

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 2133

By: Seikel of the House

and

Weedn of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to children; amending 10 O.S. 1991, 1116.6, as amended by Section 4, Chapter 72, O.S.L. 1993, 1115.1, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 20, Chapter 353, O.S.L. 1996, 1115.2, as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1996, Section 7003-5.4), and as last amended by Section 1 of Enrolled House Bill No. 1436 of the 1st Session of the 46th Oklahoma Legislature, Section 22, Chapter 353, O.S.L. 1996, 1116, as last amended by Section 32, Chapter 352, O.S.L. 1995 and as renumbered by Section 199, Chapter 352, O.S.L. 1995, 1116.1, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 23, Chapter 353, O.S.L. 1996, 1403.3, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 3, Chapter 3, O.S.L. 1996, 1130, as last amended by Section 65, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995, and Sections 2, 4, 6, 8, 12 and 13, Chapter 353, O.S.L. 1996 (10 O.S. Supp. 1996, Sections 1116.6, 7003-5.3, 7003-5.4a, 7003-5.5, 7003-5.6, 7004-3.4, 7006-1.1, 7202, 7204, 7206, 7208, 7212 and 7213), which relate to foster care services; modifying duty of Postadjudication Review Advisory Board; designating ex officio members; modifying duties of Advisory Board; allowing designation of multidisciplinary committees; deleting requirement of availability of certain information; requiring certain entities to inform foster parents of costs and expenses eligible for reimbursement; allowing the court to dismiss petition or terminate jurisdiction when in the best interests of the child in certain situations; allowing the court to order transfer of a child's permanent care and custody upon written consent of the parents and providing procedures therefor; requiring investigation and report of prospective custodian; requiring transfer order remain in full force and effect until certain conditions occur; requiring at least one review; stating that periodic reviews by the court are unnecessary under certain circumstances; requiring certain dispositional order be reviewed periodically until the court terminates jurisdiction; requiring certain notice to foster parents; modifying time period during which court shall conduct permanency hearing; requiring foster parents meet established eligibility requirements to adopt child; requiring foster parent be given great consideration in adoptions in absence of certain condition; requiring

certain waivers and demonstration projects; providing for when program takes effect; requiring written report for Department of Human Services related to permanency program; requiring assistance; providing for supported guardianships; specifying purpose; requiring requesting of waiver; providing for contents; providing for demonstration project; modifying duties and responsibilities of Advocate General; requiring Office of Advocate Defender to investigate certain complaints; construing provision of subsection of law; allowing Office of Advocate Defender continuous access to foster homes licensed, authorized or funded by the Department of Human Services; requiring certain court findings; allowing the court to extend time period for parents to correct certain conditions before parental rights are terminated; stating criteria upon which time extension shall be based; stating criteria under which child shall be placed in foster care and under which kinship placements shall be made; requiring Department of Human Services to exercise oversight of all foster children within its custody; requiring Department to provide Foster Parent Hotline; allowing complaints to be reported to the Office of Advocate Defender regarding allegations of misbehavior of employees of the Department of Human Services or a contractor; construing provisions of subsection of law; requiring establishment of rules and procedures for evaluating reports of complaints; requiring the preparation and maintenance of written records and stating contents of such records; providing that certain investigations not duplicate and be separate from other investigations; allowing identity of reporter be kept confidential; requiring the assurance that reporters in good faith not be adversely affected because of making report; stating penalty for false or frivolous report or complaint; changing document between state entities and foster care placement providers from agreement to document; modifying required contents of contract; requiring state agency or child-placing agency to provide certain information to foster parents and modifying type of information required to be provided; stating required contents of statement of foster parent's rights; stating entities responsible for implementation of law; construing section of this act; stating conditions under which a foster parent shall be considered as a preferred placement option; requiring certain conditions be met if a child is placed in the custody of a child-placing agency or in the custody of a state agency; decreasing time frame in which child has to reside with a foster parent to require court approval for changing the foster home placement of a child; requiring the Department of Human Services to develop a kinship training program and continuing educational programs for foster parents; requiring foster parents to complete certain training within certain period pursuant to a contract; requiring prompt initiation of plan of corrective discipline and providing disciplinary actions under stated conditions; construing provision of paragraph of law; providing findings and declarations of the Oklahoma Legislature; requiring the Department of Human Services to establish an informational and educational program for grandparents providing primary care for certain children; requiring the development, publication, and distribution of an informational brochure; requiring certain specified information to be

