adoption of a child shall be expedited by the court.

Added by Laws 1996, c. 297, § 8, emerg. eff. June 10, 1996. Amended by Laws 1997, c. 366, § 22, eff. Nov. 1, 1997. Renumbered from § 60.18a of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-7505-1.5. Visitation agreements between child, adoptive parents and birth relative.

A. If a child has resided with a birth relative before being adopted, the adoptive parents and that birth relative may enter into an agreement pursuant to the provisions of this section regarding communication with, visitation of or contact between the child, adoptive parents and the birth relative after or during pendency of the adoption proceedings.

B. For purposes of this section, "birth relative" means a parent, stepparent, grandparent, great grandparent, brother, sister, uncle or aunt of a minor adoptee. This relationship may be by blood or marriage. For an Indian child, birth relative includes members of the extended family as defined by the laws or customs of the Indian child's tribe or, in the absence of laws or customs, shall be a person who is eighteen (18) years of age or older and who is the Indian child's great-grandparent, grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece, nephew, first or second cousins, or stepparent, as provided in the Indian Child Welfare Act, United States Code, Title 25, Section 1903.

C. 1. An agreement regarding communication with, visitation of or contact between the child, adoptive parents and a birth relative is not legally enforceable unless the terms of the agreement are contained in a written court order entered in accordance with this section.

2. An order must be sought and shall be filed in the adoption action.

3. The court shall not enter a proposed order unless the terms of the order have been approved in writing by the prospective adoptive parents, and the birth relative who desires to be a party to the agreement.

D. The court shall not enter a proposed order unless the court finds that the communication, visitation or contact between the child, the adoptive parents and the birth relative as agreed upon and contained in the proposed order would be in the child's best interests and poses no threat to the safety of the child or integrity of the adoptive placement.

E. Failure to comply with the terms of an agreed order regarding communication, visitation or contact that has been entered by the court pursuant to this section shall not be grounds for:

1. Setting aside an adoption decree;

2. Revocation of a written consent to an adoption after that consent has become irrevocable; or

3. An action for citation of indirect contempt of court.

F. 1. An agreed order entered pursuant to the provisions of this section may be enforced or modified by filing a petition or motion with the court that includes a certified copy of the order

granting the communication, contact or visitation, but only if the petition or motion is accompanied by an affidavit with supporting documentation that the parties have mediated or attempted to mediate any dispute under the agreement or that the parties agree to a proposed modification.

2. The prevailing party may be awarded reasonable attorney fees and costs.

3. The court shall not modify an agreed order pursuant to this section unless it finds that the modification is necessary to serve the best interests of the child, and:

- a. the modification is agreed to by the adoptive parent and the birth relative, or
- b. exceptional circumstances have arisen since the agreed order was entered that justify modification of the order.

Added by Laws 2000, c. 385, § 11, eff. Nov. 1, 2000.

§10-7505-2.1. Preadoption termination of parental rights.

A. 1. Prior to the filing of a petition for adoption, a child-placing agency, attorney, or prospective adoptive parent to whom a parent having legal custody has executed a consent to adoption or has permanently relinquished a minor born out of wedlock may file a petition for the termination of the parental rights of a putative father or a parent of the child. The petition shall be filed with the district court of the county in which the relinquishment was executed or in the county in which the putative father, a parent, the petitioner, or the minor resides at the time of the filing of the petition.

2. The affidavit of expenses required by subsection A of Section 7505-3.2 of this title is not required to be attached to a petition filed pursuant to this section, nor must it be filed prior to issuance of an order terminating parental rights entered in a proceeding brought under this section.

B. 1. Notice of the hearing on the petition to terminate parental rights and a copy of the petition shall be served upon such putative father or a parent in the same manner as summons is served in civil cases, not less than fifteen (15) days prior to the hearing.

2. The notice shall contain the name of the putative father or parent, or if unknown, the name of the minor, the date of birth of the minor, the date of the hearing, and the ground or grounds for which termination of parental rights is sought. The notice shall apprise the putative father or parent of his or her legal rights and shall include a clear statement that failure to appear at the hearing shall constitute a denial of interest in the minor which denial may result, without further notice of this proceeding or any subsequent proceeding, in the termination of his or her parental rights and the

transfer of the care, custody or guardianship of the minor or in the adoption of the minor.

3. If the identity or whereabouts of a putative father or parent is unknown, the court must determine whether the putative father or parent can be identified or located. Following an inquiry pursuant to Section 7505-4.3 of this title, if the court finds that the identity or whereabouts of the putative father or parent cannot be ascertained, and this fact is attested to by affidavit of the consenting or permanently relinquishing person or the legal custodian or guardian of the child, it shall order that notice be given by publication and, if the identity is known, that a copy be mailed to the last-known address of the putative father or parent. The notice shall be published once pursuant to the laws relating to service of notice by publication, in the county in which the action to terminate parental rights is brought, and the hearing shall not be held for at least fifteen (15) days after publication of the notice. When notice is given by publication, the order terminating parental rights shall not become final for a period of fifteen (15) days from the date of the order.

4. A putative father or parent may waive the right to notice pursuant to this section. The waiver shall be in writing and shall include a statement affirming that the person signing the waiver understands that the waiver shall constitute grounds for the termination of the parental rights of such person pursuant to the provisions of this section and Section 7505-4.2 of this title. A putative father or legal or biological father may also waive his right to notice pursuant to this section, by signing an extrajudicial consent pursuant to Section 7503-2.6 of this title, or by waiving notice on a form filed with the Paternity Registry of the Department of Human Services, or by failing to register with the Paternity Registry of the Department of Human Services after receiving a Notice of Plan for Adoption pursuant to Section 7503-3.1 of this title.

C. When a putative father or parent appears at the hearing and desires counsel but is indigent and cannot for that reason employ counsel, the court shall appoint counsel. In all counties having county indigent defenders, the county indigent defenders shall assume the duties of the representation in such proceedings.

D. At the hearing on the petition to terminate parental rights brought pursuant to this section, the court may, if it is in the best interest of the minor:

1. Accept a permanent relinquishment or consent to adoption executed by the putative father or parent of the minor pursuant to Sections 7503-2.1, 7503-2.3 and 7503-2.4 of this title; or

2. Terminate any parental rights which the putative father or parent may have upon any of the grounds provided in Section 7505-4.2 of this title for declaring a consent unnecessary.

E. 1. If the court at the hearing determines that the putative father is the biological father of the minor, that the adoption requires the consent of the putative father, that the putative father will not consent, and the court does not terminate the parental rights of the putative father or does not terminate the rights of the other parents, then the court shall schedule a separate hearing to issue an appropriate order for the legal and physical custody of the minor according to the best interests of the minor, if the court has jurisdiction to issue a custody order. Provided, no such hearing shall be scheduled if a preexisting custody order remains in effect.

2. The court shall certify that the child-placing agency or the attorney who filed the petition to terminate parental rights, the putative father, the parent, and any prospective adoptive parents have received notice of the date of the custody hearing at least fifteen (15) days prior to the date of the hearing. A parent having legal custody who has signed a consent or permanent relinquishment must be served with notice of the date of the custody hearing, by the party who filed the petition for termination, in the same manner as summons is served in civil cases at least fifteen (15) days prior to the date of the hearing.

3. Upon motion to intervene, the court shall join any person or entity entitled to notice under paragraph 2 of this subsection who is not already a party to the proceeding.

4. At the hearing, the court may award custody to the biological mother, the biological father, the biological parents, if they are married, a parent, the prospective adoptive parent, or the Department of Human Services or other licensed child-placing agency, if the Department or agency had legal custody when the petition was filed, according to Section 21.1 of this title, in the best interests of the child.

5. The child shall be represented at this hearing by an attorney pursuant to Section 7505-1.2 of this title.

F. The court shall terminate the rights of a putative father or parent if the person fails to appear at the hearing on the petition to terminate parental rights or if a waiver of notice pursuant to paragraph 4 of subsection B of this section has been filed with the court.

G. No order of the court shall be vacated, set aside, or annulled upon the application of any person who was properly served with notice in accordance with this section but failed to appear unless the applicant can establish by clear and convincing evidence that such failure to appear was due to unavoidable circumstances. Such application must be filed within ten (10) days of the date of the hearing at which the applicant failed to appear. No order of the court shall be vacated, set aside, or annulled upon the application of any person who waived notice pursuant to paragraph 4 of subsection B of this section.

H. A proceeding pursuant to this section for termination of parental rights shall be heard by the court without a jury.

I. An appeal may be taken from any final order, judgment, or decree rendered pursuant to this section to the Supreme Court by any person aggrieved thereby, in the manner provided for appeals from the court as provided in this subsection.

1. In an appeal concerning the termination of parental rights pursuant to this section, the designation of record by the appellant shall be filed in the trial court within ten (10) days after the date of the judgment. The counter designation of record by the appellee shall be filed in the trial court ten (10) days after designation of record by the appellant is filed in the trial court.

2. All appeals of cases concerning the termination of parental rights pursuant to this section shall be initiated by filing a petition in error in the Supreme Court within thirty (30) days of the filing of the order, judgment, or decree appealed from. The record on appeal shall be completed within thirty (30) days from the filing of the petition in error. Any response to the petition in error shall be filed within twenty (20) days from the filing of the petition in error.

3. The briefing schedule is established as follows:

- a. the brief in chief of the appellant shall be filed twenty (20) days after the trial court clerk notifies all parties that the record is complete and such notice has been filed in the office of the Clerk of the Supreme Court,
- b. an answer brief of the appellee shall be filed fifteen (15) days after the brief in chief of the appellant is filed, and
- c. a reply brief of the appellant may be filed within ten (10) days after the answer brief of the appellee is filed.

J. The pendency of an appeal shall not suspend the order of the district court regarding a minor, nor shall it remove the minor from the custody of that court or of the person, institution, or agency to whose care such minor has been committed, unless the Supreme Court shall so order.

K. Any appeal when docketed should have priority over all cases pending on said docket. Adjudication of the appeals and in any other proceedings concerning the relinquishment of the child or the termination of parental rights pursuant to this section shall be expedited by the Supreme Court.

L. 1. The preadoption termination of parental rights pursuant to this section terminates the parent-child relationship, including the right of the parent to the custody of the child and the right of the parent to visit the child, the right of the parent to control the training and education of the child, the necessity for the parent to

consent to the adoption of the child, the right of the parent to the earnings of the child, and the right of the parent to inherit from or through the child. Provided, that this subsection shall not in any way affect the right of the child to inherit from the parent.

2. Termination of parental rights shall not terminate the duty of the putative father or parent whose rights have been terminated to support the child unless the court determines the person is not the parent. The duty of a putative father or parent to support the minor child shall not be terminated until such time as a final decree of adoption has been entered.

Added by Laws 1997, c. 366, § 23, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 18, emerg. eff. June 11, 1998; Laws 2006, c. 253, § 1, eff. July 1, 2006.

§10-7505-3.1. Contents.

A. A petition for adoption shall be verified by the petitioner, and shall specify:

1. The full names, ages and places of residence of the petitioner or petitioners and, if married, the place and date of the marriage;
2. When the petitioner acquired or intends to acquire custody of the minor and from what person or agency custody is to be acquired;
3. The date, place of birth, gender and race of the minor;
4. The name used for the minor in the proceeding and, if a change in name is desired, the new name requested;
5. That it is the desire of the petitioner that the relationship of parent and child be established between the petitioner and the minor;
6. A full description and statement of value of all property owned or possessed by the minor, if any;
7. The name or relationship of the minor to any individual who has executed a consent, extrajudicial consent for adoption or a permanent relinquishment to the adoption, and the name or relationship to the minor of any individual whose consent, extrajudicial consent for adoption or permanent relinquishment may be required, and any fact or circumstance that may excuse the lack of consent;
8. That a previous petition by the petitioner to adopt has or has not been made in any court, and its disposition;
9. That a copy of the preplacement home study completed pursuant to subsection A of Sections 7505-5.1 and 7505-5.3 of this title is attached to or filed with the petition. If the preplacement home study has not been completed, the petition shall specify that a waiver has been signed by a court pursuant to subsection B of Section 7505-5.1 of this title, and that a copy of the waiver is attached to or filed with the petition; or shall include a statement regarding why the preplacement home study is not required pursuant to

subsection C of Section 7505-5.1 of this title; or shall specify that the minor is not yet in the physical custody of the petitioner;

10. Whether any other home study or professional custody evaluation has been conducted regarding one or both of the petitioners, whether performed for this adoption or for any other purpose. If such a study or evaluation has been completed, a copy of the study or evaluation shall be attached to the petition, if reasonably available;

11. A description of any previous court order, litigation or pending proceeding known to the petitioner concerning custody of or visitation with the minor or adoption of the minor and any other fact known to the petitioner and needed to establish the jurisdiction of the court;

12. The county in which the minor is currently residing, the places where the minor has lived within the last five (5) years and the name and present addresses, if known, of the persons with whom the minor has lived during that period, and the name of any person, if known, not a party to the proceeding who has physical custody of the minor or claims to have custody or visitation rights with respect to the minor; and

13. A statement that to the best of the petitioner's actual knowledge and belief, as of the date of filing, the minor is or is not an Indian child, as defined by the Oklahoma Indian Child Welfare Act, and identification of the minor's known or suspected Indian tribe, if any. If the minor is an Indian child, as defined by the Oklahoma Indian Child Welfare Act, the petition shall specify that the requirements of the Oklahoma Indian Child Welfare Act have been met pursuant to Sections 40 through 40.9 of this title. In addition, the attorney shall provide notice to the parents or to the Indian custodians, if any, and to the tribe that is or may be the tribe of the Indian child pursuant to Section 40.4 of this title.

B. Any written consent, extrajudicial consent for adoption or permanent relinquishment required by the Oklahoma Adoption Code may be attached to the petition, or may be filed, after the filing of the petition.

C. 1. The Administrative Director of the Courts (ADC) shall develop a form no later than February 1, 2012, to be used to collect data related to the adoption of each child. At the time of the filing of the final decree of adoption, each court clerk shall collect demographic data related to the adoption and shall make an annual report to be delivered to the ADC no later than February 15 of each year. The ADC shall deliver all information received pursuant to this section to the Department of Human Services no later than March 15 of each year. The Department of Human Services shall compile the information and make available to the public all adoption-related information received.

2. The following information shall be included in the form to be developed by the ADC:

- a. the age of each child at the time of the adoption,
- b. the gender of each child,
- c. the ethnicity of each child,
- d. the status of the adoptive parent, such as a relative adoption, adoption by a married couple, or adoption by a single parent,
- e. the type of adoption services provider, such as the Department of Human Services, a licensed child-placement agency, an attorney, or a tribe, and
- f. whether it is a domestic adoption subject to the requirements of the Oklahoma Indian Child Welfare Act, or the Interstate Compact on the Placement of Children, or an international adoption to include the country of origin.

Added by Laws 1957, p. 24, § 12. Amended by Laws 1994, c. 122, § 2, eff. July 1, 1994; Laws 1997, c. 366, § 24, eff. Nov. 1, 1997. Renumbered from Title 10, § 60.12 by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 19, emerg. eff. June 11, 1998; Laws 2011, c. 371, § 4, eff. Nov. 1, 2011.

§10-7505-3.2. Costs, funds or monies expended by adoptive family - Disclosure statement.

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

2. No final decree of adoption shall be entered until the court is satisfied that all costs and expenses have been disclosed, are reasonable, and that the costs and expenses do not violate the provisions of subsection B of this section. Upon its review of the affidavit of monies expended, the court shall in writing disapprove any expenditure that the court deems unreasonable or in violation of Sections 865 through 870 of Title 21 of the Oklahoma Statutes and, to the extent necessary to comply with Oklahoma law, shall order reimbursement of any consideration given in violation of Sections 865 through 870 of Title 21 of the Oklahoma Statutes. Payments made pursuant to this section shall not be a violation of Sections 865 through 870 of Title 21 of the Oklahoma Statutes. Court approval of the affidavit of monies expended shall not exempt a person, attorney or licensed child-placing agency from prosecution if the information provided to the court is fraudulent or false.

B. 1. Except as otherwise specifically provided by law, the following list of adoption-related costs and expenses specified in

this paragraph may be deemed proper items for a person to pay in connection with an adoption:

- a. reasonable attorney fees and court costs,
- b. reasonable medical expenses for birth mother and minor to be adopted,
- c. reasonable adoption counseling expenses for birth parents before and after the birth of the minor, not to exceed six (6) months from placement of the minor,
- d. reasonable fees of a licensed child-placing agency, including social services staff fees provided by agency employees that include:
 - (1) casework services,
 - (2) adoptive child and family studies,
 - (3) placement services,
 - (4) certification of agency facilities,
 - (5) admission assessments, and
 - (6) service planning,
- e. (1) reasonable and necessary living expenses of the birth mother that are incurred during the adoption planning process or during the pregnancy, not to exceed two (2) months after the birth of the minor or after the consent or relinquishment of the birth mother. Reasonable and necessary living expenses include but are not limited to:
 - (a) housing expenses,
 - (b) utilities, such as electric, gas, water, or telephone bills,
 - (c) food for the birth mother and any minor child of the birth mother residing in the home of the birth mother,
 - (d) travel expenses for transportation to support the pregnancy, such as gasoline, bus fares, or providing for the temporary use of a vehicle during the pregnancy, and
 - (e) child care or foster care for any minor child of the birth mother associated with pregnancy-related medical care.
- (2) Reasonable and necessary living expenses shall not include:
 - (a) any expenses met by existing resources of the birth mother,
 - (b) any expenses used for the support of family members who are not minor children of the mother,
 - (c) any expenses for recreational or leisure activities, and
 - (d) the purchase or gift of an automobile,

- f. reasonable expenses for a home study,
- g. reasonable and necessary costs associated with an international adoption,
- h. reasonable expenses legally required by any governmental entity related to the adoption of a minor, and
- i. a one-time gift to the birth mother from the prospective adoptive parents of no greater value than One Hundred Dollars (\$100.00).

