

ENGROSSED HOUSE
BILL NO. 2693

By: Graves of the House

and

Leftwich of the Senate

(children - amending 10 O.S., Section 7003-5.4 - testing
of preadoptive children - HIV and AIDS - effective date)

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 60.12a of Title 10, unless there is created a duplication in numbering, reads as follows:

Prior to adoption, each child to be adopted and the adopting parents shall be tested for HIV and AIDS, and such information shall be included in the medical history of the child in accordance with Section 60.17 of this title. The Department of Human Services may require the adoptive parent or parents to reimburse the Department for all or a part of any costs expended by the Department for such tests.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 1115.2, as amended by Section 31, Chapter 352, O.S.L. 1995 and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7003-5.4), is amended to read as follows:

Section 7003-5.4 A. The court shall ensure that the following information accompanies any deprived child placed outside the child's home:

1. Demographic information;
2. Type of custody and previous placement;

3. Pertinent family information including, but not limited to, the names of family members who, by court order, are not allowed to visit the child;

4. Known or available medical history including, but not limited to:

- a. allergies,
- b. immunizations,
- c. childhood diseases,
- d. physical handicaps,
- e. psycho-social information, and
- f. the name of the child's last doctor, if known; and

5. Copies of policies and procedures of the placement agency which pertain to placement operations of the agency, and which may be necessary to properly inform the institution, foster parent or other custodian of the duties, rights and responsibilities of the custodian.

B. When the Department places a child in out-of-home care, the Department shall provide the placement providers with sufficient medical information to enable the placement providers 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 out-of-home care, the placement providers may request the Department to provide contagious or infectious screening examinations or tests on the child and provide the results to such placement providers.

2. The Department shall provide for the examinations or tests on the child in accordance with rules promulgated by the Department and based on the Centers for Disease Control guidelines for time and

frequency of testing, and shall, for a child in the Department's emergency or temporary custody, obtain the parental consent or, if parental consent cannot be obtained due to refusal or inability to locate, the Department shall request an order from the district court authorizing such examinations or tests and the release of such results to the placement providers. 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 and release of such results as deemed necessary by the Department upon the request of the placement providers. The Department has the authority to consent to the examinations or tests and the release of such test results for a child in the Department's permanent custody.

3. 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. Each child to be placed outside the child's home shall be tested as soon as possible for HIV and AIDS, and such information shall be included in the medical history of the child and made available to any person or persons with whom the child is placed.

SECTION 3. This act shall become effective November 1, 1996.

Passed the House of Representatives the 6th day of March, 1996.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate

