



A Helpful Guide To  
**ADOPTION**  
**IN OKLAHOMA**



# INTRODUCTION

Adoption in Oklahoma is an extensive legal process that can be challenging for potential adoptive parents, especially if they are navigating the system for the first time. While Oklahoma’s adoption laws were designed to protect children’s welfare, some of the formalities, like mandatory waiting periods, can be frustrating for all involved. Whether you are a stepparent adopting your spouse’s child, a grandparent adopting your grandchildren, or a single person or couple adopting an unrelated child, you need to understand how the Oklahoma adoption process works and how an adoption attorney can assist you in reaching the end goal of having your new family all together... legally.



The dedicated family adoption attorneys at the Worden Law Firm have the experience that potential adoptive parents need to guide them through the adoption process, always representing and advancing their best interests. If there are more detailed questions or you’re ready to begin your adoption process, contact us today for a free consultation with one of our expert adoption attorneys.

We hope this eBook is helpful as you consider your adoption options.



# ADOPTION CAN BE A LONG, CHALLENGING PROCESS

Like most states, Oklahoma has extensive adoption requirements, which are intended to ensure adopted children go to safe homes with parents who can meet their needs. The downside is that adopting parents have a long process ahead of them, from the time the adoption petition is filed to when the judge grants the final adoption decree.

The process begins when the adopting parents file an adoption petition/ application in a court with proper jurisdiction. The application requires the adopting parents to disclose information about their family living situation, finances, age, and lifestyle.

The next step is the home study. This involves a social worker visiting the home and observing family life, as well as checking the applicants' backgrounds and references. This step is quite thorough and time-intensive, and may include the following:

- ▼ Contacting references
- ▼ Criminal background checks  
*(including FBI fingerprint checks and Oklahoma State Bureau Investigation check)*
- ▼ OKDHS child welfare check
- ▼ Medical examinations
- ▼ Interviews with all family/household members
- ▼ Income verification
- ▼ Vehicle insurance verification
- ▼ Pet vaccination verification
- ▼ House safety assessment

Adopting parents must also complete a 27-hour resource family orientation.



Once the home study and resource family orientation is complete, the adopting parents can start their search for an infant or older child to adopt (unless the child is already identified, as is often the case). Adopting parents with specific age, race, or medical requirements may wait longer than those who consider adopting older or special-needs children, most of whom are already legally eligible for adoption.

In addition to the substantive requirements above, Oklahoma has a mandatory six-month waiting period before an adoption can be finalized (unless waived by the judge, usually in a related adoption).

It is important to remember, a birth mother may change her mind at any time in the adoption process, up until she signs the consent in front of the judge.



## TYPES OF ADOPTIONS

Oklahoma has two types of adoptions: related adoption and unrelated adoption.

**Related adoption** is the most common type of adoption in Oklahoma. In these cases, the adopting parent(s) is related to the child by blood or marriage, such as a stepparent or grandparent.

And as the name suggests, the adopting parents in an **unrelated adoption** are not related, by blood or marriage, to the adoptive child.

## IMPORTANT LEGAL EFFECTS OF ADOPTION

Adoption has legal effects for the child, the biological Parents, the biological grandparents, and the adopting parents.

Unless the adopting parent is married to the child's biological parent (i.e., stepparent adoptions), adoption terminates the biological parents' rights to the child and ends any legal relationship between the biological parents and the child. This means that the biological parents no longer have legal rights to contact or receive any information about the child.

If the Court has ordered visitation with the child's biological grandparents before adoption, this can continue after adoption, but it can also be terminated.

For adoptive parents, adoption is a lifetime commitment. They must provide the child with a permanent home and meet the child's mental, physical, and educational needs. Legally, the child is treated the same as if they were the adoptive parents' natural child. The adopted child has the right to inherit their adoptive parents' property upon the adoptive parents' deaths.

## ADDITIONAL REQUIREMENTS TO ADOPT INTERNATIONALLY

There are additional steps to complete for finalizing an international adoption in Oklahoma. It's also important to note that each country has different requirements, travel restrictions, and costs for adoption, so keep that in mind when researching countries from which you may want to adopt.