2. In addition, all expenses approved by the court should be commensurate with other customary fees for similar services by persons of equivalent experience and training where the services are performed. Any services provided outside this state shall be allowed in an amount as if the services had been performed within the State of Oklahoma.

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

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

5. Except as otherwise ordered by the court except for good cause shown, all payments made pursuant to this section shall be paid directly to the third-party provider of services or goods. Any living expense paid on behalf of a birth mother in a domestic adoption which is not supported by an itemized receipt shall not be allowed for payment. If gift cards are issued to pay expenses, an itemized receipt verifying purchases shall be required for approval by the court. The accounting shall include vouchers for all monies expended, copies of all checks written and receipts for all cash payments attesting to the accuracy of the accounting.

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

C. Any person, attorney, or licensed child-placing agency desiring to pay living and transportation expenses on behalf of a birth mother is authorized to expend an initial amount not to exceed One Thousand Dollars (\$1,000.00) plus deposits for housing and utilities for such costs and expenses without first obtaining court approval as required by paragraph 1 of subsection D of this section.

Any such costs and expenses shall be disclosed as is otherwise required by the Oklahoma Adoption Code.

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

2. The person, attorney, or licensed child-placing agency desiring to pay living or transportation expenses on behalf of a birth mother which exceed the amount in subsection C of this section shall file a petition for an order approving payment of adoption-related expenses.

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

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

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

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

E. 1. In addition to the adoptive family affidavit requirement of subsection A of this section, a Disclosure Statement of Adoption-related Costs and Expenditures shall be prepared in writing by the person, attorney or child-placing agency in a direct-placement adoption. The Disclosure Statement of Adoption-related Costs and

Expenditures shall include a declaration of all fees, expenses, and costs charged or expected to be charged for the adoption including, but not limited to, the following:

- a. retainer fees, the hourly rate, and the number of hours billed for the adoption,
- b. any fee charged for preplacement or other home studies of any prospective birth parents, regardless of whether the home study was performed by an outside agency,
- c. any costs, fees or expenses or any other thing of value paid to or on behalf of the birth parents related to the adoption of a minor by any party other than the adoptive parents, and
- d. any other fees and expenses related to the adoption not otherwise specifically listed in this section.

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

Added by Laws 1997, c. 366, § 25, eff. Nov. 1, 1997. Amended by Laws 1999, c. 396, § 17, emerg. eff. June 10, 1999; Laws 2005, c. 57, § 2, eff. Nov. 1, 2005; Laws 2009, c. 107, § 3, eff. Nov. 1, 2009; Laws 2009, c. 288, § 2, eff. Nov. 1, 2009; Laws 2011, c. 371, § 5, eff. Nov. 1, 2011; Laws 2016, c. 74, § 1, eff. Nov. 1, 2016.

§10-7505-3.3. Disclosure Statement of Adoption-related Costs and Expenditures.

A. The Disclosure Statement of Adoption-related Costs and Expenditures required by Section 7505-3.2 of Title 10 of the Oklahoma Statutes shall be in substantially the following form:

DISCLOSURE STATEMENT OF ADOPTION-RELATED COSTS AND EXPENDITURES

The following is a declaration of all fees, expenses, and costs charged or expected to be charged for the adoption:

1. Retainer fees in the amount of _____;
2. The hourly billing rate of _____ and the number of hours billed for the adoption _____ for a total amount of _____;

3. All fees charged for preplacement or other home studies of any prospective birth parents, regardless of whether the study was performed by a third-party _____;

4. All costs, fees, or expenses or any other thing of value paid to or on behalf of the birth parents related to the adoption by any party other than the adoptive parents _____; and

5. Any other fees and expenses related to the adoption not previously listed in this disclosure statement _____.

B. The Disclosure Statement of Adoption-related Costs and Expenditures that shall be filed with the court clerk and available for public inspection shall include the following:

"I, _____, Judge of the District Court in and for _____ County, State of Oklahoma, a Court having original adoption jurisdiction, do hereby certify that upon this day, _____, the disclosures contained in this disclosure statement are consistent with the sealed disclosure statement filed in the adoption case."

Added by Laws 2016, c. 74, § 2, eff. Nov. 1, 2016.

§10-7505-4.1. Application - Notice - Hearing - Order - Appeal.

A. If a consent to adoption or permanent relinquishment for adoption has not been obtained from both parents of a minor who is the subject of a petition for adoption, and the rights of the nonconsenting parent or parents have not previously been terminated, the petitioner for adoption, a consenting parent, or a legal guardian or legal custodian of the minor to be adopted must file an application to the court stating the reason that the consent or relinquishment of the parent or parents is not necessary. In the alternative, if the nonconsenting parent is a putative father of a minor born out of wedlock, the petitioner for adoption, a consenting parent, or a legal guardian or legal custodian of the minor may file an application to terminate the parental rights of the putative father. The grounds for terminating a putative father pursuant to this section shall be identical to the grounds for permitting an adoption without the consent of a parent, pursuant to Section 7505-4.2 of this title.

B. A hearing on an application for adoption without consent or an application to terminate parental rights cannot be combined with the hearing on the application for a final decree of adoption. For good cause shown, a hearing on the application for a final decree of adoption may be heard as early as the same day as a hearing on an application to terminate parental rights, without prejudice to the rights of any parties to appeal from the order terminating parental rights.

C. 1. Prior to the hearing on the application to permit the adoption of the minor without the consent or relinquishment of a parent, or the application to terminate the rights of a putative father filed pursuant to this section, notice of the hearing on the application and a copy of the application shall be served upon the parent or putative father who is the subject of the application in the same manner as summons is served in civil cases, not less than fifteen (15) days prior to the hearing.

2. The notice shall contain the name of the parent, putative father, or if the father is unknown, the name of the child, date of birth of the child, the date of the hearing, and the ground or grounds for which application for adoption without consent or relinquishment or termination of parental rights is sought. The notice shall apprise the parent or putative father of the parent's legal rights and shall include a clear statement that failure to appear at the hearing shall constitute a denial of interest in the child, which denial may result, without further notice of this proceeding or any subsequent proceeding, in the granting of the application for adoption without consent or permanent relinquishment or in the termination of the putative father's parental rights and in the child's adoption.

3. If the identity or whereabouts of a parent or putative father are unknown, the court must determine whether the parent or putative father can be identified or located. Following an inquiry pursuant to Section 7505-4.3 of this title, if the court finds that the identity or whereabouts of the putative father cannot be ascertained, and this fact is attested to by affidavit of the consenting parent, legal guardian or legal custodian of the minor, it shall order that notice be given by publication and, if the identity is known, that a copy be mailed to the last-known address of the parent or putative father. The notice shall be published once pursuant to the laws relating to the service of notice by publication in the county in which the petition to adopt is filed, and the hearing shall not be held for at least fifteen (15) days after publication of the notice. When notice is given by publication, an order terminating parental rights shall not become final for a period of fifteen (15) days from the date of the order.

4. A parent or putative father may waive such person's right to notice pursuant to this section. The waiver, signed by the parent or putative father, shall include a statement affirming that the person signing the waiver understands that the waiver shall constitute grounds for ordering adoption without consent of the parent or for the termination of the parental rights of a putative father pursuant to the provisions of this section and Section 7505-4.2 of this title. A putative father may waive his right to notice under this section, by signing an extrajudicial consent pursuant to Section 7503-2.6 of this title, or by waiving notice on a form filed with the Paternity

Registry of the Department of Human Services, or by failing to register with the Paternity Registry of the Department of Human Services after receiving a Notice of Plan for Adoption pursuant to Section 7503-3.1 of this title.

D. When a parent or putative father appears at the hearing and desires counsel but is indigent and cannot for that reason employ counsel, the court shall appoint counsel. In all counties having county indigent defenders, the county's indigent defenders shall assume the duties of representation in such proceedings.

E. At the hearing on an application to permit adoption without the consent or relinquishment of a parent, the court may determine whether the minor is eligible for adoption pursuant to Section 7505-4.2 of this title. At the hearing on an application to terminate the parental rights of a putative father, the court may, if it is in the best interests of the minor, determine that the consent of the putative father to the adoption of the minor is not required, and terminate any parental rights which the putative father may have, as provided in Section 7505-4.2 of this title.

F. The court shall terminate the parental rights of a putative father if he fails to appear at the hearing on the application to terminate his parental rights or if he has waived notice pursuant to paragraph 4 of subsection C of this section.

G. A proceeding pursuant to this section for determination of necessity of parental consent or for termination of parental rights shall be heard by the court without a jury.

H. No order of the court shall be vacated, set aside, or annulled upon the application of any person who was properly served with notice in accordance with this section but failed to appear, unless the applicant has established by clear and convincing evidence that such failure to appear was due to unavoidable circumstances. Such application must be filed within ten (10) days of the date of the hearing at which the applicant failed to appear. No order of the court shall be vacated, set aside or annulled upon the application of any person who waived notice pursuant to paragraph 4 of subsection C of this section.

I. 1. a. An appeal may be taken from any final order, judgment, or decree terminating parental rights rendered pursuant to this section to the Supreme Court by any person aggrieved thereby, in the manner provided for appeals from the court as provided in this subsection.

b. An appeal from an order determining a child eligible for adoption which does not terminate parental rights may be taken in the same manner provided for appeals from the court as provided in this subsection. The failure of a parent to appeal from an order declaring a child eligible for adoption without consent of the parent which does not terminate parental rights shall

not preclude such parent from asserting error in the order after the final decree is rendered.

2. In an appeal concerning the termination of parental rights for purposes of adoption pursuant to this section or from an order determining a child eligible for adoption which does not terminate parental rights pursuant to this section, the appellant's designation of record shall be filed in the trial court within ten (10) days after the date of the judgment or order. Appellee's counter designation of record shall be filed in the trial court ten (10) days after appellant's designation of record is filed in the trial court.

3. All appeals of cases concerning the termination of parental rights for purposes of adoption or an order determining a child eligible for adoption which does not terminate parental rights pursuant to this section shall be initiated by filing a petition in error in the Supreme Court within thirty (30) days of the filing of the order, judgment, or decree appealed from. The record on appeal shall be completed within thirty (30) days from the filing of the petition in error. Any response to the petition in error shall be filed within twenty (20) days from the filing of the petition in error.

4. The briefing schedule is established as follows:

- a. appellant's brief in chief shall be filed twenty (20) days after the trial court clerk notifies all parties that the record is complete and such notice has been filed in the office of the Clerk of the Supreme Court,
- b. appellant's answer brief shall be filed fifteen (15) days after the appellant's brief in chief is filed, and
- c. appellant's reply brief may be filed within ten (10) days after the appellee's answer brief is filed.

J. Any appeal when docketed should have priority over all cases pending on said docket. Adjudication of appeals and any other proceedings concerning the termination of parental rights or the determination that a child is eligible for adoption without consent which does not terminate parental rights pursuant to this section shall be expedited by the Supreme Court.

K. The pendency of an appeal shall not suspend the order of the district court regarding a minor, nor shall it remove the minor from the custody of that court or of the person, institution, or agency to whose care such minor has been committed, unless the Supreme Court shall so order.

L. 1. The termination of parental rights terminates the parent-child relationship, including the parent's right to the custody of the child and the parent's right to visit the child, the parent's right to control the child's training and education, the necessity for the parent to consent to the adoption of the child, the parent's right to the earnings of the child, and the parent's right to inherit

from or through the child. Provided, that this subsection shall not in any way affect the right of the child to inherit from the parent.

2. Termination of parental rights pursuant to this section shall not terminate the duty of either parent to support the minor child of such parent. The duty of the parent to support the minor child shall not be terminated until such time as a final decree of adoption has been entered.

3. A determination that the consent to adoption is not required from the parent of a minor shall not, by itself, act to relieve such parent of the obligation to provide for the support of the minor as otherwise required by law. The duty of the parent to support the minor child shall not be terminated until such time as a final decree of adoption has been entered.

Added by Laws 1997, c. 366, § 26, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 20, emerg. eff. June 11, 1998.

§10-7505-4.2. Exceptions to requirement of parental consent.

A. Consent to adoption is not required from a putative father of a minor who, at the hearing provided for in Section 7505-2.1 or 7505-4.1 of this title, fails to prove he is the father of the child.

B. Consent to adoption is not required from a parent who, for a period of twelve (12) consecutive months out of the last fourteen (14) months immediately preceding the filing of a petition for adoption of a child or a petition to terminate parental rights pursuant to Section 7505-2.1 of this title, has willfully failed, refused, or neglected to contribute to the support of such minor:

1. In substantial compliance with an order entered by a court of competent jurisdiction adjudicating the duty, amount, and manner of support; or

2. According to such parent's financial ability to contribute to such minor's support if no provision for support is provided in an order. For the purposes of this section, support for the minor shall benefit the minor by providing a necessity. Payments that shall not be considered support shall include, but are not limited to:

- a. genetic and drug testing,
- b. supervised visitation,
- c. counseling for any person other than the minor,
- d. court fees and costs,
- e. restitution payments, and
- f. transportation costs for any person other than the minor, unless such transportation expenses are specifically ordered in lieu of support in a court order.

The incarceration of a parent in and of itself shall not prevent the adoption of a minor without consent.

C. Consent to adoption is not required from a father or putative father of a minor born out of wedlock if:

1. The minor is placed for adoption within ninety (90) days of birth, and the father or putative father fails to show he has exercised parental rights or duties towards the minor, including, but not limited to, failure to contribute to the support of the mother of the child to the extent of his financial ability during her term of pregnancy; or

2. The minor is placed for adoption within fourteen (14) months of birth, and the father or putative father fails to show that he has exercised parental rights or duties towards the minor, including, but not limited to, failure to contribute to the support of the minor to the extent of his financial ability, which may include consideration of his failure to contribute to the support of the mother of the child to the extent of his financial ability during her term of pregnancy. Failure to contribute to the support of the mother during her term of pregnancy shall not in and of itself be grounds for finding the minor eligible for adoption without such father's consent.

The incarceration of a parent in and of itself shall not prevent the adoption of a minor without consent.

D. In any case where a father or putative father of a minor born out of wedlock claims that, prior to the receipt of notice of the hearing provided for in Sections 7505-2.1 and 7505-4.1 of this title, he had been specifically denied knowledge of the minor or denied the opportunity to exercise parental rights and duties toward the minor, such father or putative father must prove to the satisfaction of the court that he made sufficient attempts to discover if he had fathered a minor or made sufficient attempts to exercise parental rights and duties toward the minor prior to the receipt of notice.

E. Consent to adoption is not required from a parent or putative father who waives in writing his right to notice of the hearing provided for in Section 7505-2.1 or 7505-4.1 of this title.

F. Consent to adoption is not required from a parent or putative father who fails to appear at the hearing provided for in Section 7505-2.1 or 7505-4.1 of this title if all notice requirements contained in or pursuant to such sections have been met.

G. Consent to adoption is not required from a parent who is entitled to custody of a minor and has abandoned the minor.

H. 1. Consent to adoption is not required from a parent who fails to establish and/or maintain a substantial and positive relationship with a minor for a period of twelve (12) consecutive months out of the last fourteen (14) months immediately preceding the filing of a petition for adoption of the child.

2. In any case where a parent of a minor claims that prior to the receipt of notice of the hearing provided for in Sections 7505-2.1 and 7505-4.1 of this title, such parent had been denied the opportunity to establish and/or maintain a substantial and positive relationship with the minor by the custodian of the minor, such

parent shall prove to the satisfaction of the court that he or she has taken sufficient legal action to establish and/or maintain a substantial and positive relationship with the minor prior to the receipt of such notice.

3. For purposes of this subsection, "fails to establish and/or maintain a substantial and positive relationship" means the parent:

- a. has not maintained frequent and regular contact with the minor through frequent and regular visitation or frequent and regular communication to or with the minor, or
- b. has not exercised parental rights and responsibilities.

I. Consent to adoption is not required from a parent who has been convicted in a criminal action pursuant to the provisions of Sections 7102 and 7115 of this title and Sections 1021.3, 1111 and 1123 of Title 21 of the Oklahoma Statutes or who has either:

1. Physically or sexually abused the minor or a sibling of such minor or failed to protect the minor or a sibling of such minor from physical or sexual abuse that is heinous or shocking to the court or that the minor or sibling of such minor has suffered severe harm or injury as a result of such physical or sexual abuse; or

2. Physically or sexually abused the minor or a sibling of such minor or failed to protect the minor or a sibling of such minor from physical or sexual abuse subsequent to a previous finding that such parent has physically or sexually abused the minor or a sibling of such minor or failed to protect the minor or a sibling of such minor from physical or sexual abuse.

J. Consent to adoption is not required from a parent who has been convicted in a criminal action of having caused the death of a sibling of the minor as a result of the physical or sexual abuse or chronic neglect of such sibling.

K. Consent to adoption is not required from a parent if the parent has been sentenced to a period of incarceration of not less than ten (10) years and the continuation of parental rights would result in harm to the minor based on consideration of the following factors, among others: the duration of incarceration and its detrimental effect on the parent/child relationship; any previous incarcerations; any history of criminal behavior, including crimes against children; the age of the minor; the evidence of abuse or neglect of the minor or siblings of the minor by the parent; and the current relationship between the parent and the minor and the manner in which the parent has exercised parental rights and duties in the past.

