

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1333

By: Humphrey

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6 AS INTRODUCED

7 An Act relating to children; amending 10A O.S. 2021,
8 Section 1-4-812, which relates to adoption; providing
9 that preference be given to relative; providing
10 exception; providing information for court to
11 consider; providing certain factors that shall not
12 negate eligibility; directing the court to document
13 certain decision; and providing an effective date.

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

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

17 Section 1-4-812. A. During any permanency hearing, if it is
18 determined by the court that a child should be placed for adoption,
19 preference shall be given to a relative of the child by blood,
20 marriage, or adoption, provided the relative is willing, able, and
21 eligible to adopt the child in accordance with established
22 eligibility requirements pursuant to this section. If no suitable
23 relative is available, the foster parent of the child shall be
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1 considered eligible to adopt the child, if the foster parent meets
2 established eligibility requirements pursuant to this section.

3 B. If the child has resided with a foster parent for at least
4 one (1) year, the court shall give great weight to the foster parent
5 in the adoption consideration ~~for the child unless there is an~~
6 ~~existing loving emotional bond with a relative of the child by blood~~
7 ~~or marriage who is willing, able, and eligible to adopt the child~~
8 only after determining that no relative of the child by blood,
9 marriage, or adoption is willing, able, and eligible to provide a
10 safe, stable, and loving home for the child. The court shall
11 prioritize placement with family to preserve the child's biological
12 or familial ties unless the state proves by clear and convincing
13 evidence that the child's best interests unequivocally dictate
14 otherwise.

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

21 1. Whether, and to what extent, the foster family and the state
22 have worked to maintain and establish a familial bond for the child;
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1 2. The love, affection, and other emotional ties existing
2 between the child and the relatives of the child, and the child's
3 ties with the foster family;

4 ~~2.~~ 3. The capacity and disposition of the child's relatives as
5 compared with that of the foster family to give the child love,
6 affection, and guidance and to continue the education of the child;

7 ~~3.~~ 4. The length of time a child has lived in a stable,
8 satisfactory foster home and the desirability of the child's
9 continuing to live in that environment;

10 ~~4.~~ 5. The physical and mental health of the relatives of the
11 child as compared with that of the foster family;

12 ~~5.~~ 6. The experiences of the child in the home, school, and
13 community, both when with the parents from whom the child was
14 removed and when with the foster family;

15 ~~6.~~ 7. The age and preference of the child;

16 ~~7.~~ 8. The long-term best interests of the child; and

17 ~~8.~~ 9. Any other factor considered by the court to be relevant
18 to a particular placement of the child.

19 D. The following shall not negate eligibility of a familial
20 placement unless the state shows by clear and convincing evidence
21 the placement with the family member would be harmful to the child:

22 1. Prior misdemeanor charges or convictions not related to
23 abuse or neglect of a child;
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1 2. Felony charges and/or convictions eligible for expungement
2 pursuant to Section 18 of Title 22 of the Oklahoma Statutes;

3 3. Prior involvement with the Department of Human Services not
4 resulting in a substantiated finding of abuse or neglect; and

5 4. Prior involvement with the Department greater than ten (10)
6 years resulting in a substantiated finding of abuse or neglect and
7 the family member has rehabilitated the conditions leading to the
8 Department's involvement.

9 E. The court shall document its reasoning in writing whenever a
10 decision is made to place the child with foster parents over a
11 willing, able, and eligible relative, clearly outlining how such a
12 decision serves the child's long-term best interests and why a
13 family placement is not viable.

14 SECTION 2. This act shall become effective November 1, 2025.

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16 60-1-10779 CMA 12/31/24
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