In most cases, adopting parents must complete a home study with a social worker trained and licensed in accordance with The Hague Convention standards. Once this home study is complete, the adopting parents must be verified as eligible to adopt by U.S. Citizenship and Immigration Services (USCIS); this verification process varies based on whether the country is a Hague Convention country or a Non-Hague Convention country.



For Hague Convention countries, adopting parents submit adoption dossier, completed Oklahoma international home study, and Form 1-800 if they have already been matched with a child, or form 1-800A if they have not yet been matched. Adoption eligibility is valid for 15 months for Hague Convention countries.


For Non-Hague Convention countries, adopting parents submit the adoption dossier, Oklahoma international home study, and Form 1-600 if they have been matched with a child, or form 1-600A if they have not yet been matched. Adoption eligibility is valid for 18 months for Non-Hague Convention countries.

USCIS sends the adoption dossier and forms to the other country's adoption department, and then the other country repeats the process to confirm that the adopting parents meet that country's adoption requirements.



Once the adopting parents are deemed eligible by both countries, they must repeat the process with USCIS and the other country's adoption department to determine whether the child is eligible for adoption. Once this is complete, the adopting parents can apply for the child's travel visa by filing Form DS-260 with the other country's adoption department.

One or both of the adopting parents then travel to the child's country, where they should plan on remaining for anywhere from one to four weeks while the U.S. and the other country prepare the adoption paperwork. Please note, some countries require the adopting parents to stay in country for up to a year. The adoption is finalized when the adoptive parents return to Oklahoma and



complete the adoption finalization. Although the adoption is legally finalized in the other country, adoptive parents can and should readopt in Oklahoma to protect their child's U.S. citizenship and prevent future legal complications. Once re-adoption in Oklahoma is finalized, the international adoption process is complete.

## **ADDITIONAL REQUIREMENTS TO ADOPT AN INDIAN/NATIVE AMERICAN CHILD**

The federal Indian Child Welfare Act (ICWA) was enacted in 1978 to protect children of Native American descent because they were being removed from their homes and placed for adoption more frequently than children of other races, causing Native American children to lose their culture.

For adoption purposes, ICWA applies when a Native American child is placed for adoption. Before the adoption process begins, the birth mother must be asked if she believes that she or the child have Native American blood. If either is true, Oklahoma law specifies the order of placement preferences. The most first option is placement with a member of the child's extended family. If that is not possible, the next choice is with a member of the child's tribe. The third option is placement with another Native American family of another tribe.

ICWA gives the child's tribe the authority to intervene in the process and select the placement option they feel best meets the child's needs. Oklahoma Department of Human Services (OKDHS) may also modify placement preference based on the request of the biological parents, the request of the child when the child is able to understand the decision, the extraordinary needs of the child, or unavailability of placement with a Native American family.

With the consent of the child's tribe, a Native American child can be adopted into a non-Native American home if a suitable Native American home cannot be located for the child. However, non-Native American adopting parents should be aware that the biological parents or the child's tribe can intervene at any point in the adoption process. They also need to understand that the tribe has rights independent of the biological parents and can request that the adoption proceedings be moved to tribal court.



# BIOLOGICAL PARENT CONSENT IS NOT ALWAYS REQUIRED

In some adoption cases, the biological parent does not have to consent to the adoption. These circumstances include the following.



- ▼ The biological parent is deceased
- ▼ For 12 consecutive months of the 14 months before the adoption petition, the biological parent willfully refused or neglected to support the child, including maintaining a substantial relationship with the child
- ▼ The biological parent abandoned the child
- ▼ The biological parent has already relinquished rights to the child
- ▼ The biological parent's rights have been legally terminated
- ▼ The biological parent placed the child in a licensed child care institution or child-placing agency, the child has remained at facility for at least 18 months, and the biological parent has failed to comply with a written plan of care for 12 of the 14 months before the adoption petition
- ▼ The biological parent failed to appear at the adoption hearing or waived their rights to notice of the hearing in writing
- ▼ The biological parent was convicted of sexually molesting the child or the child's sibling, or failed to protect the child or the child's sibling from sexual molestation
- ▼ The biological parent has been sentenced to incarceration for at least 10 years, and continuing the parent-child relationship would harm the child
- ▼ When a child is placed for adoption within 90 days of birth and the putative father failed to prove that he had exercised his parental rights by supporting the child or supporting the mother to the best of his financial ability during her pregnancy

- ▼ When a child is placed for adoption within 14 months of birth and the putative father failed to show that he exercised his parental rights toward the child, including failing to financially support the child to the best of his financial ability
- ▼ When the putative father failed to prove that he was the biological father of the child



## CRIMINAL RECORD CAN IMPACT ELIGIBILITY

Persons with felony convictions are not automatically disqualified from adopting in Oklahoma, especially if the felony was not a violent offense. The social worker who conducts the home study shares the report with the Court, and all parties discuss the unique circumstances of the case. However, if the felony conviction was for child abuse, child neglect, child pornography, domestic violence, or sexual assault, it is unlikely that the applicants will be deemed eligible to adopt.

## NOT ALL ADOPTION AGENCIES ARE THE SAME


Although generally speaking, the adoption process is going to be similar through any reputable agency, not all adoption agencies in Oklahoma offer the same level of service or expertise. It's important to feel comfortable with your agency and the individuals with whom you will be communicating throughout the process.



Many national private agencies that serve all 50 states have offices in Oklahoma. Some national private agencies also offer international adoption services. These agencies often charge higher fees, which may not be all inclusive. National private agencies may require adopting parents to meet additional requirements before they qualify to adopt, but they may also have access to more adoptable children and shorter wait times. But at the same time, these agencies have far more applicants, which means adopting parents must “compete” in a larger pool of applicants. Another potential downside to working with a national agency is that adopting parents may never meet their adoption counselor face-to-face, and they may work with several adoption counselors until the adoption is finalized. In short, working with a national agency may offer some benefit, but it can also be quite frustrating, expensive, and confusing.



Local private agencies offer services in only one state and often charge lower fees than national agencies because they have lower overhead costs and fewer staff members. In general, local private agencies offer more personalized service than national agencies, and adopting parents often work with the same adoption counselor from the beginning of the adoption process until they are matched with a child and the adoption is finalized. Although local private agencies do not have access to as many adoptable children as national private agencies, they compete in a smaller pool of applicants.



Public adoption agencies work with applicants who want to adopt an older child, a special needs child, or a sibling group. Public agency services cost less than private agencies and may even be free in some cases. Children adopted from these agencies may have suffered trauma

or abuse, but counseling and support services may be available for adopted children and their adoptive parents before and after adoption. An adoption attorney works with adopting parents who do not want to use an agency but who want assistance and assurance through the adoption process. An adoption attorney works for the adopting parents, representing only their rights and protecting only their best interests.

## UNIQUE ADVANTAGES OF USING AN ADOPTION ATTORNEY

Working with an adoption attorney has unique advantages over working with an agency.

Private adoption agencies may have strict requirements, and may turn down potential adoptive parents based on their religion, age, sexual orientation, or marital status. An adoption attorney can work with anyone eligible to adopt under the law.

Furthermore, adopting parents may be matched with child sooner if they use an adoption attorney rather than an agency, and they may pursue locating a birth mother on their own, which is not allowed through an agency. Many adoption agencies have additional adoption education requirements above what Oklahoma requires and may only work with a set number of adopting parents at a time, placing the others on a wait list.

An adoption attorney does not use a wait list, and typically only requires adopting parents to complete the adoption education required by Oklahoma law. Using an adoption attorney may cost less than using a private adoption agency. Potential adoptive parents will still be responsible for paying costs, such as application fees, home study fees, court costs, birth mother fees (if applicable), and legal costs. However, an adoption attorney can guide potential adoptive parents towards resources for defraying those costs, such as grants, loans, tax credits, and employer benefits. They may be willing to work out a payment plan for legal fees as well.



An adoption attorney has one client: the adopting parent(s). That means 100% of their focus is on protecting and advancing the adopting parents' best interests, not the interests of an agency, the birth mother, or even the child. Agencies, on the other hand, are challenged with juggling all those interests, which may come at the adopting parents' expense if the interests of all parties are not aligned.



## HIRE AN EXPERIENCED OKLAHOMA ADOPTION ATTORNEY

Adoption is an extensive legal process, from filing Petition for Adoption to the final court hearing. The dedicated family adoption attorneys at the Worden Law Firm can guide you through the process, representing your rights and fighting for your best interests. You can trust them to handle the legal aspect of your adoption while you focus on building your family. Contact the Worden Law Firm today to schedule a consultation.



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