L. Consent to adoption is not required from:

1. A parent who has a mental illness or mental deficiency, as defined by paragraphs f and g of Article II of Section 6-201 of Title 43A of the Oklahoma Statutes, which renders the parent incapable of

adequately and appropriately exercising parental rights, duties and responsibilities;

2. The continuation of parental rights would result in harm or threatened harm to the minor; and

3. The mental illness or mental deficiency of the parent is such that it will not respond to treatment, therapy or medication and, based upon competent medical opinion, the condition will not substantially improve.

M. Consent to adoption is not required from a putative father who has been served with a Notice of Plan for Adoption pursuant to Section 7503-3.1 of this title and who returns the form to the Paternity Registry of the Department of Human Services or agency or attorney who served him explicitly waiving a right to notice and legal rights to the minor or who fails to return the form pursuant to Section 7503-3.1 of this title in time for the form to be received by the Paternity Registry of the Department of Human Services or the agency or attorney who served him within thirty (30) days from the date the Notice of Plan for Adoption was served upon the putative father.

N. Consent to adoption is not required from:

1. An individual who has permanently relinquished parental rights and responsibilities to the minor pursuant to the Oklahoma Adoption Code;

2. An individual whose parental relationship to a minor has been legally terminated or legally determined not to exist; or

3. The personal representative of a deceased parent's estate.

O. Consent to adoption is not required from a parent who has voluntarily placed a minor child in the care of a licensed child care institution or child-placing agency, if the minor has remained in out-of-home care for eighteen (18) months or more, and the parent has willfully failed to substantially comply for twelve (12) consecutive months out of the fourteen-month period immediately preceding the filing of the petition for adoption with a reasonable written plan of care. Provided, the willful failure to comply with the written plan of care may not be a ground for adoption without consent unless the plan of care, at the time it was initially executed by the parent, contained notice that failure to substantially comply constitutes grounds for adoption without consent. The reasonableness of the plan shall be a question of fact to be determined by the court.

Added by Laws 1957, p. 23, § 6. Amended by Laws 1973, c. 69, § 1, emerg. eff. April 27, 1973; Laws 1974, c. 297, § 4, operative July 1, 1974; Laws 1981, c. 107, § 1, emerg. eff. April 24, 1981; Laws 1985, c. 337, § 2, eff. Feb. 1, 1986; Laws 1986, c. 263, § 6, operative July 1, 1986; Laws 1993, c. 253, § 2, emerg. eff. May 26, 1993. Renumbered from § 60.6 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 1997, c. 386, § 17, emerg. eff. June 10, 1997; Laws 1998, c. 5, § 9, emerg. eff. March 4, 1998; Laws 1998,

c. 415, § 21, emerg. eff. June 11, 1998; Laws 2001, c. 434, § 8, emerg. eff. June 8, 2001; Laws 2007, c. 94, § 2, eff. Nov. 1, 2007. NOTE: Laws 1997, c. 366, § 27 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998.

§10-7505-4.3. Inquiry to identify unknown or putative father.

A. If, at any time in a proceeding for adoption or for termination of a relationship of parent and child pursuant to the Oklahoma Adoption Code, the court finds that an unknown father or putative father of the child may not have received notice, the court shall determine whether he can be identified. The determination must be based on evidence that includes inquiry of appropriate persons in an effort to identify an unknown father or putative father for the purpose of providing notice.

B. The inquiry required by subsection A of this section must include whether:

1. The woman who gave birth to the child was married at the probable time of conception of the child, or at a later time;

2. The woman was cohabiting with a man at the probable time of conception of the child;

3. The woman has received payments or promises of support, other than from a governmental agency, with respect to the child or because of her pregnancy;

4. The woman has named any individual as the father on the birth certificate of the child or in connection with applying for or receiving public assistance; and

5. Any individual has formally or informally acknowledged or claimed paternity of the child in a jurisdiction in which the woman resided during or since her pregnancy, or in which the child has resided or resides, at the time of the inquiry.

C. If inquiry pursuant to subsection B of this section identifies as the father or putative father of the child an individual who has not received notice of the proceeding, the court shall require notice to be served upon him pursuant to Section 7505-2.1 or 7505-4.1 of this title.

D. If, in an inquiry pursuant to this section, the woman who gave birth to the child fails to disclose the identity of a possible father or reveal his whereabouts, she must be advised that the lack of information about the father's medical and genetic history may be detrimental to the child. She should also be advised that any false statement that she might make under oath or affirmation at a hearing or trial before the court regarding her knowledge of the identity or whereabouts of a possible father, if she knows or believes that the statement is not true or intends thereby to obstruct the ascertainment of the truth, could constitute grounds for a criminal prosecution for perjury.

Added by Laws 1997, c. 366, § 28, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 22, emerg. eff. June 11, 1998.

§10-7505-5.1. Favorable preplacement home study required - Waiver - Exception - Placement not approved in certain circumstances.

A. Except as otherwise provided in this section, only a person for whom a favorable written preplacement home study has been prepared may accept custody of a minor for purposes of adoption. A preplacement home study is favorable if it contains a finding that the person is suited to be an adoptive parent, either in general or for a particular minor, and it is completed or brought current within twelve (12) months next preceding a placement of a minor with the person for adoption.

B. A preplacement home study is not required if a parent or guardian places a minor directly with a relative of the minor for purposes of adoption, or if the minor has been residing with a birth parent's spouse for not less than one (1) year as of the date the petition for adoption is filed, but a home study of the relative or stepparent is required during the pendency of a proceeding for adoption.

C. A prospective adoptive parent shall not be approved for placement of a child if the petitioners or any other person residing in the home of the petitioners has been convicted of any of the following felony offenses:

1. Within the five-year period preceding the date of the petition, physical assault, domestic abuse, battery or a drug-related offense;

2. Child abuse or neglect;

3. A crime against a child, including, but not limited to, child pornography; and

4. A crime involving violence, including, but not limited to, rape, sexual assault or homicide, but excluding those crimes specified in paragraph 1 of this subsection.

D. Under no circumstances shall a child be placed in the custody of an individual subject to the Oklahoma Sex Offenders Registration Act or an individual who is married to or living with an individual subject to the Oklahoma Sex Offenders Registration Act.

Added by Laws 1997, c. 366, § 29, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 23, emerg. eff. June 11, 1998; Laws 2007, c. 196, § 7, eff. July 1, 2007; Laws 2009, c. 288, § 3, eff. Nov. 1, 2009.

§10-7505-5.2. Subsequent home study - Waiver.

A. If a preplacement home study is waived by the court for good cause shown or is not required by Section 29 of this act, the court, upon the filing of a petition for adoption, shall order that a home study be made and filed with the court by the designated investigator within the time fixed by the court, and in no event more than sixty

(60) days from the issuance of the order for the home study, unless the time therefor is extended by the court.

B. If the child to be adopted is the biological or adopted child of either of the petitioners or of the spouse of the petitioner, then the court by order may waive the requirement in subsection A of this section that a home study report be made, and the requirement for a supplemental report set forth in subsection C of Section 31 of this act, if the court makes the following findings:

1. That waiver of the home study requirement is in the best interest of the child;

2. That the parent of the child and the stepparent of the child who are petitioning for adoption have been married for at least one (1) year with the child who is to be adopted living in their home; and

3. That the stepparent who is petitioning for adoption has no record of conviction of a felony or conviction or adjudication in juvenile court for child abuse or neglect or domestic violence, and there is no record of a protective order or orders issued against the stepparent.

In all other adoptions, including foster, relative, and stepparent adoptions, a home study and report shall be made pursuant to this section or Section 29 of this act.

Added by Laws 1997, c. 366, § 30, eff. Nov. 1, 1997.

§10-7505-5.3. Contents of home study.

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

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

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

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

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

a. A background check shall be required for adoptive parents and all other household members eighteen (18) years of age and older, consisting of a review of a national fingerprint-based criminal background check, a search of the Department of Corrections' files

maintained pursuant to the Sex Offenders Registration Act, and a search of the child abuse and neglect information system maintained for review by authorized entities by the Department of Human Services.

- b. A Department of Public Safety Motor Vehicle Report shall be required for adoptive parents and all other adult household members when the child to be adopted is in the legal custody of the Department of Human Services.
- c. For each adoptive parent or other household member eighteen (18) years of age or older who has not maintained continuous residency in the state for five (5) years prior to the home study or home study update, a child abuse registry check shall be required from every other state in which the prospective adoptive parent or other adult household member has resided during such five-year period.
- d. Each prospective adoptive parent or other household member eighteen (18) years of age or older shall be required to cooperate with the requirements of the Department of Human Services and the Oklahoma State Bureau of Investigation with regard to the criminal background check and child abuse check, including but not limited to signing a release of information allowing the release of the results of any search to the agency or person conducting the home study or home study update.
- e. Upon completion of the criminal record checks and child abuse and neglect checks, the Department of Human Services and the Oklahoma State Bureau of Investigation shall forward all information obtained to the agency or other person authorized in Section 7505-5.4 of this title to conduct home study investigations who has requested the background searches.

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

C. An updated home study as described in subsection B of this section shall include a review of criminal background checks and child abuse and neglect checks as described in subsection A of this section. However, when a national fingerprint background check has been done within the five (5) years previous to the completion of the

updated home study and the results are available for review by the home study investigator, then a name-based search of the records of the Oklahoma State Bureau of Investigation on the adoptive parents and other household residents over the age of eighteen (18) for whom the fingerprint background check has been performed shall satisfy the requirements for a criminal background check for purposes of a home study update.

D. 1. A preplacement home study or update which is being used solely for purposes of international adoption shall not require a national fingerprint-based criminal background search in addition to the one required by the United States Immigration and Naturalization Service.

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

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

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

F. Following issuance of an interlocutory decree of adoption, or if the interlocutory decree is waived, prior to issuance of a final decree, the investigator conducting the home study or another investigator who meets the qualifications specified in Section 7505-5.4 of this title, shall observe the minor in the proposed adoptive home and report in writing to the court on any circumstances or conditions which may have a bearing on the granting of a final adoption decree. If the interlocutory decree was not waived, the investigator must certify that the final examination described in this subsection has been made since the granting of the interlocutory order. This supplemental report shall include a determination as to the legal availability or status of the minor for adoption and shall be filed prior to the final decree of adoption.

Added by Laws 1997, c. 366, § 31, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 24, emerg. eff. June 11, 1998; Laws 1999, c. 396, § 18, emerg. eff. June 10, 1999; Laws 2007, c. 196, § 5, eff. July 1, 2007; Laws 2012, c. 242, § 1.

§10-7505-5.4. Persons or agencies authorized to conduct home studies.

A. Home studies satisfying Sections 7505-5.1, 7505-5.2 and 7505-5.3 of this title must be conducted and the reports prepared only by the following persons or agencies:

1. The agency having custody or legal guardianship of the child;
2. The Department of Human Services;
3. A licensed child-placing agency; or
4. A person designated by the court who does not have an interest in the outcome of the home study and who meets one of the following qualifications:

- a. a master's degree in social work and one (1) year of experience in children's services,
- b. a member of the Academy of Certified Social Workers (ACSW) and one (1) year of experience in children's services,
- c. a master's degree in a behavioral or social science and two (2) years' experience in children's services,
- d. a doctorate in a behavioral or social science and one (1) year of experience in children's services, or
- e. is a member of the clergy with two (2) years of experience in family counseling and is not the clergy for the adoptive parents.

B. Persons satisfying the qualifications listed in paragraph 4 of subsection A of this section shall attend and satisfactorily complete at least once every three (3) years a minimum of a three-hour course in home study preparation and adoption trends taught by a licensed child-placing agency, by the Department of Human Services, a statewide organization composed of public and private adoption professionals, or by a college or university. Documentation of having met this educational requirement shall be provided by the person to the court or others upon request.

C. The court may order agencies named in subsection A of this section located in one or more counties to make separate investigations on separate parts of the inquiry, as may be appropriate.

D. The Department of Human Services shall not be required by the court to make a home study and report to the court on adoptive placements made by private adoption agencies or persons providing private adoption services.

Added by Laws 1957, p. 24, § 13. Amended by Laws 1959, p. 27, § 1, emerg. eff. April 6, 1959; Laws 1987, c. 85, § 1, eff. Nov. 1, 1987; Laws 1994, c. 122, § 3, eff. July 1, 1994; Laws 1997, c. 366, § 32, eff. Nov. 1, 1997. Renumbered from Title 10, § 60.13 by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 1999, c. 396, § 19, emerg. eff. June 10, 1999; Laws 2011, c. 371, § 6, eff. Nov. 1, 2011.

§10-7505-6.1. Interlocutory decree.

Upon examination of the report required in Section 29 or 30 of this act, and after hearing, the court may issue an interlocutory decree giving the care and custody of a minor to the petitioners, pending the further order of the court.

Added by Laws 1957, p. 25, § 15. Amended by Laws 1994, c. 122, § 4, eff. July 1, 1994; Laws 1997, c. 366, § 33, eff. Nov. 1, 1997. Renumbered from § 60.15 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-7505-6.2. Filings required prior to final hearing.

A. Before the final hearing on the petition for adoption, the following must be filed in the proceeding when available:

1. A certified copy of the birth certificate or other record of the date and place of birth of the minor;
2. Any consent, extra judicial consent, or permanent relinquishment, with respect to the minor that has been executed, and any written verifications required by the Oklahoma Adoption Code from the individual before whom a consent, extra judicial consent, or permanent relinquishment was executed;
3. A certified copy of any court order terminating the parental rights of the minor's parents or guardian;
4. A certified copy of any existing court order or the petition in any pending proceeding concerning custody of or visitation with the minor;
5. A copy of any home study performed on the petitioners, including the home studies required by Sections 7505-5.1, 7505-5.2 and 7505-5.3 of this title;
6. In an adoptive placement in which the adoptive parents or birth parents were not both legal residents of Oklahoma prior to the initiation of the adoption process and the parties are not otherwise exempt from the Interstate Compact on the Placement of Children, a copy of the approval by both the sending state and receiving state pursuant to the Interstate Compact on the Placement of Children;
7. A copy of any agreement with a public agency to provide a subsidy for the benefit of a minor with a special need;
8. A verified document by the Department, or child-placing agency that placed the minor for adoption, or the attorney for the adoptive parent in direct placement adoption, or the person who is placing the minor for adoption in a direct placement adoption in which the adoptive parent is not represented by an attorney, stating that the petitioner for adoption has been furnished a copy of the medical and social history report, pursuant to Section 7504-1.2 of this title;
9. The name and address, if known, of any person who is entitled to receive notice of the proceeding for adoption;
10. The affidavit of expenditures;

11. A copy of the medical and social history report, as required by subsection D of Section 7504-1.2 of this title, including the initial report and all supplemental reports, if any, prepared pursuant to subsection C of Section 7504-1.2 of this title;

12. Affidavits of nondisclosure, if any, signed by a biological parent;

13. a. A copy of the state criminal background check, national fingerprint-based criminal background check, if required by the provisions of the Oklahoma Adoption Code, a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act, and a search of the child abuse and neglect files maintained for review by authorized entities by the Department of Human Services pursuant to the Oklahoma Child Abuse Reporting and Prevention Act, or

b. If the adoptive petitioners are not legal residents of Oklahoma and the sending state has comparable and accessible checks and searches as specified by subparagraph a of this paragraph, a copy of the approval of both the sending state and receiving state pursuant to the Interstate Compact on the Placement of Children or verification that this adoptive placement is otherwise exempt from the Interstate Compact on the Placement of Children; and

14. Any such other document or information required by the court.

B. If an item required by subsection A of this section is not available, the person responsible for furnishing the item shall file an affidavit explaining its absence.

Added by Laws 1997, c. 366, § 34, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 25, emerg. eff. June 11, 1998; Laws 2001, c. 434, § 9, emerg. eff. June 8, 2001; Laws 2002, c. 445, § 9, eff. Nov. 1, 2002.

§10-7505-6.3. Application for final decree - Waiver of interlocutory decree and waiting period - Notice of hearing - Appearance - Entry of final decree.

A. After six (6) months from the date of the interlocutory decree unless the court waived all or part of the waiting period, the petitioners may apply to the court for a final decree of adoption. The court shall thereupon set a time and place for final hearing.

B. If the minor is related by blood to one of the petitioners, or is a stepchild of the petitioner, or the court finds that the best interests of the child will be furthered thereby, the court, after examination of the home study reports required by Section 7505-5.1 or 7505-5.2 of this title, may waive the entry of an interlocutory

decree and the waiting period of six (6) months or the balance of the waiting period provided in this section.

C. Notice of the time and date of the hearing shall be served at least ten (10) days prior to the hearing upon any parent whose parental rights have not been terminated, unless that parent has properly executed a consent to the adoption or a permanent relinquishment pursuant to Sections 7503-2.3, 7503-2.4 and 7503-2.6 of this title or has waived the right to notice pursuant to Section 7503-3.1 of this title. Notice of the hearing shall also be served on the child-placing agency or the Department of Human Services in those cases where the child-placing agency or Department has original custody, or performed a home study.

D. The petitioners and child shall appear at the hearing on the application for final decree, unless the presence of the child is waived by the court.

E. The final hearing is not required to be recorded by a court reporter. Upon the request of any party, the court shall direct that the hearing be recorded by the court reporter, or the court may order on its own initiative that the hearing be recorded.

