

ENGROSSED HOUSE
BILL NO. 1383

By: Cozort of the House

and

Wright of the Senate

(children - amending 10 O.S., Section 1136 - care and
placement of deprived children - effective date -
emergency)

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1136, as
last amended by Section 1, Chapter 320, O.S.L. 1994 (10 O.S. Supp.
1994, Section 1136), is amended to read as follows:

Section 1136. A. It shall be the responsibility of the
Department of Human Services to provide care for deprived children
who are committed to the care of the Department for custody or
guardianship. The Department may provide for the care of such
children in the home of the child, the home of a relative of the
child, in a foster home, group home, transitional living program,
independent living program or in any other community-based facility
under the jurisdiction or licensure of the Department established
for the care of deprived children, except that a deprived child ~~may~~
shall not be placed in an institution operated by the Department. A
deprived child found by a court to be a child in need of mental
health treatment shall be placed as provided by Section 1135.1 of
this title.

B. When the Department places a child in a foster home, the Department shall provide the foster parent with sufficient medical information to enable the foster parent to care for the child appropriately. Such medical information shall include, but not be limited to:

1. Any medical or psychological conditions;
2. Diseases, illnesses, accidents, allergies, and congenital defects; and
3. Immunization history.

C. 1. When the Department places a child in a foster home, as a condition of such placement, the foster parent may request the Department to provide contagious or infectious screening examinations or tests on the child.

2. The Department shall provide for the examinations or tests on the child within ten (10) working days of the request of such foster parent.

3. If the Department determines that parental consent is required for the examinations or tests, the Department shall, within the ten-day time period, obtain the parental consent necessary or, if parental consent cannot be obtained, the Department shall request an order from the district court authorizing such examinations or tests. Any parental consent or judicial authorization received by the Department, pursuant to the provisions of this section, shall also apply to any future examinations or tests deemed necessary by the Department upon the request of the foster parent.

4. The Department may also designate other persons who may request the performance of such examinations or tests on the child, including but not limited to Department employees, direct caregivers and physicians.

D. 1. The Department of Human Services shall establish and maintain two staff secure shelters for children ten (10) years of age or older who have or can reasonably be expected to present

serious behavioral or management problems or to be a threat to the safety of other residents in a normal shelter setting and who:

- a. are in the temporary custody of the Department of Human Services pending adjudication as a deprived child or other court action, or
- b. have been adjudicated deprived and are either awaiting placement or have failed placement.

2. One shelter shall be established in Oklahoma City and one shelter shall be established in Tulsa. These facilities shall have an individual sleeping area for each resident and shall provide medical, psychological and assessment services. Within the limitations of available funds for that purpose, the shelters shall be established during fiscal year 1996. The Department may establish the shelters in existing buildings that can be remodeled and used for this purpose.

3. As used in this subsection "staff secure shelter" means a shelter which is designed, operated and staffed to ensure that all entrances and exits are under the exclusive control of the staff of the shelter, whether or not the residents have freedom of movement within the shelter.

SECTION 2. This act shall become effective July 1, 1995.

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.

Passed the House of Representatives the 14th day of March, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate