

ENGROSSED SENATE  
BILL NO. 732

BY: CAIN of the SENATE

and

CROCKER of the HOUSE

AN ACT RELATING TO CHILD CUSTODY; AMENDING 10 O.S.  
1991, SECTION 1135.1, WHICH RELATES TO CARE AND  
TREATMENT OF A CHILD IN NEED OF TREATMENT;  
PROHIBITING PLACEMENT OF SUCH CHILD WITH PERSONS  
CONVICTED OF CERTAIN CRIMES; AND PROVIDING AN  
EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1135.1, is  
amended to read as follows:

Section 1135.1 A. The Department of Human Services may provide  
for the care of a child adjudicated to be a child in need of  
treatment who is in the custody of the Department in:

1. ~~in the~~ The home of the child~~;~~;
2. ~~the~~ The home of a relative of the child~~;~~;
3. ~~a~~ A foster home~~;~~;
4. ~~a~~ A group home~~;~~;
5. ~~a~~ A transitional living program~~;~~;
6. ~~an~~ An independent living program~~;~~; or ~~in any~~

7. Any other community-based child care facility under the jurisdiction or licensure of the Department appropriate for the care of the child and.

Provided, the Department shall not provide for the care of such child in the home of any person who has been convicted of child abuse, sexual abuse or rape. The Department shall provide for the outpatient care and treatment of the a child; or adjudicated to be a child in need of treatment who is in the custody of the Department.

~~2. the~~ B. The Department may place a child in need of treatment and found by a court to be eligible to receive inpatient care and treatment as provided in Section 1116 of this title in a Department-operated treatment center or other public or private mental health facility. The Department may place such child with the Department of Mental Health and Substance Abuse Services upon the consent of the Commissioner of Mental Health and Substance Abuse Services or his designee. The Department shall establish a system for the regular review by a qualified mental health professional, at intervals of not more than sixty (60) days, of the case of each child in need of treatment in the custody of the Department and receiving inpatient care and treatment to determine whether or not continued inpatient treatment is required and appropriate for the child. When such child no longer requires inpatient care and treatment in a mental health treatment facility, the Department shall place the child as provided in paragraph 1 of this subsection.

~~B.~~ C. In providing for the outpatient care and the treatment of children in its custody who have been adjudicated in need of treatment, the Department of Human Services shall utilize to the maximum extent possible and appropriate the services available through:

1. ~~the~~ The guidance centers operated by the State Department of Health; and

2. ~~the~~ The Department of Mental Health and Substance Abuse Services; and

3. ~~community-based~~ Community-based private nonprofit agencies and organizations.

~~C.~~ D. Nothing in this section shall be interpreted to require the Department to place a child found by a court to be eligible for inpatient mental health treatment in a mental health facility when the Department determines that such placement is inappropriate or unnecessary for the treatment needs of the child.

SECTION 2. This act shall become effective September 1, 1992.

Passed the Senate the 25th day of February, 1992.

President of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_, 1992.

Speaker of the House of Representatives