F. The court may enter a final decree of adoption, if the court is satisfied that the adoption is in the best interests of the child.

G. For purposes of this subsection, the State of Oklahoma elects to make subparagraph (A) of paragraph 20 of subsection 3 of Section 471(a) of the Social Security Act (Public Law 105-89) inapplicable to Oklahoma. Instead, the State of Oklahoma requires that:

1. Except as otherwise provided by this subsection, a prospective adoptive parent shall not be approved for placement of a child if the petitioners or any other person residing in the home of the petitioners has been convicted of any of the following felony offenses:

- a. within the five-year period preceding the date of the petition, physical assault, domestic abuse, battery or a drug-related offense, except as otherwise authorized by this subsection,
- b. child abuse or neglect,
- c. a crime against a child, including, but not limited to, child pornography, and
- d. a crime involving violence, including, but not limited to, rape, sexual assault or homicide, but excluding physical assault or battery.

2. A prospective adoptive parent may be an approved placement regardless of whether such parent has been convicted of any of the felony offenses specified by subparagraph a of paragraph 1 of this subsection, if an evaluation has been made and accepted by the court which considers the nature and seriousness of the crime in relation to the adoption, the time elapsed since the commission of the crime, the circumstances under which the crime was committed, the degree of

rehabilitation, the number of crimes committed by the person involved, and a showing by clear and convincing evidence that the child will not be at risk by such placement.

H. Under no circumstances shall a child be placed in the custody of an individual subject to the Oklahoma Sex Offenders Registration Act or an individual who is married to or living with an individual subject to the Oklahoma Sex Offenders Registration Act.

Added by Laws 1957, p. 25, § 14. Amended by Laws 1997, c. 366, § 35, eff. Nov. 1, 1997. Renumbered from § 60.14 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 26, emerg. eff. June 11, 1998.

§10-7505-6.4. Denial of petition for adoption.

A. If the court denies a petition for adoption or vacates a decree of adoption, it shall dismiss the proceeding. If no preexisting custody order remains in effect, the court shall issue an appropriate order for the legal and physical custody of the minor according to the best interests of the minor, if the court has jurisdiction to issue a custody order.

B. 1. If the court has jurisdiction to issue a custody order, the court shall schedule a separate hearing to determine custody of the minor. The court shall certify that the petitioner for adoption and each parent of the minor has received notice of the date of the custody hearing at least fifteen (15) days prior to the date of the hearing and that each biological parent who has signed a consent or permanent relinquishment has been served in the same manner as summons is served in civil cases at least fifteen (15) days prior to the date of the hearing. The petitioner for adoption shall be responsible for serving any parent who has not entered an appearance in the adoption proceeding. If the Department of Human Services or any licensed child-placing agency had legal custody at the time the petition was filed, the petitioner shall notify the Department or agency of the date of the custody hearing.

2. Upon motion to intervene, the court shall join any person entitled to notice under this subsection who is not already a party to the proceeding.

3. At the hearing, the court may award custody to the biological mother, the biological father, the biological parents, if they are married, the prospective adoptive parents, or the Department or other licensed child-placing agency if the Department or agency had legal custody of the child at the time that the petition was filed, pursuant to Section 21.1 of this title, in the best interests of the child.

4. The child shall be represented at this hearing pursuant to Section 7505-1.2 of this title.

Added by Laws 1997, c. 366, § 36, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 27, emerg. eff. June 11, 1998.

§10-7505-6.5. Effect of final decree - Grandparental rights.

A. After the final decree of adoption is entered, the relation of parent and child and all the rights, duties, and other legal consequences of the natural relation of child and parent shall thereafter exist between the adopted child and the adoptive parents of the child and the kindred of the adoptive parents. From the date of the final decree of adoption, the child shall be entitled to inherit real and personal property from and through the adoptive parents in accordance with the statutes of descent and distribution. The adoptive parents shall be entitled to inherit real and personal property from and through the child in accordance with said statutes.

B. After a final decree of adoption is entered, the biological parents of the adopted child, unless they are the adoptive parents or the spouse of an adoptive parent, shall be relieved of all parental responsibilities for said child and shall have no rights over the adopted child or to the property of the child by descent and distribution.

C. A grandparent, who is the parent of the minor's biological parents, may be given reasonable rights of visitation to the child, only to the extent permitted by the provisions of Section 5 of this title.

D. A decree of adoption does not affect any property right or benefit vested in the child before the decree becomes final. Added by Laws 1957, p. 25, § 16. Amended by Laws 1978, c. 71, § 2; Laws 1981, c. 273, § 2; Laws 1984, c. 82, § 2, emerg. eff. April 4, 1984; Laws 1989, c. 211, § 2, eff. Nov. 1, 1989; Laws 1996, c. 297, § 6, emerg. eff. June 10, 1996; Laws 1997, c. 366, § 37, eff. Nov. 1, 1997. Renumbered from § 60.16 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 28, emerg. eff. June 11, 1998.

§10-7505-6.6. Certificate of adoption - Supplementary birth certificate - Sealed records - Disclosure of original records.

A. 1. For each adoption or annulment of adoption, the attorney or child-placing agency handling the adoption or annulment of adoption shall prepare and the clerk of the court shall certify, within thirty (30) days after the decree becomes final, a certificate of such decree on a form furnished by the State Registrar of Vital Statistics.

2. Before the fifteenth day of each calendar month, the attorney or child-placing agency handling the adoption or annulment of adoption shall forward to the State Registrar the certificates prepared by the attorney or agency handling the adoption or annulment of adoption during the preceding calendar month. If a biological parent has filed an affidavit of nondisclosure pursuant to Section 7503-2.5 of this title, the attorney or agency handling the adoption

shall attach the affidavit of nondisclosure to the certificate of such decree and forward it with the certificate to the State Registrar.

B. The State Registrar, upon receipt of a certificate of a decree of adoption, shall prepare a supplementary birth certificate in the new name of the adopted person with the names of the adoptive parents listed as the parents. The city and county of the place of birth, the hospital, and the name of the physician shall not be changed from the information provided on the original certificate of birth. If the adopted person was born in a foreign country, the State Registrar shall prepare a certificate of foreign birth.

C. The State Registrar shall seal and file the original certificate of birth, if any, with the certificate of decree of adoption and the affidavit of nondisclosure, if any, attached. Upon receipt of a certificate of a court order of annulment of adoption, the State Registrar shall restore the original certificate to its original place in the files.

D. For adoptions finalized after November 1, 1997, the State Registrar shall provide an adopted person, at that person's request, with an uncertified copy of the person's original certificate of birth at any time after the adopted person's eighteenth birthday, if all of the following conditions are met:

1. The adopted person has submitted satisfactory proof of identity;
2. The adopted person has submitted an affidavit in which the adopted person states under oath that such person does not have a biological sibling under the age of eighteen (18) who is currently in an adoptive family and whose location is known to the adopted person; and
3. The State Registrar has ascertained that at the time of the request there is no unrevoked affidavit of nondisclosure by a biological parent on file. However, if an unrevoked affidavit of nondisclosure from only one biological parent is on file and the other conditions have been met, the State Registrar may release to the adopted person an uncertified copy of the person's original certificate of birth after deleting from that copy of the birth certificate any identifying information regarding the biological parent who filed the unrevoked affidavit of nondisclosure, including, if necessary, the original surname of the adopted person.

E. The State Registrar shall not disclose an original certificate of birth or other sealed adoption records, except as permitted by subsection D of this section, or upon order of the court for good cause shown pursuant to Section 7505-1.1 of this title. Added by Laws 1957, p. 26, § 18. Amended by Laws 1967, c. 24, § 1, emerg. eff. March 6, 1967; Laws 1969, c. 275, § 1, emerg. eff. April 25, 1969. Renumbered from § 60.18 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 1997, c. 400, § 1,

eff. July 1, 1997; Laws 1998, c. 5, § 10, emerg. eff. March 4, 1998; Laws 1998, c. 415, § 29, emerg. eff. June 11, 1998.

NOTE: Laws 1997, c. 366, § 38 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998.

§10-7505-7.1. Appeals.

A. An appeal may be taken from any final order, judgment, decree, or any order determining a minor eligible for adoption without terminating parental rights rendered pursuant to the Oklahoma Adoption Code to the Supreme Court by any person aggrieved thereby, in the manner provided for appeals from the court as provided in this section.

B. In an appeal concerning the adoption of a minor or the termination of parental rights for adoption purposes, or any order determining a minor eligible for adoption without terminating parental rights, the appellant's designation of record shall be filed in the trial court within ten (10) days after the date of the judgment or order. Appellee's counter designation of record shall be filed in the trial court ten (10) days after appellant's designation of record is filed in the trial court.

C. All appeals of cases concerning the adoption of a minor or the termination of parental rights for adoption purposes, or an order determining that a minor is eligible for adoption which does not terminate parental rights, shall be initiated by filing a petition in error in the Supreme Court within thirty (30) days of the filing of the order, judgment, or decree appealed from. The record on appeal shall be completed within thirty (30) days from the filing of the petition in error. Any response to the petition in error shall be filed within twenty (20) days from the filing of the petition in error.

D. The briefing schedule is established as follows:

1. Appellant's brief in chief shall be filed twenty (20) days after the trial court clerk notifies all parties that the record is complete and such notice has been filed in the office of the Clerk of the Supreme Court;

2. Appellee's answer brief shall be filed fifteen (15) days after the appellant's brief in chief is filed; and

3. Appellant's reply brief may be filed within ten (10) days after the appellee's answer brief is filed.

E. Any appeal when docketed should have priority over all cases pending on said docket. Adjudication of appeals and any other proceedings concerning the adoption of the minor described in this section shall be expedited by the Supreme Court.

F. The pendency of an appeal shall not suspend the order of the district court regarding a minor, nor shall it remove the minor from the custody of that court or of the person, institution, or agency to

whose care such minor has been committed, unless the Supreme Court shall so order.

Added by Laws 1957, p. 26, § 19. Amended by Laws 1996, c. 297, § 10, emerg. eff. June 10, 1996; Laws 1997, c. 366, § 39, eff. Nov. 1, 1997. Renumbered from § 60.19 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 30, emerg. eff. June 11, 1998.

§10-7505-7.2. Limitations on challenge to adoption or termination of parental rights - Effect of appeal - Best interests of child.

A. Except as otherwise provided by paragraph 3 of subsection B of Section 7503-2.7 of this title:

1. When an interlocutory or final decree of adoption has been rendered, a decree terminating parental rights cannot be challenged on any ground, either by a direct or a collateral attack, more than three (3) months after its rendition. The minority of the natural parent shall not operate to prevent this time limit from running; and

2. No adoption may be challenged on any ground either by a direct or collateral attack more than three (3) months after the entry of the final adoption decree regardless of whether the decree is void or voidable, and the minority or incompetence of the natural parent shall not operate to prevent this time limit from running.

B. In any challenge on any ground either by a direct or collateral attack, the court shall not enter a decision which is contrary to the best interests of the adopted minor.

Added by Laws 1971, c. 316, § 2, emerg. eff. June 24, 1971. Amended by Laws 1995, c. 340, § 25, emerg. eff. June 9, 1995; Laws 1996, c. 297, § 9, emerg. eff. June 10, 1996. Renumbered from § 58 of this title by Laws 1996, c. 297, § 28, emerg. eff. June 10, 1996. Amended by Laws 1997, c. 366, § 40, eff. Nov. 1, 1997. Renumbered from § 60.18b of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 31, emerg. eff. June 11, 1998.

§10-7505-8.1. Adoption dissolution statistics to be published.

A. Whenever the Department of Human Services publishes statistics on successful adoptions, the Department shall also include statistics on adoption dissolutions, including the average number of months between the finalization of adoptions and the effective date of dissolutions.

B. For purposes of this section, "adoption dissolutions" means adoptions which dissolve after the adoption is finalized and prior to the time the adopted child reaches eighteen (18) years of age.

Added by Laws 2009, c. 277, § 1, eff. Nov. 1, 2009.

§10-7506-1.1. Paternity registry.

A. The Department of Human Services shall establish a centralized paternity registry. The purpose of the registry is to:

1. Protect the parental rights of a putative father who may wish to affirmatively assume responsibility for children he may have fathered; and

2. Expedite adoptions of children whose biological fathers are unwilling to assume responsibility for their children by registering with the registry or otherwise acknowledging their children.

B. The father or putative father of a child born out of wedlock may file:

1. A notice of desire to receive notification of an adoption proceeding concerning the minor pursuant to Section 7503-3.1 of this title;

2. A notice of intent to claim paternity of the child pursuant to this section or Section 7503-3.1 of this title;

3. An instrument acknowledging paternity of the child as provided in Section 7503-3.1 of this title, or this section, and Section 1-311.3 of Title 63 of the Oklahoma Statutes;

4. A waiver of interest pursuant to Section 7503-3.1 of this title; or

5. Any other claim for acknowledging or denial of paternity authorized by law.

C. The paternity registry shall also be available to any person who:

1. Has been adjudicated by a court of another state or territory of the United States to be the father of a minor by filing a certified copy of the court order with the registry; or

2. Has been adjudicated by a court of this state to be the father of a minor born out of wedlock.

D. The Department shall maintain the following information in the registry:

1. The putative father's:

a. name,

b. address at which the putative father may be served with notice of an adoption,

c. Social Security number,

d. date of birth, and

e. tribal affiliation, if any;

2. The mother's:

a. name, including all other names known to the putative father that the mother uses, and

b. address, Social Security number, and date of birth, if known;

3. The minor's name, date and place of birth, if known, or the probable month and year of the expected birth of the minor;

4. The date that the Department receives a putative father's registration;

5. The:

- a. name of an attorney or child-placing agency that requests the Department to search the registry to determine whether a putative father is registered in relation to a mother whose minor is or may be the subject of an adoption, and
- b. date that the attorney or agency submits a request as provided under this paragraph;

6. If the registration is based upon an adjudication by a court of this or any other state, the case number, court, date of order, judgment or decree, and a copy of the decree; and

7. Any other information that the Department determines is necessary to access the information in the registry.

E. The Department shall store the registry's data in a manner so that the data is accessible under the following:

1. The putative father's name;
2. The mother's name; and
3. The minor's name, if known.

F. A putative father who registers under this section shall provide to the Department:

1. The putative father's:
 - a. name,
 - b. address at which the putative father may be served with notice of an adoption,
 - c. Social Security number,
 - d. date of birth, and
 - e. tribal affiliation, if any;

2. The mother's name, including all other names known to the putative father that the mother uses;

3. If the registration is based upon an adjudication by a court of this or any other state, the case number, court, date of order, judgment or decree, and a copy of the decree; and

4. Any other information described under subsection D of this section that is known to the putative father.

G. 1. A person filing a notice of desire to receive notification of an adoption proceeding concerning the minor, a notice of intent to claim paternity of a minor or an acknowledgment of paternity shall include therein his current address and shall notify the registry of any change of address pursuant to procedures prescribed by rules of the Department.

2. If a putative father does not have an address where the putative father is able to receive notice of an adoption, the putative father may designate another person as an agent for the purpose of receiving notice of adoption. The putative father must provide the Department with the agent's name and the address at which the agent may be served.

3. Service of notice upon the agent constitutes service of notice upon the putative father. If the agent cannot be served at

the address provided by the putative father, as provided in this subsection, and if the putative father cannot be served because his whereabouts are unknown, the putative father can be served by publication pursuant to paragraph 3 of subsection B of Section 7505-2.1 or paragraph 3 of subsection C of Section 7505-4.1 of this title.

H. An unrevoked notice of intent to claim paternity of a minor or an instrument acknowledging paternity may be introduced in evidence by any party in any proceeding in which such fact may be relevant.

I. The Department, upon request, shall provide the names and addresses of persons listed with the registry to any court or authorized agency, and such other persons deemed necessary to receive such information by the Department. The information shall not be divulged to any other person except upon order of a court for good cause shown.

J. The Department shall:

1. Provide the forms necessary for filing with the paternity registry established by this section and shall make said forms available to any father or putative father of a minor born out of wedlock who wishes to file with the registry; and

2. Provide, from any available funds, for the publication and statewide distribution to the public of information as to the existence of the paternity registry, the procedures for entry into the registry, and the consequences of failure to register.

Added by Laws 1985, c. 337, § 6, eff. Feb. 1, 1986. Amended by Laws 1997, c. 366, § 41, eff. Nov. 1, 1997. Renumbered from § 55.1 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 32, emerg. eff. June 11, 1998.

§10-7506-1.2. Revocation of notice of intent to claim paternity - Removal of registrant's name from registry.

A. A putative father may revoke a notice of intent to claim paternity at any time by submitting a signed, notarized statement revoking the notice of intent to claim paternity.

B. If a court determines that the registrant is not the father of the child, the court shall order that the Department remove the registrant's name from the registry. On receipt of an order providing for the removal of the registrant's name, the Department shall remove the name from the registry.

Added by Laws 1997, c. 366, § 42, eff. Nov. 1, 1997.

§10-7507-1.1. Adult adoptions.

An adult person may be adopted by any other adult person, with the consent of the person to be adopted or his guardian, if the court shall approve, and with the consent of the spouse, if any, of an adoptive parent, filed in writing with the court. The provisions of Sections 9 through 36 of this act shall not apply to the adoption of

a competent adult person. A petition therefor shall be filed with the district court in the county where the adoptive parents reside. After a hearing on the petition and after such investigation as the court deems advisable, if the court finds that it is to the best interests of the people involved, a decree of adoption may be entered which shall have the legal consequences stated in Section 37 of this act.

