

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2898

By: Bonny

AS INTRODUCED

An Act relating to the Department of Human Services;
providing for the Department's duties regarding
placement in foster care; requiring certain
information; providing for preference of a child;
providing for considerations for placement of a
child; requiring certain oral or written reports;
providing for standing and intervenor status;
providing for codification; and declaring an
emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 7003-7.3 of Title 10, unless
there is created a duplication in numbering, reads as follows:

A. In making placements in foster care, the Department of Human
Services shall:

1. Arrange for a preplacement visit of the child with the
persons who will be providing foster care, except in emergencies;

2. Provide full and accurate medical information and medical
history to the persons providing foster care at the time of
placement;

3. Give a minimum of five (5) days advance notice to the foster care family before removing a child from their care, except in emergencies; and

4. Provide the foster care family with a written statement of the reasons for removing a child at the time of the notification required by this section.

B. In order to assist the foster family to make an informed decision regarding their acceptance of a child, to help the foster family anticipate problems which may occur during the child's placement and to help the foster family meet the needs of the child in a constructive manner, the Department shall provide the following information to the foster family if the information is, or as the information becomes, available to the Department:

1. Strengths, needs and general behavior of the child;
2. Circumstances which necessitated placement;
3. Information about the child's family and the child's relationship to the family which may affect the placement;
4. Important life experiences and relationships which may affect the child's feelings, behavior, attitudes or adjustment;
5. Whether the child has third-party coverage which may be available to the child; and
6. Education history, to include present grade placement, special strengths and weaknesses.

C. Any information provided by the Department to the foster care family, pursuant to the provisions of this section, shall not be considered a violation of any right of confidentiality.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7003-7.4 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. In determining placement of a child, the court shall be governed by the best interests of the child, including, but not limited to, a review of the relationship between the child and

relatives and the child and other important persons with whom the child has resided or had significant contact.

B. 1. In any action in which a court must determine a placement, the child may express a preference as to placement. The court may determine whether the best interest of the child will be served by the child's expression of preference as to placement. If the court so finds, the child may express the preference or give other testimony. The court may consider the expression of preference or other testimony of the child in determining placement. Provided, however, the court shall not be bound by the child's choice and may take other facts into consideration in placement.

2. If the child expresses a preference or gives testimony, the preference or testimony may be taken by the court in chambers, with or without the parents, foster parents, guardians, Department of Human Services or any other parties present, at the court's discretion. If attorneys are not allowed to be present, the court shall state, for the record, the reasons for their exclusion. At the request of either party, a record shall be made of the proceeding in chambers.

C. If the child has lived with a foster family for at least one (1) year, the court shall request an oral or written report from the foster parent of the child as to the:

1. Strengths, needs and general behavior of the child;
2. Important life experiences and relationships which may affect the child's feelings, behavior, attitudes or adjustments; and
3. Other information as the court may request.

D. Except as otherwise provided by subsection C of this section:

1. Any foster parent may petition the court for standing and intervenor status in any child protection proceeding or placement proceeding pursuant to the Oklahoma Children's Code regarding a foster child that lives or has lived in the foster parent's home.

The standing and intervenor status is limited to that proceeding unless otherwise ordered by the court.

2. The court shall make a determination whether to grant standing based on the strength and duration of the relationship between the foster parents and the child and in the best interests of the child.

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.

45-2-8133

KSM