

1 **SENATE FLOOR VERSION**

2 April 11, 2023

3 ENGROSSED HOUSE  
4 BILL NO. 1930

By: McCall, Hill, and  
Crosswhite Hader of the  
House

5 and

6 Burns of the Senate  
7

8  
9  
10 An Act relating to children; amending 10 O.S. 2021,  
11 Section 7505-3.2, which relates to adoption;  
12 modifying amount that may be expended; and providing  
13 an effective date.  
14

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

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

18 Section 7505-3.2 A. 1. An affidavit shall be attached to the  
19 petition for adoption, or may be filed after the filing of the  
20 petition for adoption, but prior to the final decree of adoption,  
21 which discloses to the court all of the costs, funds, or monies  
22 expended by the adoptive family or expected to be expended in  
23 connection with the adoption of a minor.  
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1           2. No final decree of adoption shall be entered until the court  
2 is satisfied that all costs and expenses have been disclosed, are  
3 reasonable, and that the costs and expenses do not violate the  
4 provisions of subsection B of this section. Upon its review of the  
5 affidavit of monies expended, the court shall in writing disapprove  
6 any expenditure that the court deems unreasonable or in violation of  
7 Sections 865 through 870 of Title 21 of the Oklahoma Statutes and,  
8 to the extent necessary to comply with Oklahoma law, shall order  
9 reimbursement of any consideration given in violation of Sections  
10 865 through 870 of Title 21 of the Oklahoma Statutes. Payments made  
11 pursuant to this section shall not be a violation of Sections 865  
12 through 870 of Title 21 of the Oklahoma Statutes. Court approval of  
13 the affidavit of monies expended shall not exempt a person, attorney  
14 or licensed child-placing agency from prosecution if the information  
15 provided to the court is fraudulent or false.

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

- 20               a. reasonable attorney fees and court costs,
- 21               b. reasonable medical expenses for birth mother and minor  
22                     to be adopted,

23  
24

1 c. reasonable adoption counseling expenses for birth  
2 parents before and after the birth of the minor, not  
3 to exceed six (6) months from placement of the minor,

4 d. reasonable fees of a licensed child-placing agency,  
5 including social services staff fees provided by  
6 agency employees that include:

7 (1) casework services,

8 (2) adoptive child and family studies,

9 (3) placement services,

10 (4) certification of agency facilities,

11 (5) admission assessments, and

12 (6) service planning,

13 e. (1) reasonable and necessary living expenses of the  
14 birth mother that are incurred during the  
15 adoption planning process or during the  
16 pregnancy, not to exceed two (2) months after the  
17 birth of the minor or after the consent or  
18 relinquishment of the birth mother. Reasonable  
19 and necessary living expenses include but are not  
20 limited to:

21 (a) housing expenses,

22 (b) utilities, such as electric, gas, water, or  
23 telephone bills,  
24

1 (c) food for the birth mother and any minor  
2 child of the birth mother residing in the  
3 home of the birth mother,

4 (d) travel expenses for transportation to  
5 support the pregnancy, such as gasoline, bus  
6 fares, or providing for the temporary use of  
7 a vehicle during the pregnancy, and

8 (e) child care or foster care for any minor  
9 child of the birth mother associated with  
10 pregnancy-related medical care.

11 (2) Reasonable and necessary living expenses shall  
12 not include:

13 (a) any expenses met by existing resources of  
14 the birth mother,

15 (b) any expenses used for the support of family  
16 members who are not minor children of the  
17 mother,

18 (c) any expenses for recreational or leisure  
19 activities, and

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

21 f. reasonable expenses for a home study,

22 g. reasonable and necessary costs associated with an  
23 international adoption,

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- 1           h.    reasonable expenses legally required by any  
2                   governmental entity related to the adoption of a  
3                   minor, and
- 4           i.    a one-time gift to the birth mother from the  
5                   prospective adoptive parents of no greater value than  
6                   One Hundred Dollars (\$100.00).

7           2.    In addition, all expenses approved by the court should be  
8                   commensurate with other customary fees for similar services by  
9                   persons of equivalent experience and training where the services are  
10                  performed. Any services provided outside this state shall be  
11                  allowed in an amount as if the services had been performed within  
12                  the State of Oklahoma.

13          3.    The provisions of this subsection shall apply to living and  
14                  transportation expenses incurred after the biological mother of the  
15                  minor contacts the child-placing agency or attorney for adoption  
16                  services.

17          4.    The provisions of this subsection shall not prohibit a court  
18                  from extending any time period, or including any additional costs  
19                  and expenses in connection with an adoption other than those  
20                  specified in this subsection based on unusual circumstances or need.  
21                  If additional costs and expenses in connection with an adoption are  
22                  approved by the court, the court shall specify in writing the  
23                  unusual circumstances that justify the approval.

1           5. Except as otherwise ordered by the court except for good  
2 cause shown, all payments made pursuant to this section shall be  
3 paid directly to the third-party provider of services or goods. Any  
4 living expense paid on behalf of a birth mother in a domestic  
5 adoption which is not supported by an itemized receipt shall not be  
6 allowed for payment. If gift cards are issued to pay expenses, an  
7 itemized receipt verifying purchases shall be required for approval  
8 by the court. The accounting shall include vouchers for all monies  
9 expended, copies of all checks written and receipts for all cash  
10 payments attesting to the accuracy of the accounting.

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

15           C. Any person, attorney, or licensed child-placing agency  
16 desiring to pay living and transportation expenses on behalf of a  
17 birth mother is authorized to expend an initial amount not to exceed  
18 ~~One Thousand Dollars (\$1,000.00)~~ Three Thousand Five Hundred Dollars  
19 (\$3,500.00) plus deposits for housing and utilities for such costs  
20 and expenses without first obtaining court approval as required by  
21 paragraph 1 of subsection D of this section. Any such costs and  
22 expenses shall be disclosed as is otherwise required by the Oklahoma  
23 Adoption Code.

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1 D. 1. Except for the amount authorized by subsection C of this  
2 section, the payment of any living or transportation expenses for  
3 benefit of the birth mother as authorized in subparagraph e of  
4 paragraph 1 of subsection B of this section shall be approved in  
5 advance by the court.

6 2. The person, attorney, or licensed child-placing agency  
7 desiring to pay living or transportation expenses on behalf of a  
8 birth mother which exceed the amount in subsection C of this section  
9 shall file a petition for an order approving payment of adoption-  
10 related expenses.

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

15 4. The petition shall be captioned: "In the matter of Baby  
16 (name)." The petition shall include a listing of all anticipated  
17 living or transportation expenses to be paid on behalf of the birth  
18 mother for which court approval is being sought. If additional  
19 expenditures not previously authorized by the court are needed on  
20 behalf of the birth mother, an amended petition may be filed with  
21 the court.

22 5. The petition shall be heard by the court within ten (10)  
23 days of filing. The court clerk shall charge the same cost for a  
24 petition for payment of expenses as is charged for the filing of an

1 adoption petition. In the event an adoption petition is later filed  
2 in the same county, the adoption petition shall be filed as an  
3 amended petition within the same case in which payment for expenses  
4 was approved and no additional court costs shall be required. In  
5 the event a petition for preadoption termination of parental rights  
6 is later filed in the same county, the court clerk shall not assess  
7 an additional filing fee and may use the same case number as for the  
8 petition for adoption.

9       6. Any order authorizing payment shall be attached to a  
10 petition for adoption. If no adoption petition is filed, the court  
11 shall retain jurisdiction to enter any orders deemed appropriate  
12 regarding the reimbursement of costs and expenses paid. If the  
13 child is placed for adoption outside the State of Oklahoma, any such  
14 order shall be submitted to the Interstate Compact of the Placement  
15 of Children and to the court in the other state where the petition  
16 for adoption is to be filed.

17       E. 1. In addition to the adoptive family affidavit requirement  
18 of subsection A of this section, a Disclosure Statement of Adoption-  
19 related Costs and Expenditures shall be prepared in writing by the  
20 person, attorney or child-placing agency in a direct-placement  
21 adoption. The Disclosure Statement of Adoption-related Costs and  
22 Expenditures shall include a declaration of all fees, expenses, and  
23 costs charged or expected to be charged for the adoption including,  
24 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 7505-3.3 of this ~~act~~ title. 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

1 shall be redacted from the document prior to filing with the court  
2 clerk and shall not be made public.

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

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
5 April 11, 2023 - DO PASS  
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