Added by Laws 1957, p. 26, § 21. Amended by Laws 1997, c. 366, § 43, eff. Nov. 1, 1997. Renumbered from § 60.21 of this title by Laws 1997, c. 366, § 58, eff. Nov. 1, 1997.

§10-7508-1.1. Records retention.

A. All records of any adoption finalized in this state shall be maintained for ninety-nine (99) years by the child-placing agency, entity, organization or person arranging or facilitating the adoption.

B. Child-placing agencies, attorneys, or other entities that facilitate adoptions who cease to operate or to practice in this state shall transfer their adoption records to the Department of Human Services, Adoption Division, or, after giving notice to the Department of Human Services, to a transferee agency that is assuming responsibility for the preservation of the agency's adoption records. Added by Laws 1997, c. 366, § 44, eff. Nov. 1, 1997. Amended by Laws 2011, c. 371, § 7, eff. Nov. 1, 2011.

§10-7508-1.2. Mutual Consent Voluntary Registry.

A. The Department of Human Services shall establish and administer, directly or through a contractor, a Mutual Consent Voluntary Registry whereby eligible persons as described in subsection B of this section may indicate their willingness to have their identity and whereabouts disclosed to each other under the conditions specified under this part.

B. Subject to the restrictions of subsections C and D of this section, the following persons may register with the Mutual Consent Voluntary Registry:

1. An adult adopted person;
2. An adult person whose biological parent's parental rights have been terminated;
3. The adoptive parents or guardian of an adopted person who is under the age of eighteen (18) or who has been declared mentally incompetent;
4. If an adopted person is deceased, the legal parent or guardian of any minor child or mentally incompetent child of the adopted person;
5. If an adopted person is deceased, any adult descendants of the adopted person;

6. The legal parent or guardian of a minor or a person who has been declared mentally incompetent whose biological parent's parental rights have been terminated;

7. The legal parent or guardian of any minor or mentally incompetent child of a deceased person whose biological parent's parental rights have been terminated;

8. The adult descendants of a deceased person whose biological parent's parental rights have been terminated;

9. A parent whose parental rights were voluntarily terminated by court order subsequent to the parent's consent or relinquishment, or involuntarily terminated by court order, in an adoption, juvenile, guardianship, or domestic relations proceeding; and

10. An adult biological relative of an adopted person or a person whose biological parent's parental rights have been terminated.

C. This registry shall not be used by:

1. An adult adopted person who has a minor biological sibling in the same adoptive family or in an adoptive or foster family or other placement whose location is known to the adult adopted person; or

2. An adult whose biological parent's parental rights have been terminated and who has a biological sibling in the same family or in an adoptive or foster family or other placement whose location is known to that adult.

D. If a biological relative, other than a biological parent, registers pursuant to paragraph 9 of subsection B of this section, the administrator of the Mutual Consent Voluntary Registry shall ascertain from the State Registrar of Vital Statistics whether an affidavit of nondisclosure by a biological parent is on file. If such an affidavit is filed with the State Registrar and has not been revoked, the administrator of the Mutual Consent Voluntary Registry shall not process a match with any biological relative of the parent who filed the affidavit of nondisclosure.

E. 1. An eligible person may register by submitting a notarized affidavit, on a form provided by the Department of Human Services, stating the registrant's current name, address, telephone number, and the registrant's willingness to be identified to some or all eligible relatives, identified by name or by relationship, who also register. The registrant may also provide any previous name by which the registrant was known, previous and current names, if known, of specific eligible persons the registrant wishes to find, the place and date of birth of the adopted minor or the minor whose parent's rights have been terminated, and the name and address of the adoption agency, intermediary, or other person, if any, who placed the minor for adoption or took custody of the minor after the minor's parent's rights were terminated. If the registrant is an adult adopted person or an adult whose biological parent's rights have been terminated, the affidavit shall also contain a statement that the registrant does

not have a minor biological sibling in the same family or in an adoptive or foster family or other placement whose location is known to the registrant.

2. The form shall also indicate the registrant's desired method of notification in the event a match occurs; however, the Department shall not be required to utilize methods of notification that would require it to incur unreasonable expense. The form shall also indicate whether the registrant desires release of the registrant's identifying information if a match occurs after the registrant's death. No registration shall be accepted until the prospective registrant submits satisfactory proof of the registrant's identity. Registering persons may revise their consent with respect to change of address, telephone number or method of notification. Any name and accompanying information shall be removed from the list upon the verified written request of the person who registered.

F. The administrator of the Mutual Consent Voluntary Registry shall process each affidavit in an attempt to match the registrant with any other eligible persons who have registered and consented to have their identifying information released to the registrant. Such processing may include, but not be limited to, research from agency records, when available, and when agency records are not available, from court records to determine conclusively whether registrants match. When a match has occurred, the administrator shall notify each registrant, by the registrant's designated method only, and obtain the registrant's consent to an exchange of identifying information before any identifying information is released. Nothing in this section shall be construed to allow any state or local governmental department, agency, institution, or contractor, or any employee thereof, to solicit any consent for the release of identifying information from someone who has not registered with the registry.

G. Any affidavits filed and other information collected shall be retained for twenty-two (22) years following the date of registration.

H. Any person who discloses information from the registry in violation of this act shall be guilty of a misdemeanor and shall be fined up to Five Thousand Dollars (\$5,000.00) or imprisoned for a period of six (6) months or both.

Added by Laws 1997, c. 366, § 45, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 33, emerg. eff. June 11, 1998.

§10-7508-1.3. Confidential intermediary search program.

A. The Department of Human Services shall establish a search program whereby the services of a confidential intermediary who has been certified through the program may be used by eligible persons listed in subsection B of this section to locate an adult biological relative listed in subsection B of this section with whom contact has

been lost through adoption or termination of parental rights proceedings.

B. Subject to the restrictions of subsections C and D of this section, the following persons may request a search or be the subject of a search through the confidential intermediary search program:

1. An adult adopted person;
2. An adult person who has a parent whose parental rights have been terminated;
3. The legal parent or guardian of any minor or mentally incompetent child of a deceased adopted person;
4. An adult descendant of a deceased adopted person;
5. The legal parent or guardian of any minor or mentally incompetent child of a deceased person whose biological parent's parental rights have been terminated;
6. An adult descendant of a deceased person whose biological parent's parental rights have been terminated;
7. A biological parent whose parental rights were voluntarily or involuntarily terminated by court order in an adoption, juvenile, guardianship, or domestic relations proceeding;
8. An adult biological sibling or biological grandparent of an adult adopted person or of an adult person who has a parent whose parental rights have been terminated; and
9. The sibling of a deceased biological parent whose parental rights were voluntarily or involuntarily terminated by court order in an adoption, juvenile, guardianship, or domestic relations proceeding.

C. A search through the confidential intermediary program may not be performed on behalf of:

1. Anyone who has not previously registered with the Mutual Consent Voluntary Registry at least six (6) months prior to submission of the application for services through the confidential intermediary search program;
2. An adult adopted person who has a minor biological sibling in the same adoptive family or in an adoptive or foster family or other placement whose location is known to the adult adopted person;
3. An adult whose biological parent's parental rights have been terminated and who has a minor biological sibling in the same family or in an adoptive or foster family or other placement whose location is known to that adult; or
4. Anyone who has previously initiated a search for a biological parent that refused to share identifying information, communicate, or meet, and who initiates a subsequent search for a biological relative of that biological parent.

D. If a biological relative of an adopted person, other than a biological parent, applies to initiate a search or is the subject of a search, the administrator of the confidential intermediary search program shall ascertain from the State Registrar of Vital Statistics

whether an affidavit of nondisclosure by a biological parent of the adopted person is on file. If such an affidavit is filed with the State Registrar and has not been revoked, the administrator of the search program shall decline to initiate a search at the request of or for any biological relative of the parent who filed the affidavit of nondisclosure, unless the person initiating the search can provide satisfactory proof that the biological parent who filed the affidavit of nondisclosure is deceased.

E. The Department of Human Services shall administer, directly or through a contractor, the confidential intermediary search program. The Department of Human Services shall adopt rules and procedures necessary to implement the search program, including but not limited to the qualifications, minimum standards for training and certification, and standards of conduct for a confidential intermediary. A person shall not act as a confidential intermediary unless the person has completed the training required by the Department of Human Services, signed and filed an oath of confidentiality with the Department of Human Services, and possesses a confidential intermediary certificate issued by the Department of Human Services.

F. The Department of Human Services shall develop an oath of confidentiality, which must be signed under penalty of perjury by each prospective confidential intermediary prior to receiving certification. In the oath, the intermediary shall affirm that:

1. The intermediary has completed the requisite training for a confidential intermediary as required by the Department of Human Services;

2. The intermediary will not disclose to anyone, directly or indirectly, identifying or confidential information in the records or otherwise obtained through the intermediary's participation in the search program, except under the conditions specified in this section;

3. The intermediary will conduct a reasonable search for an individual being sought and make a discreet and confidential inquiry as to whether the individual consents to release of identifying information or medical information or to meeting or communicating with the individual initiating the search, and will report back to the administrator of the program the results of the intermediary's search and inquiry;

4. If the individual initiating the search and the individual being sought consent in writing to meet or to communicate with each other, the intermediary will act in accordance with the instructions of the administrator of the program to facilitate any meeting or communication between them;

5. The intermediary will not accept any fee or compensation for the intermediary's services except as authorized by the administrator of the search program and the Oklahoma Statutes; and

6. The intermediary recognizes that unauthorized release of information is a violation of this section and Section 7505-1.1 of this title and may subject the intermediary to a fine or imprisonment or both, to civil liability, and to loss of certification as a confidential intermediary.

G. 1. After an eligible person described in subsection B of this section has:

- a. completed an application to initiate a search,
- b. provided satisfactory proof of identity to the administrator of the program, and
- c. paid the fee established by the Department of Human Services for initiating a search,

the administrator of the search program shall assign the search to a confidential intermediary certified by the Department of Human Services.

2. The confidential intermediary shall be permitted to inspect:

- a. all court records relevant to the adoption or termination of parental rights proceeding,
- b. the original certificate of birth, or other sealed adoption records, and other relevant records, if any, in the possession of the State Registrar of Vital Statistics, and
- c. all relevant records in the possession of the Department of Human Services.

3. The confidential intermediary must present to the custodians of such records documentary proof of the intermediary's certification and the referral form from the administrator of the search program prior to obtaining access to any of these records.

4. The confidential intermediary may also inspect records in the possession of a private adoption agency or a private attorney, but only if the private agency or attorney voluntarily agrees to cooperate and permits the examination.

5. The confidential intermediary shall keep confidential all information obtained during the course of the investigation, except as disclosure is permitted by this section.

H. 1. If the confidential intermediary is able to locate the subject of the search, the confidential intermediary shall make a discreet and confidential inquiry as to whether the person who is the subject of the search will consent to share identifying information, communicate, or meet with the person who initiated the search.

2. The inquiry to the person who is the subject of the search shall be by personal and confidential contact. The inquiry shall be made without disclosing the identifying information about the person who initiated the search.

3. If the person who is the subject of the search is willing to share identifying information, communicate, or meet with the person who initiated the search, the confidential intermediary shall obtain

this consent in writing, in a document that is dated and signed by the subject of the search.

4. If the person who is the subject of the search is not willing to share identifying information, meet, or communicate with the person who initiated the search, the confidential intermediary shall attempt to obtain any nonidentifying medical or social history information that has been requested by the person who has initiated the search.

5. If the confidential intermediary discovers the subject of the search is deceased, the confidential intermediary shall include this information and, if the deceased subject is a biological parent, shall include the identity of the biological parent in the written report.

I. 1. Any written consent and nonidentifying information obtained by the confidential intermediary, along with a written report of the results of the intermediary's search and inquiry, shall be transmitted to the administrator of the confidential intermediary program.

2. If the confidential intermediary is unable to locate the subject of the search, the intermediary shall report this to the administrator of the program and include in this written report a description of the search efforts.

3. If the confidential intermediary discovers that the identity of the biological father was unknown or not revealed by the biological mother, the confidential intermediary shall also include this information in the written report.

J. 1. Upon receipt of the report of the confidential intermediary, the administrator of the search program shall contact the person who initiated the search.

2. If the subject of the search agreed to share identifying information, communicate, or meet, the administrator shall relay this information and obtain the written consent of the person who initiated the search before arranging the sharing of identifying information, communication, or meeting between them.

3. Upon receiving the written consent of both the initiator and the subject of the search, the administrator may utilize the services of the confidential intermediary to facilitate a communication or meeting.

4. If nonidentifying medical or social history information was obtained, the administrator shall provide a copy of the nonidentifying information to the person who initiated the search. If the intermediary was unable to locate the subject of the search or the subject is deceased or did not consent to exchange identifying information, communicate, or meet, the administrator shall share that information with the initiator of the search.

5. If the subject of the search is a biological parent who is deceased, the administrator shall provide the initiator of the search

with any identifying information available regarding the deceased biological parent, if the initiator of the search consents in writing to receive the information.

K. If the initiator of a search subsequently applies to the court for an order allowing the release of identifying information for good cause shown, after the subject of the search has refused to share identifying information, communicate, or meet, the initiator shall advise the court in such person's motion of the results of the search. Upon the request of the court, the administrator of the program shall disclose to the court the report of the confidential intermediary regarding the results of the search, including any information about why the subject of the search objected to disclosure or contact.

L. Any information obtained by a confidential intermediary during the course of such person's investigation shall be kept strictly confidential and shall be disclosed and utilized only in the manner permitted by this section.

M. Any person who discloses information obtained during the course of a search performed under this section in violation of this act shall be guilty of a misdemeanor and shall be fined up to Five Thousand Dollars (\$5,000.00) or imprisoned for a period of six (6) months or both.

N. Any reports and other information collected as a result of a search performed under this section shall be retained by the administrator of the search program for twenty-two (22) years following the date of the initial application for the search.

O. The Department may charge the person who initiates the search for the actual expenses incurred in providing the service requested under this section and a reasonable fee for compensation of the confidential intermediary and the administration of this program. Added by Laws 1997, c. 366, § 46, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 34, emerg. eff. June 11, 1998.

§10-7509-1.1. Conditions for discharges of infants from medical facilities.

A. It is the public policy of the State of Oklahoma that when an infant will be placed for adoption, a discharge of the infant from a medical facility shall be made as soon after birth as is medically prudent to facilitate the placement that has been arranged.

B. It shall be unlawful for any physician, hospital, or any other person or entity to condition discharge of an infant from a medical facility on the payment of any expense or to require a temporary order from a court before discharging an infant. Upon receipt of a written authorization of the birth mother, a medical facility shall release an infant to the person or agency designated in the written authorization.

C. Any physician, hospital, or any other person or entity that violates the provisions of subsection B of this section shall be liable in a civil action for compensatory and punitive damages, shall be subject to injunctive remedies and a judgment for the payment of an aggrieved person's attorney fees and court costs. In addition, upon proof before any State of Oklahoma licensing board or agency, that any physician, hospital, or other person or entity has violated the provisions of this section, said person's or entity's license or charter to practice a profession or conduct business operations within this state may be suspended.

Added by Laws 1997, c. 366, § 47, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 35, emerg. eff. June 11, 1998.

§10-7509-1.2. Confidential index of birth and adoptive names.

In order to facilitate the updating of medical and social information received pursuant to the Oklahoma Adoption Act and for the operation of the mutual consent voluntary registry and the confidential intermediary search programs, the office of the court clerk in each county of this state shall create a confidential index that cross-references an adoption of a child by both the child's birth name and adoptive name.

Added by Laws 1998, c. 415, § 36, emerg. eff. June 11, 1998.

§10-7509-1.3. Invalidation or revocation of final decree of adoption.

If a person, attorney or licensed child-placing agency is investigated by law enforcement for suspected fraud or trafficking in children, the final decree of adoption shall not be invalidated or revoked. Provided, however, if an adoptive parent is investigated for suspected fraud or trafficking, the final decree of adoption may be invalidated or revoked by the court upon good cause shown.

Added by Laws 2016, c. 74, § 3, eff. Nov. 1, 2016.

§10-7510-1.1. Short title.

This act shall be known and may be cited as the "Oklahoma Adoption Assistance Act".

Added by Laws 1982, c. 200, § 1. Amended by Laws 1997, c. 366, § 48, eff. Nov. 1, 1997. Renumbered from § 60.25 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997. Amended by Laws 2002, c. 445, § 10, eff. Nov. 1, 2002.

§10-7510-1.2. Definitions.

As used in the Oklahoma Adoption Assistance Act:

1. "Child" means any person who has not attained the age of eighteen (18) years who is in the court-ordered custody of the Department of Human Services or a federally recognized Indian tribe,

as defined by the federal Indian Child Welfare Act and the Oklahoma Indian Child Welfare Act; and

2. "Department" means the Oklahoma Department of Human Services. Added by Laws 1982, c. 200, § 2, eff. Oct. 1, 1982. Amended by Laws 1996, c. 297, § 12, emerg. eff. June 10, 1996. Renumbered from § 60.26 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997. Amended by Laws 2001, c. 434, § 10, emerg. eff. June 8, 2001; Laws 2002, c. 445, § 11, eff. Nov. 1, 2002.

NOTE: Laws 2001, c. 415, § 15 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

§10-7510-1.3. Program of assistance for children not eligible for federally funded adoption assistance benefits.

A. The Department of Human Services shall establish and administer an ongoing program of adoption assistance for eligible special needs children in the legal custody of the Department or a federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act and the Oklahoma Indian Child Welfare Act, who are not eligible for federally funded adoption assistance benefits. Adoption assistance benefits under this program shall be provided out of funds appropriated to the Department for the maintenance of children in foster care or made available to it from other sources.

B. Adoption assistance benefits under this program may include Medicaid coverage, a monthly adoption assistance payment, reimbursement of nonrecurring adoption expenses, special services, or any combination of such benefits.

C. To comply with 42 U.S.C., Section 471(a)(14) of the Social Security Act and 45 C.F.R., Section 1356.21(n), the Department shall limit the number of children under the responsibility of the Department, who remain in substitute care for a period over twenty-four (24) months, to no more than thirty percent (30%) of the children in care during any fiscal year.

Added by Laws 1982, c. 200, § 3, eff. Oct. 1, 1982. Amended by Laws 1996, c. 297, § 13, emerg. eff. June 10, 1996. Renumbered from § 60.27 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 37, emerg. eff. June 11, 1998; Laws 2002, c. 445, § 12, eff. Nov. 1, 2002; Laws 2008, c. 159, § 5, emerg. eff. May 12, 2008.

§10-7510-1.4. Eligibility for adoption assistance - Factors for determination.

A child may be determined by the Department of Human Services to be eligible for adoption assistance pursuant to the Oklahoma Adoption Assistance Act if, in accordance with rules promulgated by the Commission for Human Services, the Department has determined that:

1. The child cannot or should not be returned to the home of his or her parents;

2. There exists a specific factor or condition because of which it is reasonable to conclude that the child cannot be placed for adoption without providing adoption assistance; and

3. A reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance except when it would be against the best interests of the child because of such factors including, but not limited to, the existence of significant emotional ties with prospective adoptive parents while the child was in the care of such parents as a foster child.

Added by Laws 1982, c. 200, § 4, eff. Oct. 1, 1982. Amended by Laws 1996, c. 297, § 14, emerg. eff. June 10, 1996. Renumbered from § 60.28 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997. Amended by Laws 1999, c. 396, § 20, emerg. eff. June 10, 1999; Laws 2002, c. 445, § 13, eff. Nov. 1, 2002.

§10-7510-1.5. Written agreement - Commencement of assistance - Amount - Preexisting condition - Periodic certification - Termination or modification - Continued eligibility regardless of residence.

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

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

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

B. When an otherwise eligible child is determined to have a causative, preexisting condition which was not identified or known prior to the legal finalization of the adoption and which has resulted in a severe medical or psychiatric condition that requires extensive treatment, hospitalization, or institutionalization, an adoption assistance agreement may be approved by the Department after the final decree of adoption has been entered. In the event an adoption assistance agreement is approved that provides for monthly adoption assistance payments, the adoptive parents may also be entitled to receive retroactive adoption assistance payments for a period not to exceed the two (2) months prior to the date the adoption assistance agreement was approved.

C. Any child who met the requirements of the provisions of Sections 7510-1.2 and 7510-1.4 of this title, and was determined

eligible for Oklahoma adoption assistance with respect to a prior adoption, and is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the adoptive parents of the child have died, shall be eligible for Oklahoma adoption assistance with respect to any subsequent adoption.

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

- a. enrolled in an institution that provides elementary or secondary education as determined under the law of this state or other jurisdiction in which the institution is located,
- b. instructed in elementary or secondary education by any other means legally authorized,
- c. in an independent study elementary or secondary education program in accordance with the law of this state or other jurisdiction in which the program is located, that is administered by the local school or school district, or
- d. incapable of attending school on a full-time basis due to a documented medical condition supported by regular updates.

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

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

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

- a. continues to attend high school or pursues General Education Development, or
- b. meets the criteria for an adoption assistance difficulty of care rate as determined by the Department.

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

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

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

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

Added by Laws 1982, c. 200, § 5, eff. Oct. 1, 1982. Amended by Laws 1989, c. 45, § 1, emerg. eff. April 13, 1989. Renumbered from § 60.29 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 38, emerg. eff. June 11, 1998; Laws 2001, c. 434, § 11, emerg. eff. June 8, 2001; Laws 2002, c. 445, § 14, eff. Nov. 1, 2002; Laws 2004, c. 415, § 6, emerg. eff. June 4, 2004; Laws 2006, c. 258, § 7, emerg. eff. June 7, 2006; Laws 2010, c. 324, § 2, emerg. eff. June 5, 2010.

NOTE: Laws 2001, c. 415, § 16 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

§10-7510-1.6. Denial of assistance - Hearing.

An adoptive parent or parents whose application for adoption assistance on behalf of a child has been denied by the Department of Human Services may request an administrative hearing within thirty (30) days of the date of the denial.

Added by Laws 1982, c. 200, § 6. Renumbered from § 60.30 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997. Amended by Laws 2002, c. 445, § 15, eff. Nov. 1, 2002.

§10-7510-2.1. Department of Human Services to contract or join with adoption exchange - Information to be provided - Definitions.

A. The Department of Human Services, as funds become available for such purposes, shall contract with or join the Oklahoma Children's Adoption Resources Exchange or any other instate or out-of-state or national adoption exchange for purposes of increasing and promoting the placement and adoption of children who are in the custody of the Department of Human Services and in child-placing agencies.

B. Upon contracting with or joining the Oklahoma Children's Adoption Resources Exchange or any instate or out-of-state or national adoption exchange, the Department and all child-placing agencies shall be required to provide certain information to the Oklahoma Children's Adoption Resource Exchange or any other instate, out-of-state or national adoption exchange specified by the Department.

C. For purposes of the Subsidized Adoption Act:

1. "Adoption exchange" shall include only those exchanges which provide a monthly updated system, containing a photograph or description of each child whose parental rights have been terminated and is legally available for adoption; and

2. "Oklahoma Children's Adoption Resource Exchange" is a private nonprofit corporation incorporated in this state whose membership is composed of child-placing agencies which operates under the direction of a board of directors selected in accordance with the bylaws of the corporation.

Added by Laws 1983, c. 328, § 1, emerg. eff. June 28, 1983. Amended by Laws 1996, c. 297, § 15, emerg. eff. June 10, 1996; Laws 1997, c. 366, § 49, eff. Nov. 1, 1997. Renumbered from § 60.31 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 39, emerg. eff. June 11, 1998.

§10-7510-2.2. Photograph and description of child to be provided to exchange.

Pursuant to the provisions of Section 60.31 of this title, the Department of Human Services and all child-placing agencies shall be required to provide to the Oklahoma Children's Adoption Resource Exchange or any other instate, out-of-state or national adoption exchange specified by the Department, a recent photograph and description of each child who is legally available for adoption and for whom no adoptive home has been found. Requirements of this section must be completed within ninety (90) days of the date a child has become legally available for adoption or as otherwise required by the adoption exchange.

Added by Laws 1983, c. 328, § 2, emerg. eff. June 28, 1983. Amended by Laws 1996, c. 297, § 16, emerg. eff. June 10, 1996. Renumbered from § 60.32 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-7510-2.3. Exemptions.

The following persons are exempt from the provisions of Sections 7510-2.1 through 7510-2.5 of this title:

1. Children age twelve (12) years or older who do not choose to be adopted pursuant to the Oklahoma Adoption Act;

2. Children for whom permanent placement plans have been made that do not include adoption; for example, permanent placement with relatives or long-term foster care;

3. Children who, because of medical or psychological reasons as determined by a licensed psychiatrist, psychologist or physician, are not ready for adoption;

4. Children who are runaways and whose present location is unknown; and

5. Children who are currently in an adoptive placement, pursuant to Section 7505-6.3 of this title.

Added by Laws 1983, c. 328, § 3, emerg. eff. June 28, 1983. Amended by Laws 1996, c. 297, § 17, emerg. eff. June 10, 1996. Renumbered from § 60.33 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997. Amended by Laws 1998, c. 415, § 40, emerg. eff. June 11, 1998.

§10-7510-2.4. Change in status of child listed by exchange.

Any change in the status of a child listed by the Oklahoma Children's Adoption Resource Exchange or any other instate, out-of-state or national adoption exchange specified by the Department shall be reported by the Department of Human Services or child-placing agency having legal custody of that child to the Oklahoma Children's Adoption Resource Exchange or any other instate, out-of-state or national adoption exchange specified by the Department. The report shall be completed within twenty (20) working days after the change occurs.

Added by Laws 1983, c. 328, § 4, emerg. eff. June 28, 1983. Amended by Laws 1996, c. 297, § 18, emerg. eff. June 10, 1996. Renumbered from § 60.34 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-7510-2.5. Withdrawal of child from register.

A child registered with the Oklahoma Children's Adoption Resource Exchange or any other instate, out-of-state or national adoption exchange as legally adoptable shall be withdrawn from the register when the exchange receives written notification from the agency having legal custody that the child has been placed in an adoptive home.

Added by Laws 1983, c. 328, § 5, emerg. eff. June 28, 1983. Amended by Laws 1996, c. 297, § 19, emerg. eff. June 10, 1996. Renumbered from § 60.35 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-7510-3.1. Short title.

This part may be known and may be cited as the "Compact on Adoption and Medical Assistance".

Added by Laws 1986, c. 126, § 1, emerg. eff. April 11, 1986. Amended by Laws 1997, c. 366, § 50, eff. Nov. 1, 1997. Renumbered from § 61 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-7510-3.2. Compact on Adoption and Medical Assistance.

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

ARTICLE I. FINDINGS

The party states find that:

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

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

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

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

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

ARTICLE II. PURPOSES

The purposes of this compact are to:

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

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

ARTICLE III. DEFINITIONS

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

(1) "Child with special needs" means a minor who has not yet attained the age at which the state normally discontinues children's services or twenty-one (21) years, where the state determines that the child's mental or physical handicaps warrant the continuation of assistance, for whom the state has determined the following:

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

(B) That there exists with respect to the child a specific factor or condition (such as his or her ethnic background, age, or membership in a minority or sibling group, or the presence of factors

such as medical condition or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that such child cannot be placed with adoptive parents without providing adoption assistance.

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

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

(3) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a Territory or Possession of the United States.

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

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

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

ARTICLE IV. ADOPTION ASSISTANCE

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

(2) The adoption assistance and medical assistance services and benefits to which this compact applies are those provided to children with special needs and their adoptive parents from the time of the final decree of adoption or the interlocutory decree of adoption, as the case may be, pursuant to the laws of the adoptive assistance state. In addition to the content required by subsequent provisions of this article for adoption assistance agreements, each such agreement shall state whether the initial adoption assistance period thereunder begins with the final or interlocutory decree of adoption. Aid provided by party states to children with special needs during the preadoptive placement period or earlier shall be under the foster care or other programs of the states and, except as provided in paragraph 3 of this article, shall not be governed by the provisions of this compact.

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

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

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

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

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

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

(5) Adoption assistance payments, when made on behalf of a child who is subject to the jurisdiction of this state but residing in another state, shall be made on the same basis and in the same amounts as they would be made if the child were residing in this state; provided, however, adoption assistance agreements with families residing in other states signed before October 1, 2009, may be continued.

(6) Effective July 1, 2010, for good cause shown, the Director of the Department of Human Services or designee may approve adoption assistance payments on behalf of a child subject to the jurisdiction of this state but residing in another state, up to the maximum foster care reimbursement allowable in the state of residence.

ARTICLE V. MEDICAL ASSISTANCE

(1) Children for whom a party state is committed in accordance with the terms of an adoption assistance agreement to make adoption assistance payments are eligible for medical assistance during the entire period for which such payments are to be provided. Upon application therefor by the adoptive parents of a child on whose behalf a party state's duly constituted authorities have entered into

an adoption assistance agreement, the adoptive parents shall receive a medical assistance identification made out in the child's name. The identification shall be issued by the medical assistance program of the residence state and shall entitle the child to the same benefits, pursuant to the same procedures, as any other child who is a resident of the state and covered by medical assistance, whether or not the adoptive parents are eligible for medical assistance.

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

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

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

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

ARTICLE VI. JOINDER AND WITHDRAWAL

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

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

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

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

Added by Laws 1986, c. 126, § 2, emerg. eff. April 11, 1986.

Renumbered from § 62 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997. Amended by Laws 2010, c. 324, § 3, emerg. eff. June 5, 2010.

§10-7510-3.3. Administration of compact - Rules and regulations.

The Department of Human Services shall be the administrator of the Compact on Adoption and Medical Assistance. The Oklahoma Public Welfare Commission shall promulgate rules and regulations to implement the terms and purposes of this compact.

Added by Laws 1986, c. 126, § 3, emerg. eff. April 11, 1986.

Renumbered from § 63 of this title by Laws 1997, c. 366, § 59, eff. Nov. 1, 1997.

§10-7511-1.1. Repealed by Laws 1999, c. 59, § 2, eff. July 1, 1999.

§10-7511-1.2. Repealed by Laws 1999, c. 59, § 2, eff. July 1, 1999.

§10-7511-1.3. Repealed by Laws 1999, c. 59, § 2, eff. July 1, 1999.

§10-7511-1.4. Repealed by Laws 1999, c. 59, § 2, eff. July 1, 1999.

§10-7511-1.5. Repealed by Laws 1999, c. 59, § 2, eff. July 1, 1999.

§10-7601. Renumbered as § 2201 of Title 27A by Laws 2006, c. 226, § 6, emerg. eff. June 6, 2006.

§10-7602. Renumbered as § 2202 of Title 27A by Laws 2006, c. 226, § 6, emerg. eff. June 6, 2006.

§10-7603. Renumbered as § 2203 of Title 27A by Laws 2006, c. 226, § 6, emerg. eff. June 6, 2006.

§10-7306-2.5. Renumbered as § 2-5-205 of Title 10A by Laws 2009, c. 234, § 188, emerg. eff. May 21, 2009.

§10-7604. Renumbered as § 2204 of Title 27A by Laws 2006, c. 226, § 6, emerg. eff. June 6, 2006.

§10-7605. Renumbered as § 2205 of Title 27A by Laws 2006, c. 226, § 6, emerg. eff. June 6, 2006.

§10-7606. Renumbered as § 2206 of Title 27A by Laws 2006, c. 226, § 6, emerg. eff. June 6, 2006.

§10-7700-101. Short title.

Sections 2 through 58 of this act shall be known and may be cited as the "Uniform Parentage Act".

Added by Laws 2006, c. 116, § 2, eff. Nov. 1, 2006.

§10-7700-102. Definitions.

For purposes of the Uniform Parentage Act:

1. "Acknowledged father" means a man who has established a father-child relationship by signing an acknowledgment of paternity under Article 3 of the Uniform Parentage Act;
2. "Adjudicated father" means a man who has been adjudicated by a court of competent jurisdiction to be the father of a child;
3. "Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined. The term does not include a presumed father;
4. "Child" means an individual of any age whose parentage may be determined under the Uniform Parentage Act;
5. "Determination of parentage" means the establishment of the parent-child relationship by the signing of an acknowledgment of paternity under this section or adjudication by the court;
6. "Duress" means use of physical or psychological force to coerce a person to sign an acknowledgment of paternity;
7. "Effective date" means when the acknowledgment of paternity is fully executed, by the later of the signature dates;
8. "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of the individual's ancestry or that is so identified by other information;
9. "Fraud" means an intentional misrepresentation of a material fact that could not have been discovered with reasonable diligence and was reasonably relied upon;
10. "Genetic testing" means an analysis of genetic markers to exclude or identify a man as the father or a woman as the mother of a

child. The term includes an analysis of one or a combination of the following:

- a. deoxyribonucleic acid, and
- b. blood-group antigens, red-cell antigens, human-leukocyte antigens, serum enzymes, serum proteins, or red-cell enzymes;

11. "Man" means a male individual of any age;

12. "Material mistake of fact" means a mistake as to the facts that could not have been known at the time a signatory executed an acknowledgment of paternity;

13. "Parent" means an individual who has established a parent-child relationship under Section 7700-201 of this title;

14. "Parent-child relationship" means the legal relationship between a child and a parent of the child. The term includes the mother-child relationship and the father-child relationship;

15. "Paternity index" means the likelihood of paternity calculated by computing the ratio between:

- a. the likelihood that the tested man is the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is the father of the child, and
- b. the likelihood that the tested man is not the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is not the father of the child and that the father is of the same ethnic or racial group as the tested man;

16. "Presumed father" means a man who, by operation of law under Section 7700-204 of this title, is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding;

17. "Probability of paternity" means the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the man in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the paternity index and a prior probability;

18. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

19. "Signatory" means an individual who authenticates a record and is bound by its terms; and

20. "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

Added by Laws 2006, c. 116, § 3, eff. Nov. 1, 2006. Amended by Laws 2019, c. 151, § 1, eff. Nov. 1, 2019.

§10-7700-103. Scope of act - Choice of law - Jurisdiction of district and administrative courts.

A. The Uniform Parentage Act applies to determination of parentage in this state.

B. The court shall apply the law of this state to adjudicate the parent-child relationship. The applicable law does not depend on:

1. The place of birth of the child; or
2. The past or present residence of the child.

C. The Uniform Parentage Act does not create, enlarge, or diminish parental rights or duties under other laws of this state.

D. The district or administrative courts are authorized to adjudicate parentage under the Uniform Parentage Act.

Added by Laws 2006, c. 116, § 4, eff. Nov. 1, 2006.

§10-7700-201. Establishment of parent-child relationship.

A. The mother-child relationship is established between a woman and a child by:

1. The woman's having given birth to the child;
2. Adoption of the child by the woman; or
3. As otherwise provided by law.

