

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 471

By: Hamilton

4
5 AS INTRODUCED

6 An Act relating to termination of parental rights;
7 amending 10 O.S. 2011, Section 7503-2.6, which
8 relates to extrajudicial consent; authorizing
9 execution of certain extrajudicial consent; and
10 providing an effective date.

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

12 SECTION 1. AMENDATORY 10 O.S. 2011, Section 7503-2.6, is
13 amended to read as follows:

14 Section 7503-2.6. A. 1. A mother or putative father at least
15 sixteen (16) years of age, of a minor born out of wedlock who is not
16 an Indian child, as defined by the Oklahoma Indian Child Welfare
17 Act, may execute an extrajudicial consent before a notary public in
18 which the mother or putative father waives any legal interest in the
19 minor, disclaims any legal rights with respect to the minor, and
20 consents to the adoption of the minor. An extrajudicial consent may
21 be executed by a mother or putative father before or after the birth
22 of the minor.

23 2. A man who is the legal husband of the mother of a minor who
24 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. ~~To~~ 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, 2021.

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