

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 248

By: Hamilton

AS INTRODUCED

An Act relating to termination of parental rights; amending 10 O.S. 2021, Section 7503-2.6, which relates to extrajudicial consent; authorizing execution of certain extrajudicial consent; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2021, Section 7503-2.6, is amended to read as follows:

Section 7503-2.6. A. 1. A mother or 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 mother or 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 mother or 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

1 public in which he waives any legal interest in the minor, disclaims  
2 any legal rights with respect to the minor, and consents to the  
3 adoption of the minor. An extrajudicial consent may be executed by  
4 the father only after the birth of the minor.

5 B. The extrajudicial consent shall contain:

6 1. The date, place, and time of the execution of the consent;

7 2. The name, current mailing address, telephone number, date of  
8 birth, and social security number of the mother or putative father  
9 executing the consent;

10 3. Instructions that the consent is revocable for any reason  
11 for fifteen (15) days after the execution of the consent, the manner  
12 in which it may be revoked, and that thereafter the consent is  
13 irrevocable, except upon the specific grounds specified in Section  
14 7503-2.7 of this title;

15 4. A statement that the mother or putative father is executing  
16 the document voluntarily and is unequivocally consenting to the  
17 adoption of the minor, and that the mother or putative father  
18 understands that the consent is final, and except for fraud or  
19 duress or the other grounds set forth in Section 7503-2.7 of this  
20 title, may not be revoked for any reason more than fifteen (15) days  
21 after execution of the document;

22 5. A statement that the mother or putative father executing  
23 consent is represented by counsel or has waived the right to  
24 counsel;

1           6. A statement that the mother or putative father understands  
2 that the execution of the extrajudicial consent does not terminate  
3 any duty of the person executing the extrajudicial consent to  
4 support the mother or the minor until the adoption is completed;

5           7. A statement that the mother or putative father executing the  
6 consent is not a member of an Indian tribe and that the minor is  
7 not, through her or him, eligible for membership in an Indian tribe;

8           8. A statement that the mother or putative father believes that  
9 the adoption of the minor is in the minor's best interests;

10          9. A statement that the mother or putative father has been  
11 advised that an adult adopted person born in Oklahoma, whose decree  
12 of adoption is finalized after November 1, 1997, may obtain a copy  
13 of such person's original certificate of birth unless affidavits of  
14 nondisclosure have been filed pursuant to Section 7503-2.5 of this  
15 title and that the consenting mother or putative father may file an  
16 affidavit of nondisclosure;

17          10. A statement that the mother or putative father has not  
18 received or been promised any money or any thing of value for the  
19 extrajudicial consent, except for payments authorized by law; and

20          11. A statement that the mother or putative father is not under  
21 the influence of alcohol or medication or other substance that  
22 affects his competence at the time of the signing of the  
23 extrajudicial consent.

1 C. An extrajudicial consent shall be revocable for any reason  
2 for fifteen (15) calendar days after the execution of the consent  
3 before the notary public. ~~For a putative father to~~ revoke the  
4 extrajudicial consent, the consenting person must file a notice of  
5 revocation and an intent to claim paternity, an acknowledgement of  
6 paternity, or a notice of his desire to receive notice of adoption  
7 proceedings or proceedings to terminate his parental rights, with  
8 the Paternity Registry of the Department of Human Services pursuant  
9 to Section 7506-1.1 of this title, and must provide a copy of this  
10 notice to the birth mother at the time of filing the notice with the  
11 Paternity Registry of the Department of Human Services.

12 D. The execution of an extrajudicial consent does not  
13 extinguish any duty of the mother or putative father to support the  
14 mother or the minor until the adoption is completed.

15 E. Where no notice of revocation is filed in the time period  
16 specified in subsection C of this section, the execution of the  
17 extrajudicial consent shall operate as a waiver of the consenting  
18 person's right to notice and participation in any adoption  
19 proceedings or termination of parental rights proceedings regarding  
20 the minor referenced in the extrajudicial consent.

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

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