B. The father-child relationship is established between a man and a child by:

1. An un rebutted presumption of the man's paternity of the child under Section 8 of the Uniform Parentage Act;
2. An effective acknowledgment of paternity by the man under Article 3 of the Uniform Parentage Act, unless the acknowledgment has been timely rescinded or successfully challenged;
3. An adjudication of the man's paternity;
4. Adoption of the child by the man; or
5. As otherwise provided by law.

Added by Laws 2006, c. 116, § 5, eff. Nov. 1, 2006.

§10-7700-202. Equal rights of marital and nonmarital children.

A child born to parents who are not married to each other has the same rights under the law as a child born to parents who are married to each other.

Added by Laws 2006, c. 116, § 6, eff. Nov. 1, 2006.

§10-7700-203. Application of established parent-child relationship.

Unless parental rights are terminated, a parent-child relationship established under the Uniform Parentage Act applies for all purposes, except as otherwise provided by the laws of this state.

Added by Laws 2006, c. 116, § 7, eff. Nov. 1, 2006.

§10-7700-204. Presumption of paternity.

A. A man is presumed to be the father of a child if:

1. He and the mother of the child are married to each other and the child is born during the marriage;

2. He and the mother of the child were married to each other and the child is born within three hundred (300) days after the marriage is terminated by death, annulment, declaration of invalidity, dissolution of marriage or after decree of separation;

3. Before the birth of the child, he and the mother of the child married each other in apparent compliance with law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within three hundred (300) days after its termination by death, annulment, declaration of invalidity, a decree of separation, or dissolution of marriage;

4. After the birth of the child, he and the mother of the child married each other in apparent compliance with law, whether or not the marriage is or could be declared invalid, and he voluntarily asserted his paternity of the child, and:

a. the assertion is in a record with the State Department of Health, Division of Vital Records or the Department of Human Services,

b. he agreed to be and is named as the child's father on the child's birth certificate, or

c. he promised in a record to support the child as his own; or

5. For the first two (2) years of the child's life, he resided in the same household with the child and openly held out the child as his own.

B. A presumption of paternity established under this section may be rebutted only by an adjudication under Article 6 of the Uniform Parentage Act.

Added by Laws 2006, c. 116, § 8, eff. Nov. 1, 2006.

§10-7700-301. Voluntary acknowledgment of paternity.

The mother of a child and a man claiming to be the genetic father of the child may sign an acknowledgment of paternity with intent to establish the man's paternity.

Added by Laws 2006, c. 116, § 9, eff. Nov. 1, 2006.

§10-7700-302. Requirements of acknowledgment - Void and voidable acknowledgment.

A. An acknowledgment of paternity shall:

1. Be in a record and on the form prescribed by the Department of Human Services pursuant to Section 20 of this act;

2. Be signed, or otherwise authenticated, under penalty of perjury by the mother and by the man seeking to establish his paternity;

3. State that the child whose paternity is being acknowledged:
 - a. does not have a presumed father, or has a presumed father whose full name is stated, and
 - b. does not have another acknowledged or adjudicated father;

4. State whether there has been genetic testing and, if so, that the acknowledging man's claim of paternity is consistent with the results of the testing; and

5. State that the signatories understand that the acknowledgment is the equivalent of a judicial adjudication of paternity of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred after two (2) years.

B. An acknowledgment of paternity shall be void if it:

1. States that another man is a presumed father, unless a denial of paternity signed or otherwise authenticated by the presumed father is filed with the State Department of Health, Division of Vital Records; or

2. States that another man is an acknowledged or adjudicated father.

C. An acknowledgment of paternity is voidable if it falsely denies the existence of a presumed, acknowledged, or adjudicated father of the child.

D. A presumed father may sign or otherwise authenticate an acknowledgment of paternity.

Added by Laws 2006, c. 116, § 10, eff. Nov. 1, 2006.

§10-7700-303. Denial of paternity - Validity.

A presumed father may sign a denial of his paternity. The denial is valid only if:

1. An acknowledgment of paternity signed, or otherwise authenticated, by another man is filed pursuant to Section 20 of this act;

2. The denial is in a record, and is signed, or otherwise authenticated, under penalty of perjury;

3. The presumed father has not previously:

- a. acknowledged his paternity, unless the previous acknowledgment has been rescinded pursuant to Section 15 of this act or successfully challenged pursuant to Section 16 of this act, or
- b. been adjudicated to be the father of the child; and

4. The denial is signed not later than two (2) years after the birth of the child.

Added by Laws 2006, c. 116, § 11, eff. Nov. 1, 2006.

§10-7700-304. Execution of acknowledgment and denial - Effective date - Execution by minors.

A. An acknowledgment of paternity and a denial of paternity may be executed separately or simultaneously. If the acknowledgment and denial are both necessary, neither is valid until both are executed.

B. An acknowledgment of paternity or a denial of paternity may be signed before the birth of the child.

C. Subject to subsection A of this section, an acknowledgment of paternity or denial of paternity takes effect on the birth of the child or the execution of the document, whichever occurs later.

D. An acknowledgment of paternity or denial of paternity signed by a minor is valid if it is otherwise in compliance with the Uniform Parentage Act.

Added by Laws 2006, c. 116, § 12, eff. Nov. 1, 2006.

§10-7700-305. Effect of acknowledgment or denial.

A. Except as otherwise provided in Sections 15 and 16 of this act, a valid acknowledgment of paternity signed by both parents is equivalent to an adjudication of paternity of a child and confers upon the acknowledged father all of the rights and duties of a parent.

B. Except as otherwise provided in Sections 15 and 16 of this act, a valid denial of paternity by a presumed father when executed in conjunction with a valid acknowledgment of paternity is equivalent to an adjudication of the nonpaternity of the presumed father and discharges the presumed father from all rights and duties of a parent.

Added by Laws 2006, c. 116, § 13, eff. Nov. 1, 2006.

§10-7700-306. No filing fee.

The State Department of Health, Division of Vital Records shall not charge for filing an acknowledgment of paternity, denial of paternity, rescission of acknowledgment of paternity, or rescission of denial of paternity.

Added by Laws 2006, c. 116, § 14, eff. Nov. 1, 2006.

§10-7700-307. Rescission of acknowledgment or denial.

A. A signatory may sign a rescission of acknowledgment of paternity or sign a rescission of denial of paternity before the earlier of:

1. Sixty (60) days after the effective date of the acknowledgment; or

2. The date of the first hearing, in a proceeding to which the signatory is a party, before a court to adjudicate an issue relating to the child, including a proceeding that establishes support.

B. A signatory who was a minor at the time of execution of the acknowledgment may rescind an acknowledgment of paternity within sixty (60) days of reaching the age of eighteen.

Added by Laws 2006, c. 116, § 15, eff. Nov. 1, 2006.

§10-7700-308. Proceeding to challenge acknowledgment - Commencement - Burden of proof.

A. After the period for rescission under Section 7700-307 of this title has expired, a signatory of an acknowledgment of paternity may commence a proceeding to challenge the acknowledgment only:

1. On the basis of duress or material mistake of fact within two (2) years after the acknowledgment is executed; or
2. On the basis of fraud at any time in accordance with subsection D of Section 7700-607 of this title.

B. After the period for rescission under Section 7700-307 of this title has expired, a signatory of a denial of paternity may commence a proceeding to challenge the denial only:

1. On the basis of fraud, duress or material mistake of fact; and
2. Within two (2) years after the denial is executed.

C. A party challenging an acknowledgment of paternity or denial of paternity has the burden of proof, which shall be by clear and convincing evidence.

Added by Laws 2006, c. 116, § 16, eff. Nov. 1, 2006. Amended by Laws 2019, c. 151, § 2, eff. Nov. 1, 2019.

§10-7700-309. Proceeding to challenge acknowledgment or denial - Procedure.

A. Every signatory to an acknowledgment of paternity and any related denial of paternity shall be made a party to a proceeding to challenge the acknowledgment or denial.

B. For the purpose of challenging an acknowledgment of paternity or a denial of paternity, a signatory submits to personal jurisdiction of this state by signing the acknowledgment or denial.

C. Except for good cause shown, during the pendency of a proceeding to challenge an acknowledgment of paternity or denial of paternity, the court shall not suspend the legal responsibilities of a signatory arising from the acknowledgment, including the duty to pay child support.

D. A proceeding to challenge an acknowledgment of paternity or denial of paternity shall be conducted in the same manner as a proceeding to adjudicate parentage under Article 6 of the Uniform Parentage Act.

E. At the conclusion of a proceeding to challenge an acknowledgment of paternity or denial of paternity, the court shall order the State Department of Health, Division of Vital Records, to amend the birth record of the child, if appropriate.

Added by Laws 2006, c. 116, § 17, eff. Nov. 1, 2006.

§10-7700-310. Ratification of unchallenged acknowledgment prohibited.

A court or administrative agency conducting a judicial or administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of paternity.

Added by Laws 2006, c. 116, § 18, eff. Nov. 1, 2006.

§10-7700-311. Full faith and credit.

A court of this state shall give full faith and credit to an acknowledgment of paternity or denial of paternity effective in another state if the acknowledgment or denial has been signed and is otherwise in compliance with the law of the other state.

Added by Laws 2006, c. 116, § 19, eff. Nov. 1, 2006.

§10-7700-312. Forms for acknowledgment and denial of paternity - Rescission form - Effect of modification of forms.

A. The Department of Human Services shall prescribe forms for the acknowledgment of paternity and the denial of paternity, which shall be filed with the State Department of Health, Division of Vital Records, pursuant to Section 1-311.3 of Title 63 of the Oklahoma Statutes.

B. The rescission of the acknowledgment of paternity shall be prescribed by the Department of Human Services and made available at the same locations as the acknowledgment of paternity form provided for in Section 1-311.3 of Title 63 of the Oklahoma Statutes.

C. A valid acknowledgment of paternity, rescission of acknowledgment of paternity or denial of paternity is not affected by a later modification of the prescribed form.

Added by Laws 2006, c. 116, § 20, eff. Nov. 1, 2006.

§10-7700-313. Release of copies of acknowledgment or denial of paternity.

The State Department of Health, Division of Vital Records shall release copies of the acknowledgment of paternity or denial of paternity to a signatory of the acknowledgment or denial and to courts and to the agency designated to administer a statewide plan for child support in accordance with Title IV, Part D, of the Federal Social Security Act, as amended, 42 U.S.C., Section 651 et seq.

Added by Laws 2006, c. 116, § 21, eff. Nov. 1, 2006.

§10-7700-314. Rules.

The Department of Human Services shall promulgate and adopt rules to implement the provisions of this Article.

Added by Laws 2006, c. 116, § 22, eff. Nov. 1, 2006.

§10-7700-501. Scope of article.

This article governs genetic testing of an individual to determine parentage, whether the individual:

1. Voluntarily submits to testing; or

2. Is tested pursuant to an order of the court or the Department of Human Services.
Added by Laws 2006, c. 116, § 23, eff. Nov. 1, 2006.

§10-7700-502. Order for genetic testing - Order for in utero testing not allowed.

A. In a civil action in which paternity is a relevant fact and at issue, except as otherwise provided in this Article and Article 6 of the Uniform Parentage Act, the court shall order the child and other designated individuals to submit to genetic testing if the request is made by a party to the proceeding to determine parentage.

B. The Department of Human Services Child Support Enforcement Division may order genetic testing only if there is no presumed, acknowledged, or adjudicated father.

C. If a request for genetic testing of a child is made before birth, the court or the Department of Human Services may not order in utero testing.

D. If two or more men are subject to court-ordered genetic testing, the testing may be ordered concurrently or sequentially.
Added by Laws 2006, c. 116, § 24, eff. Nov. 1, 2006.

§10-7700-503. Requirements of testing - Objection to calculation - Retesting.

A. Genetic testing shall be of a type reasonably relied upon by experts in the field of genetic testing and performed in a testing laboratory accredited by:

1. The American Association of Blood Banks, or a successor to its functions;

2. The American Society for Histocompatibility and Immunogenetics, or a successor to its functions; or

3. An accrediting body designated by the federal Secretary of Health and Human Services.

B. A specimen used in genetic testing may consist of one or more samples, or a combination of samples, of blood, buccal cells, bone, hair, or other body tissue or fluid. The specimen used in the testing need not be of the same kind for each individual undergoing genetic testing.

C. Based on the ethnic or racial group of an individual, the testing laboratory shall determine the databases from which to select frequencies for use in calculation of the probability of paternity. If there is disagreement as to the testing laboratory's choice, the following rules apply:

1. The individual objecting may require the testing laboratory, within thirty (30) days after receipt of the report of the test, to recalculate the probability of paternity using an ethnic or racial group different from that used by the laboratory;

2. The individual objecting to the testing laboratory's initial choice shall:

- a. if the frequencies are not available to the testing laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies, or
- b. engage another testing laboratory to perform the calculations; and

3. The testing laboratory may use its own statistical estimate if there is a question regarding which ethnic or racial group is appropriate. If available, the testing laboratory shall calculate the frequencies using statistics for any other ethnic or racial group requested.

D. If, after recalculation using a different ethnic or racial group, genetic testing does not conclusively identify a man as the father of a child under Section 27 of this act, an individual who has been tested may be required to submit to additional genetic testing. Added by Laws 2006, c. 116, § 25, eff. Nov. 1, 2006.

§10-7700-504. Report of testing - Chain of custody.

A. A report of genetic testing shall be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report made under the requirements of this Article will be admitted as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy.

B. Documentation from the testing laboratory of the following information is sufficient to establish a reliable chain of custody that allows the results of genetic testing to be admissible without testimony:

1. The names and photographs of the individuals whose specimens have been taken;
2. The names of the individuals who collected the specimens;
3. The places and dates the specimens were collected;
4. The names of the individuals who received the specimens in the testing laboratory; and
5. The dates the specimens were received.

Added by Laws 2006, c. 116, § 26, eff. Nov. 1, 2006.

§10-7700-505. Identification of father - Rebuttal.

A. Under the Uniform Parentage Act, a man is rebuttably identified as the father of a child if the genetic testing complies with this Article and the results disclose that the man has:

1. At least a ninety-nine-percent probability of paternity, using a prior probability of 0.50, as calculated by using the combined paternity index obtained in the testing; and
2. A combined paternity index of at least 100 to 1.

B. A man identified under subsection A of this section as the father of the child may rebut the genetic testing results only by other genetic testing satisfying the requirements of this Article which:

1. Excludes the man as a genetic father of the child; or
2. Identifies another man as the possible father of the child.

C. Except as otherwise provided in Section 32 of this act, if more than one man is identified by genetic testing as the possible father of the child, the court shall order them to submit to further genetic testing to identify the genetic father.

Added by Laws 2006, c. 116, § 27, eff. Nov. 1, 2006.

§10-7700-506. Payment of costs of testing.

A. Subject to assessment of costs under Article 6 of the Uniform Parentage Act, the cost of initial genetic testing shall be advanced by the Department of Human Services in a proceeding in which the Department is providing services.

B. In cases in which the Department of Human Services is not providing services, the cost of initial genetic testing shall be advanced:

1. By the individual who made the request;
2. As agreed by the parties; or
3. As ordered by the court.

C. In cases in which the cost is advanced by the Department of Human Services, the Department may seek reimbursement from a man who is identified as the father.

Added by Laws 2006, c. 116, § 28, eff. Nov. 1, 2006.

§10-7700-507. Advance payment for additional testing.

If the previous genetic testing identified a man as the father of the child under Section 27 of this act, the court or the Department of Human Services may not order additional testing unless the party challenging the test provides advance payment for the testing.

Added by Laws 2006, c. 116, § 29, eff. Nov. 1, 2006.

§10-7700-508. Specimen from potential father unavailable - Additional sources of specimens for testing.

A. Subject to subsection B of this section, if a genetic-testing specimen is not available from a man who may be the father of a child, for good cause and under circumstances the court considers to be just, the court may order the following individuals to submit specimens for genetic testing:

1. The parents of the man;
2. Brothers and sisters of the man;
3. Other children of the man and their mothers;
4. Other relatives of the man necessary to complete genetic testing; and

5. Any other custodians of genetic material.

B. Issuance of an order under this section requires a finding that a need for genetic testing outweighs the legitimate interests of the individual sought to be tested.

Added by Laws 2006, c. 116, § 30, eff. Nov. 1, 2006.

§10-7700-509. Testing of deceased individual.

For good cause shown, the court may order genetic testing of a deceased individual.

Added by Laws 2006, c. 116, § 31, eff. Nov. 1, 2006.

§10-7700-510. Testing of identical brother - Use of nongenetic evidence.

A. The court may order genetic testing of a brother of a man identified as the father of a child if the man is commonly believed to have an identical brother and evidence suggests that the brother may be the genetic father of the child.

B. If each brother satisfies the requirements as the identified father of the child under Section 27 of this act without consideration of another identical brother being identified as the father of the child, the court may rely on nongenetic evidence to adjudicate which brother is the father of the child.

Added by Laws 2006, c. 116, § 32, eff. Nov. 1, 2006.

§10-7700-511. Release of genetic test report.

Release of the report of genetic testing for parentage is controlled by Section 237 of Title 56 of the Oklahoma Statutes.

Added by Laws 2006, c. 116, § 33, eff. Nov. 1, 2006.

§10-7700-601. Proceeding authorized.

A civil proceeding may be maintained to adjudicate the parentage of a child. The proceeding is governed by the applicable rules prescribed by the Code of Civil Procedure of the State of Oklahoma.