included in the program and the brochure; amending 10 O.S. 1991, Section 5, as amended by Section 20, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, Section 5), which relates to grandparent's rights; restating intent; clarifying that law relates to all grandparents of a child; providing for determination of best interests; amending 10 O.S. 1991, Sections 404.1, as last amended by Section 1, Chapter 200, O.S.L. 1996, (10 O.S. Supp. 1996, Section 404.1), which relates to the Oklahoma Child Care Facilities Licensing Act; modifying certain criminal history investigations; requiring meeting of certain standards; requiring the Department of Human Services to require a criminal history investigation for applicants to establish or operate a child care facility; requiring child care facilities to arrange for a criminal history investigation of prospective employees; requiring child care facilities located in private residences to arrange for criminal background investigations for certain persons residing in a child care facility; requiring for the arrangement of criminal background investigations for child care facilities contracting with persons for foster family home services; requiring criminal history investigation be obtained from certain persons' previous state of residence; requiring criminal history investigation for persons contracting with a foster family home for placement; requiring the Commission to promulgate certain rules; stating that certain persons shall not be required to obtain a criminal history investigation; requiring certain sanctions for violators of section of law; amending 63 O.S. 1991, Section 1-227.9, as last amended by Section 17, Chapter 200, O.S.L. 1996 (63 O.S. Supp. 1996, Section 1-227.9), which relates to the Child Abuse Training and Coordination Council; modifying membership of the Child Abuse Training and Coordination Council; repealing Section 16, Chapter 353, O.S.L 1995 (10 O.S. Supp. 1996, Section 1135), which relates to placement determination; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1116.6, as amended by Section 4, Chapter 72, O.S.L. 1993 (10 O.S. Supp. 1996, Section 1116.6), is amended to read as follows:

Section 1116.6 A. There is hereby created a State Postadjudication Review Advisory Board which shall meet at least twice each calendar year. The Advisory Board shall have the duty of overseeing the implementation of the state ~~foster care~~ postadjudication review program in coordination with the Oklahoma Commission on Children and Youth.

B. The Advisory Board shall consist of ~~eighteen (18)~~ twenty-one (21) members appointed by the Governor. ~~At least eight~~ as follows:

1. Eight of the members ~~appointed~~ shall be members of the various review boards throughout the state ~~and at least five;~~

2. Five of the members shall be judges of the district court;

3. Five of the members shall represent the general public and may be foster parents;

4. One of the members appointed after the effective date of this act shall be a foster parent representing foster parents who have a current contract with the Department of Human Services to provide foster care services;

5. One of the members appointed after the effective date of this act shall be a foster parent representing child-placing agencies which have current contracts with the Department to provide foster care services; and

6. One of the members appointed after the effective date of this act shall be a foster parent nominated by any local or statewide foster parent association.

The members shall serve at the pleasure of the Governor. The administrative heads of the divisions which have foster care responsibilities within the Department of Human Services and the Office of Juvenile Affairs or their designees shall serve as ex officio members of the Board.

C. The Director of the Oklahoma Commission on Children and Youth shall be the clerk of the Advisory Board.

The Advisory Board shall have the ~~following duties~~ duty to:

1. ~~To assist~~ Assist in the training of the members of the review boards; ~~and~~

2. ~~To serve~~ Serve, in coordination with the Oklahoma Commission on Children and Youth, as a clearinghouse for reports and information concerning the foster care review program and the review boards as they relate to foster care; ~~and~~

3. ~~To make~~ Make recommendations to the courts, the Oklahoma Commission on Children and Youth, the Governor, the Legislature, the Department of Human Services, the Office of Juvenile Affairs,

~~and each agency affected by the report~~ other state agencies providing services to children regarding proposed statutory revisions, and amendments to court rules and procedures, and services provided by public and private agencies as they relate to foster care review and make recommendations on permanency planning, foster care and child welfare service delivery policies, guidelines, and procedures; ~~and~~

4. ~~To work~~ Work with both public and private agencies concerned with foster care and adoption exchanges to inform the public of the need for temporary and permanent homes and other services needed by deprived children; and

5. Specifically:

- a. identify, analyze, and recommend solutions to any issue concerning child welfare and foster care services within the child welfare delivery system,
- b. participate in the statewide planning and promotion of foster parent involvement in local planning for child welfare services, and
- c. develop recommendations concerning foster care training to improve the quality of foster care services.

D. The State Postadjudication Review Advisory Board may designate multidisciplinary committees on the local level to act as advocates for foster parents in order to assist in the resolution of specific complaints concerning foster care and to help facilitate the relationship between the Department of Human Services, the Office of Juvenile Affairs, child-placing agencies, and the foster parents.

E. The Oklahoma Commission on Children and Youth, with the assistance of the Administrative Director of the Courts and the State Postadjudication Review Advisory Board, shall be responsible for developing and administering training procedures and rules for the administration of the ~~State Postadjudication Review Advisory Board System~~ state postadjudication review board system.

~~E.~~ F. The Oklahoma Commission on Children and Youth shall include activities of the review boards and a report of the

findings and recommendations of the review boards in the annual report required by Section 601.9 of this title.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 1115.1, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 20, Chapter 353, O.S.L. 1996 (10 O.S. Supp. 1996, Section 7003-5.3), is amended to read as follows:

Section 7003-5.3 A. An individual treatment and service plan shall be filed with the court within thirty (30) days after the child has been adjudicated to be deprived.

B. The plan shall be filed by the Department of Human Services or the agency responsible for the supervision of the case, or by the Department or the agency or licensed child care facility having custody of the child if the child has been removed from the custody of its lawful parent or parents.

