

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 289

BY: CAIN

AS INTRODUCED

AN ACT RELATING TO CHILDREN; AMENDING SECTION 5, CHAPTER 286, O.S.L. 1986, AS LAST AMENDED BY SECTION 4, CHAPTER 337, O.S.L. 1990 (10 O.S. SUPP. 1990, SECTION 1135.1), WHICH RELATES TO CHILDREN IN NEED OF TREATMENT, CARE AND PLACEMENT AND INPATIENT TREATMENT; MODIFYING LANGUAGE; REPEALING 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 IS A DUPLICATE SECTION AND RELATES TO CHILDREN IN NEED OF TREATMENT; 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 4, Chapter 337, 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~~ In the home of the child, the home of a relative of the child, a foster home, a group home, a transitional living program, an independent living program 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~~ The Department may place a child in need of treatment and authorized by the court 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, 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~~ 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. Whenever a child is adjudicated to be a child in need of treatment and placed in the custody of the Department and if at the time of such adjudication:

1. ~~the~~ The child is not in the custody of the Department as a deprived child, a delinquent child or a child in need of supervision or through a protective order or similar order of the court entered for the purpose of authorizing the Department to provide for an examination or evaluation of the child by a qualified mental health professional to determine if a petition alleging the child to be a child in need of treatment is warranted; and

2. ~~inpatient~~ Inpatient treatment is authorized by the court or the child is receiving inpatient mental health services at the time of or has been receiving such services immediately prior to such adjudication, the Department shall arrange for an independent examination and evaluation of the child by a qualified mental health professional to determine whether or not inpatient care and treatment is appropriate for the mental health treatment needs of the child. Whenever the Department determines that inpatient care and treatment are not required for such child, the Department shall place the child as otherwise provided by this section.

SECTION 2. REPEALER 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 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.

43-1-743

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