Added by Laws 2006, c. 116, § 34, eff. Nov. 1, 2006.

§10-7700-602. Standing to maintain proceeding.

Subject to Article 3 of the Uniform Parentage Act and Sections 40 and 42 of this act, a proceeding to adjudicate parentage may be maintained by:

1. The child;
2. The mother of the child;
3. A man whose paternity of the child is to be adjudicated;
4. The Department of Human Services; or
5. A representative authorized by law to act for an individual

who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated, or a minor.

Added by Laws 2006, c. 116, § 35, eff. Nov. 1, 2006.

§10-7700-603. Parties to proceeding.

The following individuals may be joined as parties in a proceeding to adjudicate parentage:

1. The mother of the child; and
2. A man whose paternity of the child is to be adjudicated.

Added by Laws 2006, c. 116, § 36, eff. Nov. 1, 2006.

§10-7700-604. Personal jurisdiction.

A. An individual may not be adjudicated to be a parent unless the court has personal jurisdiction over the individual.

B. A court of this state having jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident individual, or the guardian or conservator of the individual, if the conditions prescribed in Section 601-201 of Title 43 of the Oklahoma Statutes are fulfilled.

C. Lack of jurisdiction over one individual does not preclude the court from making an adjudication of parentage binding on another individual over whom the court has personal jurisdiction.

Added by Laws 2006, c. 116, § 37, eff. Nov. 1, 2006.

§10-7700-605. Venue.

Venue for a proceeding to adjudicate parentage is in the county of this state in which:

1. The child resides or is found;
2. The respondent resides or is found if the child does not reside in this state; or

3. A proceeding for probate or administration of the presumed or alleged father's estate has been commenced.

Added by Laws 2006, c. 116, § 38, eff. Nov. 1, 2006.

§10-7700-606. No limitation for parentage proceeding with no presumed, acknowledged, or adjudicated father.

A proceeding to adjudicate the parentage of a child having no presumed, acknowledged, or adjudicated father may be commenced at any time, even after:

1. The child becomes an adult, but only if the child initiates the proceeding; or
2. An earlier proceeding to adjudicate paternity has been dismissed based on the application of a statute of limitation then in effect.

Added by Laws 2006, c. 116, § 39, eff. Nov. 1, 2006.

§10-7700-607. Two-year limitation in proceedings with presumed father - Exception.

A. Except as otherwise provided in subsection B of this section, a proceeding brought by a presumed father, the mother, or another

individual to adjudicate the parentage of a child having a presumed father shall be commenced not later than two (2) years after the birth of the child.

B. A proceeding seeking to disprove the father-child relationship between a child and the child's presumed father may be maintained at any time in accordance with Section 7700-608 of this title if the court, prior to an order disproving the father-child relationship, determines that:

1. The presumed father and the mother of the child neither cohabited nor engaged in sexual intercourse with each other during the probable time of conception; and

2. The presumed father never openly held out the child as his own.

C. A proceeding seeking to disprove the father-child relationship between a child and the child's presumed or acknowledged father may be maintained at any time if the court determines that the biological father, presumed or acknowledged father, and the mother agree to adjudicate the biological father's parentage in accordance with Sections 7700-608 and 7700-636 of this title. If the presumed or acknowledged father or mother is unavailable, the court may proceed if it is determined that diligent efforts have been made to locate the unavailable party and it would not be prejudicial to the best interest of the child to proceed without that party. In a proceeding under this section, the court shall enter an order either confirming the existing father-child relationship or adjudicating the biological father as the parent of the child. A final order under this subsection shall not leave the child without an acknowledged or adjudicated father.

D. A proceeding seeking to disprove the father-child relationship between a child and the child's presumed or acknowledged father may be maintained at any time before the child is eighteen (18) years of age on the basis of fraud as defined in Section 7700-102 of this title. A party bringing a challenge under this section has the burden of proving fraud by clear and convincing evidence. Upon a finding of fraud, the court shall conduct a best-interest hearing to determine if genetic testing should be ordered pursuant to Section 7700-608 of this title. Court-ordered genetic testing shall be performed prior to an order of nonparentage under Sections 7700-621 and 7700-631 of this title. Any genetic test performed shall be in accordance with Sections 7700-501 through 7700-511 of this title.

1. The cost of the genetic testing to disprove parentage shall be advanced by the individual challenging parentage;

2. In a court order of nonparentage, a noncustodial parent has no right to reimbursement for child support and medical support payments made under a child support order; and

3. The court shall order the State Department of Health, Division of Vital Records, to amend the birth record of the child, if appropriate.

Added by Laws 2006, c. 116, § 40, eff. Nov. 1, 2006. Amended by Laws 2008, c. 99, § 2, eff. Nov. 1, 2008; Laws 2014, c. 96, § 1, eff. Nov. 1, 2014; Laws 2019, c. 151, § 3, eff. Nov. 1, 2019.

§10-7700-608. Motion for genetic testing.

A. In a proceeding to adjudicate the parentage of a child having a presumed father or to challenge the paternity of a child having an acknowledged father, the court shall deny a motion seeking an order for genetic testing of the mother, the child, and the presumed or acknowledged father if the court determines that:

1. The conduct of the mother or the presumed or acknowledged father estops that party from denying parentage; and

2. It would be contrary to the child's best interests to disprove the father-child relationship between the child and the presumed or acknowledged father.

B. In determining whether to deny a motion seeking an order for genetic testing under this section, the court shall consider the best interest of the child, including the following factors:

1. The length of time between the proceeding to adjudicate parentage and the time that the presumed or acknowledged father was placed on notice that he might not be the genetic father;

2. The length of time during which the presumed or acknowledged father has assumed the role of father of the child;

3. The facts surrounding the presumed or acknowledged father's discovery of his possible nonpaternity;

4. The nature of the relationship between the child and the presumed or acknowledged father;

5. The age of the child;

6. The harm that may result to the child if presumed or acknowledged paternity is successfully disproved;

7. The nature of the relationship between the child and any alleged father;

8. The extent to which the passage of time reduces the chances of establishing the paternity of another man and a child-support obligation in favor of the child; and

9. Other factors that may affect the equities arising from the disruption of the father-child relationship between the child and the presumed or acknowledged father or the chance of other harm to the child.

C. In a proceeding to disprove the father-child relationship between a child over two (2) years of age and the child's presumed or acknowledged father, the court shall appoint a guardian ad litem to represent the child prior to ruling on a motion seeking an order of genetic testing. If the child is under two (2) years of age, or if

the proceeding is brought under subsection B of Section 7700-607 of this title, the court may, at its own discretion or upon request by any party, appoint a guardian ad litem to represent the child.

D. If the court denies a motion seeking an order for genetic testing, it shall issue an order adjudicating the presumed or acknowledged father to be the father of the child.

Added by Laws 2006, c. 116, § 41, eff. Nov. 1, 2006. Amended by Laws 2014, c. 96, § 2, eff. Nov. 1, 2014.

§10-7700-609. Limitation in proceeding with acknowledged or adjudicated father.

A. If a child has an acknowledged father, a signatory to the acknowledgment of paternity may commence a proceeding seeking to challenge the paternity of the child only within the time allowed under Section 15 or 16 of this act.

B. If a child has an acknowledged father or an adjudicated father, an individual, other than the child, who is neither a signatory to the acknowledgment of paternity nor a party to the adjudication and who seeks an adjudication of paternity of the child shall commence a proceeding not later than two (2) years after the effective date of the acknowledgment or adjudication.

C. A proceeding under this section is subject to the application of Section 16 of this act.

Added by Laws 2006, c. 116, § 42, eff. Nov. 1, 2006.

§10-7700-610. Joinder of proceedings.

A. Except as otherwise provided in subsection B of this section, a proceeding to adjudicate parentage may be joined with a proceeding for adoption, termination of parental rights, child custody or visitation, child support, dissolution of marriage, annulment, legal separation, probate or administration of an estate, or other appropriate proceeding.

B. A respondent may not join a proceeding described in subsection A of this section with a proceeding to adjudicate parentage brought under Section 601-101 et seq. of Title 43 of the Oklahoma Statutes.

Added by Laws 2006, c. 116, § 43, eff. Nov. 1, 2006.

§10-7700-611. Proceeding before birth of child.

A proceeding to determine parentage may be commenced before the birth of the child, but may not be concluded until after the birth of the child. The following actions may be taken before the birth of the child:

1. Service of process;
2. Discovery; and

3. Except as prohibited by Section 24 of this act, collection of specimens for genetic testing.

Added by Laws 2006, c. 116, § 44, eff. Nov. 1, 2006.

§10-7700-612. Child as party to proceeding - Guardian ad litem.

A. A minor child is a permissible party, but is not a necessary party to a proceeding under this Article.

B. The court shall appoint a guardian ad litem to represent a minor or incapacitated child if the child is a party or the court finds that the interests of the child are not adequately represented.
Added by Laws 2006, c. 116, § 45, eff. Nov. 1, 2006.

§10-7700-621. Admissibility of genetic-testing results - Testimony of experts - Medical bills.

A. Except as otherwise provided in subsection C of this section, a record of a genetic-testing expert is admissible as evidence of the truth of the facts asserted in the report unless a party objects to its admission within fourteen (14) days after its mailing and cites specific grounds for exclusion. The admissibility of the report is not affected by whether the testing was performed:

1. Voluntarily or pursuant to an order of the court or the Department of Human Services; or

2. Before or after the commencement of the proceeding.

B. A party objecting to the results of genetic testing may call one or more genetic-testing experts to testify in person or by telephone, videoconference, deposition, or another method approved by the court. Unless otherwise ordered by the court, the party offering the testimony bears the expense for the expert testifying.

C. If a child has a presumed, acknowledged, or adjudicated father, the results of genetic testing are inadmissible to adjudicate parentage unless performed pursuant to an order of the court under Sections 7700-502 and 7700-608 of this title.

D. Copies of bills for genetic testing and for prenatal and postnatal health care for the mother and child which are furnished to the adverse party not less than ten (10) days before the date of a hearing are admissible to establish:

1. The amount of the charges billed; and

2. That the charges were reasonable, necessary, and customary.

Added by Laws 2006, c. 116, § 46, eff. Nov. 1, 2006. Amended by Laws 2008, c. 99, § 3, eff. Nov. 1, 2008.

§10-7700-622. Enforcement of order for genetic testing - Default.

A. An order for genetic testing is enforceable by contempt.

B. If an individual whose paternity is being determined declines to submit to genetic testing ordered by the court, the court for that reason may adjudicate parentage contrary to the position of that individual.

C. If a defendant fails to answer, or to appear for hearing or genetic testing after being ordered to appear, and all other duly

served defendants have been excluded as possible fathers by genetic testing, the court shall enter an order establishing the defendant who failed to answer or appear as the father.

D. Genetic testing of the mother of a child is not a condition precedent to testing the child and a man whose paternity is being determined. If the mother is unavailable or declines to submit to genetic testing, the court may order the testing of the child and every man whose paternity is being adjudicated.

Added by Laws 2006, c. 116, § 47, eff. Nov. 1, 2006.

§10-7700-623. Admission of paternity.

A. A respondent in a proceeding to adjudicate parentage may admit to the paternity of a child by filing a pleading to that effect or by admitting paternity under penalty of perjury when making an appearance or during a hearing.

B. If the court finds that the admission of paternity satisfies the requirements of this section and finds that there is no reason to question the admission, the court shall issue an order adjudicating the child to be the child of the man admitting paternity.

Added by Laws 2006, c. 116, § 48, eff. Nov. 1, 2006.

§10-7700-624. Temporary order for support.

A. In a proceeding under this Article, the court shall issue a temporary order for support of a child if the order is appropriate and the individual ordered to pay support is:

1. A presumed father of the child;
2. Petitioning to have his paternity adjudicated;
3. Identified as the father through genetic testing under

Section 27 of this act;

4. An alleged father who has declined to submit to genetic testing;

5. Shown by clear and convincing evidence to be the father of the child; or

6. The mother of the child.

B. A temporary order may include provisions for custody and visitation as provided by other law of this state.

Added by Laws 2006, c. 116, § 49, eff. Nov. 1, 2006.

§10-7700-631. Rules for adjudication of paternity.

The court shall apply the following rules to adjudicate the paternity of a child:

1. The paternity of a child having a presumed, acknowledged, or adjudicated father may be disproved only by admissible results of genetic testing excluding that man as the father of the child or identifying another man as the father of the child;

2. Unless the results of genetic testing are admitted to rebut other results of genetic testing, a man identified as the father of a

child under Section 27 of this act shall be adjudicated the father of the child;

3. If the court finds that genetic testing under Section 27 of this act neither identifies nor excludes a man as the father of a child, the court may not dismiss the proceeding. In that event, the results of genetic testing, and other evidence, are admissible to adjudicate the issue of paternity; and

4. Unless the results of genetic testing are admitted to rebut other results of genetic testing, a man excluded as the father of a child by genetic testing shall be adjudicated not to be the father of the child.

Added by Laws 2006, c. 116, § 50, eff. Nov. 1, 2006.

§10-7700-632. Jury prohibited.

The court, without a jury, shall adjudicate paternity of a child.

Added by Laws 2006, c. 116, § 51, eff. Nov. 1, 2006.

§10-7700-633. Closure of proceeding - Inspection of records.

A. On request of a party and for good cause shown, the court may close a proceeding under this Article.

B. A final order in a proceeding under this Article is available for public inspection. Once a proceeding is closed under this Article, other papers and records are available only with the consent of the parties or on order of the court for good cause.

Added by Laws 2006, c. 116, § 52, eff. Nov. 1, 2006.

§10-7700-634. Order on default.

The court shall issue an order adjudicating the paternity of a man who:

1. After service of process, is in default; and
2. Is found by the court to be the father of a child.

Added by Laws 2006, c. 116, § 53, eff. Nov. 1, 2006.

§10-7700-635. Dismissal for want of prosecution.

The court may issue an order dismissing a proceeding commenced under the Uniform Parentage Act for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.

Added by Laws 2006, c. 116, § 54, eff. Nov. 1, 2006.

§10-7700-636. Order adjudicating parentage - Assessment of fees and costs - Change of child's surname.

A. The court shall issue an order adjudicating whether a man alleged or claiming to be the father is the parent of the child.

B. An order adjudicating parentage shall identify the child by name and date of birth.

C. Except as otherwise provided in subsection D of this section, the court may assess filing fees, reasonable attorney fees, fees for genetic testing, other costs, and necessary travel and other reasonable expenses incurred in a proceeding under this Article. The court may award attorney fees, which may be paid directly to the attorney, who may enforce the order in the attorney's own name.

D. The court may not assess fees, costs, or expenses against the Department of Human Services or an agency of another state designated to administer a statewide plan for child support in accordance with Title IV, Part D, of the Federal Social Security Act, as amended, 42 U.S.C., Section 651 et seq., except as provided by other law.

E. If both the mother and the father agree to change the surname of the child to that of the father, the court may order that the name be changed.

F. If the order of the court is at variance with the child's birth certificate, the court shall order the State Department of Health, Division of Vital Records to issue an amended birth registration.

Added by Laws 2006, c. 116, § 55, eff. Nov. 1, 2006.

§10-7700-637. Binding effect of determination of parentage.

A. Except as otherwise provided in subsection B of this section, a determination of parentage is binding on:

1. All signatories to an acknowledgment or denial of paternity as provided in Article 3 of the Uniform Parentage Act; and
2. All parties to an adjudication by a court acting under circumstances that satisfy the jurisdictional requirements of Section 601-201 of Title 43 of the Oklahoma Statutes.

B. A child is not bound by a determination of parentage under the Uniform Parentage Act unless:

1. The determination was based on an unrescinded acknowledgment of paternity and the acknowledgment is consistent with the results of genetic testing;
2. The adjudication of parentage was based on a finding consistent with the results of genetic testing and the consistency is declared in the determination or is otherwise shown; or
3. The child was a party or was represented in the proceeding determining parentage by an attorney or guardian ad litem.

C. In a proceeding to dissolve a marriage, the court is deemed to have made an adjudication of the parentage of a child if the court acts under circumstances that satisfy the jurisdictional requirements of Section 601-201 of Title 43 of the Oklahoma Statutes and the final order:

1. Expressly identifies a child as a "child of the marriage", "issue of the marriage", or similar words indicating that the husband is the father of the child; or

2. Provides for support of the child by the husband unless paternity is specifically disclaimed in the order.

D. Except as otherwise provided in subsection B of this section, a determination of parentage may be a defense in a subsequent proceeding seeking to adjudicate parentage by an individual who was not a party to the earlier proceeding.

E. A party to an adjudication of paternity may challenge the adjudication only under law of this state relating to appeal, vacation of judgments, or other judicial review.

Added by Laws 2006, c. 116, § 56, eff. Nov. 1, 2006.

§10-7700-901. Uniformity of application and construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Added by Laws 2006, c. 116, § 57, eff. Nov. 1, 2006.

§10-7700-902. Governance of act.

A proceeding to adjudicate parentage or an acknowledgment of paternity which was commenced or executed before November 1, 2006, is governed by the Uniform Parentage Act.

Added by Laws 2006, c. 116, § 58, eff. Nov. 1, 2006.

§10-7800. Custody of a child born out of wedlock.

Except as otherwise provided by law, the mother of a child born out of wedlock has custody of the child until determined otherwise by a court of competent jurisdiction.

Added by Laws 2010, c. 358, § 1, emerg. eff. June 7, 2010. Amended by Laws 2011, c. 51, § 1, eff. Nov. 1, 2011.