

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1150

BY: BENSON

AS INTRODUCED

AN ACT RELATING TO CHILDREN; AMENDING SECTION 5, CHAPTER 286, O.S.L. 1986, AS LAST AMENDED BY SECTION 11, CHAPTER 302, O.S.L. 1990 (10 O.S. SUPP. 1990, SECTION 1135.1), WHICH RELATES TO CHILDREN IN NEED OF TREATMENT; ELIMINATING LANGUAGE WHICH PROVIDES DEPARTMENT OF HUMAN SERVICES MAY NOT PLACE CERTAIN CHILDREN IN CERTAIN FACILITIES UPON CERTAIN DETERMINATION; REPEALING SECTION 4, CHAPTER 337, O.S.L. 1990 (10 O.S. SUPP. 1990, SECTION 1135.1), WHICH IS A DUPLICATE SECTION OF LAW; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 5, Chapter 286, O.S.L. 1986, as last amended by Section 11, Chapter 302, O.S.L. 1990 (10 O.S. Supp. 1990, 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:

1. in the home of the child, the home of a relative of the child, a foster home, a group home or in any other community-based child care facility under the jurisdiction or licensure of the

Department appropriate for the care of the child and shall provide for the outpatient care and treatment of the child; or

2. 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. 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 guidance centers operated by the State Department of Health; and

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

3. community-based private nonprofit agencies and organizations.

~~C. 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. REPEALER Section 4, Chapter 337, O.S.L. 1990 (10 O.S. Supp. 1990, Section 1135.1), is hereby repealed.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-5773

KVR