C. The treatment and service plan shall be based upon a comprehensive assessment and evaluation of the child and family. The plan shall be:

1. Developed in conference with the parent, guardian, or custodian of the child and, if appropriate, the child;

2. Written simply and clearly in English. If English is not the principal language of the child's parent, guardian, or custodian and such person is unable to read or comprehend the English language, to the extent possible the plan shall be written in such person's principal language;

3. Subject to modification based on changing circumstances consistent with the correction of the conditions that led to the adjudication of the child; and

4. Reasonable, accurate, and in compliance with the requirements of other court orders.

D. The individual treatment and service plan shall include but not be limited to:

1. A history of the child and family, including identification of the problems leading to the deprived child adjudication. The statement of the conditions leading to the adjudication shall include a statement of the methods to be used

to correct those conditions or to achieve permanent placement of the child;

2. Identification of the specific services to be provided to the child, including, but not limited to, educational, vocational educational, medical, drug or alcohol abuse treatment, or counseling or other treatment services, and identification of the services to be provided to the parent, legal guardian, legal custodian, stepparent, other adult person living in the home or other family members, to remediate or alleviate the conditions that led to the adjudication, including services needed to assist the family to provide proper care of the child or to prevent further harm to the child;

3. A schedule of the frequency of services or treatment and the means by which delivery of the services or treatment will be assured or, as necessary, the means by which support services or other assistance will be provided to enable the parent or the child to obtain the services or treatment;

4. The name and location of the service provider;

5. The name of the social worker assigned to the case;

6. If the child is placed outside the home:

a. the services to be provided during and after any such placement,

b. the reasons for such placement and a statement as to the unavailability or inappropriateness of local placement, or other good cause, for any placement more than forty (40) miles from the home of the child,

c. the services to be provided to the child while in such placement and the projected date of discharge,

d. the services necessary to assist the child to reintegrate with the child's family or other community-based placement and a description of acts by and conduct that is expected of the parent or parents, legal guardian, legal custodian, or stepparent or other adult person living in the home that would alleviate the conditions that resulted in

the removal of the child before the child can be returned home,

- e. if the child is sixteen (16) years of age or older, the services necessary to make the transition from foster care or other community placement to independent living,
- f. a description of the permanency goal for the child, including the type of placement,
- g. a description of the type of placement in which the child is to be placed,
- h. a description of the initial support obligation to the child, as determined by the court,
- i. a description of the visitation rights and obligations of the parent or parents during the period the child is in care, and
- j. a discussion of the appropriateness of the child's placement, which placement is intended to be in the least restrictive and most family-like setting available, consistent with the best interest and special needs of the child and in as close proximity as possible to the child's home;

7. Performance criteria that will measure the progress of the child and family toward completion of the treatment and service plan including, but not limited to, time frames for achieving objectives and addressing the identified problems;

8. A projected date for the completion of the treatment and service plan; and

9. The name and business address of the attorney representing the child, if any.

E. The individual treatment and service plan shall include the following statement:

TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME, YOUR PARENTAL

AND CUSTODIAL DUTIES AND RIGHTS MAY BE RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.

F. Whenever a child who is subject to the provisions of this section is committed for inpatient mental health treatment pursuant to the Inpatient Mental Health Treatment of Children Act, the individual treatment and service plan shall be amended as necessary and appropriate, including but not limited to identification of the treatment and services to be provided to the child and his family upon discharge of the child from inpatient mental health treatment.

G. In addition to the information required pursuant to subsection A of this section, when a child born in a condition of dependence on a controlled dangerous substance has been removed from the home, the Department of Human Services, subject to court approval:

1. May require, as part of the treatment and service plan, that the mother of such child complete a treatment program approved by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority prior to the return of the child to the home;

2. May require, as part of the treatment and service plan, that the father of the child, legal guardian, legal custodian, stepparent or other adult person living in the home who is a drug-dependent person, as such term is defined by Section 3-403 of Title 43A of the Oklahoma Statutes, and whose conduct has contributed to the dependency of such child or mother on the controlled dangerous substance, or to the conditions which caused the child to be adjudicated deprived, complete a treatment program approved by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority prior to the return of the child to the home; and

3. May require testing for substance abuse of the mother, father, legal guardian, legal custodian, stepparent or other adult person living in the home, on a monthly basis for a twelve-month period following completion of the substance abuse program and after return of the child to the home. A positive test of any

such person shall be presented to the Department of Human Services and the district attorney.

H. Testing ordered by the court pursuant to subsection F of this section shall be admissible only for the purposes of deprived child and custody proceedings.

I. The services delineated in the individual treatment and service plan shall be designed to improve the conditions in the family home and aid in maintaining the child in the home, to facilitate the return of the child to the family home, or to facilitate the permanent placement of the child. The plan shall focus on clearly defined objectives and shall provide the most efficient path to quick reunification or permanent placement. To the extent possible, the plan shall contain outcome based evaluation criteria that measure success in the reunification or permanent placement process.

J. In the event that the parents are unwilling to participate in the development or implementation of the individual treatment and service plan, the Department shall document such unwillingness in writing to the parent and shall file the document with the court.

K. The parents and any foster parents shall be each provided a copy of the treatment and service plan approved by the court.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 1115.2, as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1996, Section 7003-5.4), and as last amended by Section 1 of Enrolled House Bill No. 1436 of the 1st Session of the 46th Oklahoma Legislature, 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. Strengths, needs and general behavior of the child;
3. Circumstances which necessitated placement;
4. Type of custody and previous placement;
5. Pertinent family information including, but not limited to, the names of family members who are and who are not, by court

order, allowed to visit the child and the child's relationship to the family which may affect placement;

6. Important life experiences and relationships which may affect the child's feelings, behavior, attitudes or adjustment;

7. Whether the child has third-party insurance coverage which may be available to the child;

8. Education history to include present grade placement, last school attended, and special strengths and weaknesses. The Department of Human Services shall also assist the foster parents in getting the foster child's school records and ~~assistance in~~ gaining school admission; and

9. 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~~

~~10. 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 of Human Services 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. The child's medicaid card, if any; and
4. 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~~ Commission for Human Services and based on the Centers for Disease Control guidelines for time and frequency of testing, and shall, for a child, regardless of age, 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 have the authority to give consent for such examinations or tests and the release of such results to the placement providers. Any parental consent 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, regardless of age, 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. The Department or child-placing agency throughout the child's placement shall inform the foster parent of any costs and expenses related to providing foster care services for the child for which the foster parent may be eligible for reimbursement.

SECTION 4. AMENDATORY Section 22, Chapter 353, O.S.L. 1996 (10 O.S. Supp. 1996, Section 7003-5.4a), is amended to read as follows:

Section 7003-5.4a A. 1. The Department of Human Services shall notify the court having jurisdiction, the appropriate review board, the appropriate district attorney and the attorney and court-appointed special advocate of the child, if any, whenever a child in the custody of the Department is moved from one location to another. Foster parents shall be notified by the Department

prior to movement of the child pursuant to the provisions of Section 7208 of this title.

2. The Department shall inform ~~said~~ the court and attorney regarding the location of the child unless the movement was due to an emergency situation, in which case the notification required by this ~~subsection~~ paragraph shall be within one (1) business day after such movement. As used in this subsection, "emergency situation" means a movement of the child requested by a person having actual physical custody of a child, if the request is made at a time when the business offices of the parties to be notified are closed, or if movement is for emergency medical treatment.

B. The Department shall not move any deprived child from one placement to another if the child has already been moved once since the last court hearing without first obtaining the approval of the court following a hearing into the reasons and necessity for moving the child. However, the Department may move any child due to an emergency, in which case a hearing shall be conducted concerning the reasons and necessity for moving the child, if requested in writing, within ten (10) days following the moving of the child. Court approval shall not be required for movement to or from a children's shelter due to an emergency, including a placement failure, a placement disruption, or similar cause.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 1116, as last amended by Section 32, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1996, Section 7003-5.5), is amended to read as follows:

Section 7003-5.5 A. The following kinds of orders of disposition may be made in respect to wards of the court pursuant to a deprived child proceeding:

1. The court may place the child under supervision by the Department of Human Services in ~~his~~ the child's own home, or in the custody of a suitable person elsewhere. The court may require the parent or other person to comply with such conditions as the court may require and to give security by bond, with surety or sureties approved by the court, for compliance with such order.

2. If it is consistent with the welfare of the child, the child shall be placed with ~~his~~ the child's parent or legal guardian, but if it appears to the court that the conduct of such parent, guardian, legal guardian, stepparent or other adult person living in the home has contributed to such deprivation, the court may issue a written order specifying conduct to be followed by such parent, guardian, legal custodian, stepparent or other adult person living in the home with respect to such child. The conduct specified shall be such as would reasonably prevent the child from becoming or continuing to be deprived. Such order shall remain in effect for a period of not more than one (1) year to be specified by the court, and the order may be extended or renewed by the court.

3. The court may place the child in the custody of a private institution or agency, including any institution established and operated by the county, authorized to care for children or to place them in family homes. In placing a child in a private institution or agency, the court shall select one that is licensed by the Department or any other state department supervising or licensing private institutions and agencies; or, if such institution or agency is in another state, by the analogous department of that state. Whenever the court shall place a child in any institution or agency, it shall transmit with the order of commitment a summary of its information concerning the child, and such institution or agency shall give to the court such information concerning the child as the court may at any time require.

4. The court may order the child to receive counseling or other community-based services as necessary.

5. The court may place the child in the custody of the Department.

6. If the child has been placed outside the home, and it appears to the court that the parent, guardian, legal custodian, or stepparent, or other adult person living in the home has contributed to the deprivation of the child, the court may order that the parent, guardian, legal custodian, stepparent, or other

adult living in the home be made subject to any treatment or placement plan prescribed by the Department or other person or agency receiving custody of the child.

7. The Except as otherwise provided by the Oklahoma Child Abuse Reporting and Prevention Act, the court may dismiss the petition ~~or otherwise~~ and terminate its jurisdiction at any time for good cause shown when in the best interests of the child.

8. The court may order a child's permanent care and custody transferred to another person upon the written consent of the parents of the child.

a. Prior to the entry of an order transferring the permanent care and custody of a child, the court shall receive an investigation and report regarding the background and home of the prospective custodian. Such investigation and report of the prospective custodian shall be made pursuant to the requirements of the Oklahoma Adoption Act. The Department of Human Services shall not be required by the court to make the home study and report as specified by this paragraph.

b. Upon the entry of an order providing for the transfer of the permanent care and custody of a child, the order shall remain in full force and effect until:

(1) the child reaches the age of eighteen (18) years, or

(2) the parent who consented to the transfer of the permanent care and custody of the child petitions the court for the recovery of the child and the court finds after evidentiary hearing:

(a) the child has been abused or neglected while in the care and custody of the custodian, and

(b) it is in the best interests of the child that custody of the child be returned to the parents, or

(3) the district attorney, attorney for the child, or custodian petitions the court for modification of the order transferring permanent care and custody and the court finds after evidentiary hearing that it is in the best interests of the child for the order to be modified.

c. An order providing for the transfer of the permanent care and custody of a child:

(1) shall require that the placement be reviewed within one (1) year after transfer, and

(2) shall not require periodic reviews by the court thereafter if the parties agree that such reviews are not necessary to serve the best interests of the child.

B. In any dispositional order removing a child from the home of the child, the court shall make a determination as to whether, in accordance with the best interests of the child, reasonable efforts have been made to provide for the return of the child to the child's own home, or that efforts to reunite the family are not feasible, and reasonable efforts are being made to secure an alternate permanent placement for the child.

~~B.~~ C. 1. If it is consistent with the welfare of the child, in cases where the child has been adjudicated to be deprived due to repeated absence from school, the court may order counseling and treatment for the child and the parents of the child to be provided by the local school district, the county, the Department or a private individual or entity. Prior to final disposition, the court shall require that it be shown by the appropriate school district that a child found to be truant has been evaluated for learning disabilities, mental retardation, and hearing and visual impairments and other impediments which could constitute an educational handicap. The results of such tests shall be made

available to the court for use by the court in determining the disposition of the case.

2. In any dispositional order involving a child age sixteen (16) years or older, the court shall make a determination, where appropriate, of the services needed to assist the child to make the transition from out-of-home care to independent living.

~~C.~~ D. 1. No child who has been adjudicated deprived upon the basis of noncompliance with the mandatory school attendance law alone may be placed in a public or private institutional facility or be removed from the custody of the lawful parent, guardian or custodian of the child.

2. A deprived adjudication based solely upon repeated absence from school shall not constitute a ground for termination of parental rights.

~~D.~~ E. The court shall not terminate the rights of a parent who has not been notified that the parental rights might be terminated. If the court terminates the rights of a parent and places the child with an individual or agency, the court may invest in such individual or agency authority to consent to the adoption of the child. Provided, that where the court places the child with the Department, it shall vest the Department with authority to place the child and, upon notice to the court that an adoption petition has been filed concerning said child, invest the Department with authority to consent to the adoption of the child, and the jurisdiction of the committing court shall terminate upon final decree of adoption.

SECTION 6. AMENDATORY 10 O.S. 1991, Section 1116.1, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 23, Chapter 353, O.S.L. 1996 (10 O.S. Supp. 1996, Section 7003-5.6), is amended to read as follows:

Section 7003-5.6 A. 1. Every disposition order regarding a child adjudicated to be deprived shall be reviewed by the court at least once every six (6) months until such time as the conditions which caused the child to be adjudicated have been corrected or the parental rights of ~~said~~ the parent or parents are terminated and a final adoption decreed.

2. A dispositional order removing a child from the custody of the parents of the child shall be reviewed at a hearing by the court at least once every six (6) months until ~~such time as the child is returned to the custody of his parents~~ the court terminates jurisdiction.

3. No later than ~~eighteen (18)~~ twelve (12) months after placing a child in out-of-home placement and ~~every twelve (12) months thereafter~~, the court ~~making the original order of adjudication~~ shall conduct a ~~dispositional~~ permanency hearing to consider, in the best interests of the child, whether:

- a. the child should be returned to ~~his~~ the child's parents or other family member,
- b. the child should be continued in out-of-home placement for a specified period. If returning home remains the plan for the child, the court must find that the parent has made marked progress towards reunification with the child, the parent has maintained a close and positive relationship with the child and the child is likely to return home within the near future,
- c. the rights of the parents of the child should be terminated and the child placed for adoption or legal guardianship, or
- d. the child, because of exceptional circumstances, should remain in foster care on a long-term basis as a permanent plan or with a goal of independent living.

~~3.~~ 4. The provisions of this section shall also apply to a child who has been removed from the home of the lawful parent or parents of the child after the child has been returned to that home until such time as the court orders the case closed.

B. The court may set a case for a review hearing upon the motion of a party at any time, if the hearing is deemed by the court to be in the best interests of the child.

C. Notice of dispositional and review hearings shall be served by the court upon the parties and upon the present foster

parent or foster parents entitled to participate pursuant to Section § 7208 of this ~~act~~ title, each of whom shall be entitled to participate pursuant to the Oklahoma Foster Care and Out-of-Home Placement Act.

D. In addition, the court shall:

1. Consider fully all relevant prior and current information including, but not limited to, the report or reports submitted pursuant to Sections § 7208 and ~~24~~ 7003-5.6a of this ~~act~~ title;

2. Determine whether the parties have complied with, performed, and completed each and every term and condition of the treatment and service plan which was previously court ordered;

3. Inquire as to the nature and extent of services being provided the child and parent or parents of the child and shall direct additional services be provided if necessary to protect the child from further physical, mental, or emotional harm or to correct the conditions that led to the adjudication;

4. Make a determination:

a. as to whether reasonable efforts have been made to provide for the return of the child to the child's own home. If the court finds that reasonable efforts have been made but have failed or are no longer feasible, the court shall make a determination that reasonable efforts are being made to secure an alternate permanent placement for the child, and

b. where appropriate, when the child is sixteen (16) years of age or older, whether services are being provided that will assist the child in making the transition from foster care to independent living; and

5. Order such modification to the existing service plan~~r~~ as the court determines to be in the best interests of the child and necessary for the correction of the conditions that lead to the adjudication of the child.

E. If it is determined that the child should be placed for adoption, foster parents may be considered eligible to adopt the

child, provided the foster parents meet established eligibility requirements. If the child has resided with a foster parent for at least one (1) year, the court shall give great weight to the foster parent in the adoption consideration for the child unless there is an existing emotional bond with a relative of the child by blood or marriage who is willing, able and eligible to adopt the child.

SECTION 7. AMENDATORY 10 O.S. 1991, Section 1403.3, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 3, Chapter 3, O.S.L. 1996 (10 O.S. Supp. 1996, Section 7004-3.4), is amended to read as follows:

Section 7004-3.4 A. The Commission for Human Services shall establish and maintain a fair, simple and expeditious system for resolution of grievances of all persons committed to the Department of Human Services regarding the substance or application of any written or unwritten policy or rule of the Department or of an agent or contractor of the Department or any decision, behavior or action by an employee or agent of, contractor with, or other person committed to the Department.

B. The Commission for Human Services is authorized and directed to establish the Office of Advocate Defender within the Department and to employ such personnel as may be necessary to carry out the purposes of subsection A of this section. Such personnel may be dismissed only for cause.

1. The chief administrative officer of the Office of Advocate Defender shall be the Advocate General, who shall be an attorney selected from a list of three names submitted by the Oklahoma Commission on Children and Youth. The Advocate General shall be a member of the Oklahoma Bar Association and shall have a minimum of three (3) years' experience as an attorney. The compensation of the Advocate General shall be no less than that of the classification of Attorney III as established in the Merit System of Personnel Administration classification and compensation plan, but shall be an unclassified position.

2. The duties and responsibilities of the Advocate General are as follows:

- a. supervise personnel assigned to the Office of Advocate ~~General~~ Defender,
- b. monitor and review grievance procedures and hearings,
- c. investigate grievances of children and staff grievances related to children which are not resolved at the facility level,
- d. investigate grievances of foster parents related to the provision of foster care services pursuant to this section and Section 11 of this act,
- e. investigate allegations of abuse or neglect of children in Department-operated facilities or children who are in the custody of the Department and placed in a private facility,
- ~~e.~~ f. coordinate any hearings or meetings of administrative review committees conducted as a result of unresolved grievances or as a result of investigations,
- ~~f.~~ g. make recommendations to the Director, and provide regular or special reports regarding grievance procedures, hearings and investigations to the Director, the Office of Juvenile System Oversight and other appropriate persons as necessary,
- ~~g.~~ h. forward to the Office of Juvenile Systems Oversight, for the information of the Director of that office, a copy of the final report of a complaint which is not resolved, through the system for resolution of grievances established by the Commission, in the favor of the complainant, and
- ~~h.~~ i. perform such other duties as required by the Director of Human Services.

C. The Department shall promptly and immediately report to the appropriate district attorney having jurisdiction any act or omission by persons employed by the Department, perpetrated, committed or suffered or allowed to be perpetrated or committed by such person or persons upon any child in the custody of the

Department, wherever housed, when such act or omission, upon conviction, would constitute a criminal offense. Copies of all such reports shall be forwarded to the Attorney General.

D. The Office of ~~the Advocate General~~ Defender shall investigate allegations of abuse or neglect of a patient in a day treatment program as defined in Section 175.20 of this title, if funds are available. The Advocate General shall file a report of the results of the investigation with the appropriate district attorney having jurisdiction and the State Department of Health.

E. 1. The Office of Advocate Defender shall investigate any complaint alleging that an employee of the Department or of a child-placing agency has threatened a foster parent with removal of a child from the foster parent, harassed, or refused to place a child in a licensed or certified foster home, or disrupted a child placement as retaliation or discrimination towards a foster parent who has:

- a. filed a grievance pursuant to Section 7213 of this title,
- b. provided information to any state official or Department employee, or
- c. testified, assisted, or otherwise participated in an investigation, proceeding or hearing against the Department or child-placing agency.

2. The provisions of this subsection shall not be construed to include any complaint resulting from an administrative, civil or criminal action taken by the Department or child-placing agency for violations of law or rules, or contract provisions by the foster parent.

3. The Office of Advocate Defender shall at all times be granted access to any foster home certified, authorized or funded by the Department or a child-placing agency.

SECTION 8. AMENDATORY 10 O.S. 1991, Section 1130, as last amended by Section 65, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1996, Section 7006-1.1), is amended to read as follows:

Section 7006-1.1 A. The finding that a child is delinquent, in need of supervision or deprived shall not deprive the parents of the child of their parental rights, but a court may terminate the rights of a parent to a child in the following situations:

1. Upon a written consent of a parent, including a parent who is a minor, acknowledged as provided in paragraph ~~(4)~~ 4 of subsection B of Section 60.5 of this title, who desires to terminate ~~his~~ such parent's parental rights; provided that the court finds that such termination is in the best interests of the child; or

2. A finding that a parent who is entitled to custody of the child has abandoned it; or

3. a. A finding that:

~~a.~~ (1) the child has been adjudicated to be deprived, and

~~b.~~ (2) such condition is caused by or contributed to by acts or omissions of the parent, and

~~c.~~ (3) termination of parental rights is in the best interests of the child, and

~~d.~~ (4) the parent has failed to show that the condition which led to the making of ~~said~~ such finding has been corrected although the parent has been given three (3) months to correct the condition; provided, that the parent shall be given notice of any hearing to determine if the condition has been corrected.

b. The court may extend for a reasonable time the ~~time~~ period in which such parent may show the condition has been corrected if, in the judgment of the court, such extension of time would be in the best ~~interest~~ interests of the child. The extension for a reasonable time shall be based on the child's age, emotional and developmental or health requirements, or needs.

c. During the period that the parent has to correct the condition, the court may return the child to the custody of its parent or guardian, subject to any conditions which it may wish to impose or the court may place the child with an individual or an agency; or

4. A finding that a subsequent child has been born to a parent whose parental rights to other children have been terminated by the court; provided, that the applicant shall show that the condition which led to the making of the finding which resulted in the termination of such parent's parental rights to the other children has not been corrected. The court may set the time in which the applicant shall show that the condition has not been corrected, if, in the judgment of the court, it is in the best interests of the child. Until the applicant shows the condition has not been corrected, the child may remain in the custody of the parent, subject to any conditions which the court may impose, or the court may place the child with an individual or an agency. As used in this paragraph, the term "applicant" shall include, but not be limited to, a district attorney; or

5. A finding that a parent who does not have custody of the child has willfully failed to contribute to the support of the child as provided in a decree of divorce or in some other court order during the preceding year or, in the absence of such order, consistent with the parent's means and earning capacity; provided, that the incarceration of a parent shall not prevent termination of parental rights under this section; or

6. A conviction in a criminal action pursuant to the provisions of Sections 1021.3, 1111 and 1123 of Title 21 of the Oklahoma Statutes, the laws relating to child abuse and neglect, or a finding in a deprived child action either that:

- a. the parent has physically or sexually abused the child or a sibling of such child or failed to protect the child or a sibling of such child from physical or sexual abuse that is heinous or shocking to the court or that the child or sibling of such

child has suffered severe harm or injury as a result of such physical or sexual abuse, or

- b. the parent has physically or sexually abused the child or a sibling of such child or failed to protect the child or a sibling of such child from physical or sexual abuse subsequent to a previous finding that such parent has physically or sexually abused the child or a sibling of such child or failed to protect the child or a sibling of such child from physical or sexual abuse; or

7. A conviction in a criminal action that the parent has caused the death of a sibling of the child as a result of the physical or sexual abuse or chronic neglect of such sibling; or

8. A finding that all of the following exist:

- a. the child has been adjudicated deprived, and
- b. custody of the child has been placed outside the home of a natural or adoptive parent, guardian or extended family member, and
- c. the parent whose rights are sought to be terminated has been sentenced to a period of incarceration of not less than ten (10) years, and
- d. the continuation of parental rights would result in harm to the child based on consideration of the following factors, among others: the duration of incarceration and its detrimental effect on the parent/child relationship; any previous incarcerations; any history of criminal behavior, including crimes against children; the age of the child; the evidence of abuse or neglect of the child or siblings of the child by the parent; and the current relationship between the parent and the child and the manner in which the parent has exercised parental rights and duties in the past, and
- e. termination of parental rights is in the best interests of the child.

Provided, that the incarceration of a parent shall not in and of itself be sufficient to deprive a parent of ~~his~~ parental rights; or

9. A finding that all of the following exist:

- a. the child has been adjudicated deprived, and
- b. custody of the child has been placed outside the home of a natural or adoptive parent, guardian or extended family member, and
- c. the parent whose rights are sought to be terminated has a mental illness or mental deficiency, as defined by Section 6-201 of Title 43A of the Oklahoma Statutes, which renders the parent incapable of adequately and appropriately exercising parental rights, duties and responsibilities, and
- d. the continuation of parental rights would result in harm or threatened harm to the child, and
- e. the mental illness or mental deficiency of the parent is such that it will not respond to treatment, therapy or medication and, based upon competent medical opinion, the condition will not substantially improve, and
- f. termination of parental rights is in the best interests of the child.

Provided, a finding that a parent has a mental illness or mental deficiency shall not in and of itself deprive the parent of his or her parental rights.

B. An order directing the termination of parental rights is a final appealable order.

C. A parent or guardian of a child may petition the court to terminate the parental rights of a parent or the parents of a child for any of the grounds listed in paragraphs 1, 2 or 5 of subsection A of this section. A prior finding by a court that a child is delinquent, deprived or in need of supervision shall not be required for the filing of such petition by the parent or guardian.

SECTION 9. AMENDATORY Section 2, Chapter 353, O.S.L. 1996 (10 O.S. Supp. 1996, Section 7202), is amended to read as follows:

Section 7202. For purposes of the Oklahoma Foster Care and Out-of-Home Placement Act, it is the intent of the Legislature that:

1. Parents have a natural, legal and moral right, as well as a duty, to care for and support their children, and such rights are protected by state and federal laws;

2. The state has an interest in and a responsibility to children whose parents do not adequately provide proper care, supervision and protection for them. When circumstances within a family threaten a child's safety or welfare, or when such circumstances deprive a child of proper parental supervision, the state's interest in the child's welfare and in the protection of the public takes precedence over the natural right and authority of the parent;

3. Parents have a duty and responsibility to take part in any treatment and service plan, or any other order of the court, which will enable the return of a child to the child's home or which will allow a child to remain in the child's own home when the parent is the perpetrator of abuse and neglect;

4. a. When a child is placed into foster care, ~~such the~~ child shall be placed, ~~whenever possible and~~ when the safety and well-being of the child can be assured, with relatives, or other persons having a kinship relationship with the child, who are determined to be suitable, capable and willing to serve as caretakers for the child.

b. For a deprived child, a placement with suitable relatives or other persons having a kinship relationship with the child shall only be made when such placement is in the best interests of the child. For a delinquent child or a child in need of supervision, a placement with suitable relatives or other persons having a kinship relationship with the

child shall only be made when such placement is in the best interests of the child and when such placement is consistent with the state's interest in the protection of the public.

c. A kinship placement shall be made when the placement meets the treatment needs of the child and supports the case plan goals for that child and the child's family;

5. Each child shall be assured the care, guidance, and supervision in a permanent home which will serve the best interests of the child's moral, emotional, mental, social, and physical well-being;

6. Permanent placement shall be achieved as soon as possible for every child in out-of-home placement pursuant to the conditions and restrictions of the Oklahoma Foster Care and Out-of-Home Placement Act;

7. a. The best interests of the child shall be the standard for recommendations made by the Department of Human Services and the courts for deprived action determinations with regard to whether a child should be reunified with the child's family, should be permanently removed from the home, or should remain in the home in which the child has been abused or neglected.

b. For delinquent children and children in need of supervision, the best interests of the child consistent with the state's interest in the protection of the public shall be the standard for recommendations made by the Department of Juvenile Justice and the courts for determinations with regard to whether a delinquent child or a child in need of supervision should be reunified with the child's family, should be permanently removed from the home, or should remain in the home;

8. The goal of reunification of a child who has been adjudicated deprived with the parents or any other person

responsible for the child's welfare shall be abandoned when, after a reasonable period of time, pursuant to the conditions and restrictions of the Oklahoma Foster Care and Out-of-Home Placement Act, there is sufficient evidence that the conduct of the parents toward the child, or the conduct of the parents during the child's out-of-home placement, including, but not limited to, compliance with a treatment and service plan or court order, is determined not to be in the child's best interests, and abandonment of such goal is determined to be in the child's best interests. In such cases, the district attorney and the court shall provide for termination of parental rights in an expeditious manner if the grounds, situations or conditions exist to support termination of parental rights and the child is otherwise available for adoption;

9. Foster parents have a limited but recognizable interest in the familial relationship they have established with a foster child who has been in their care and custody, and shall therefore be construed to be essential participants with regard to decisions related to the the growth, development, care, protection and treatment of such children; and

10. When two or more children in foster care are siblings, every reasonable attempt should be made to place them in the same home. In making a permanent placement, such children should be placed in the same permanent home or, if the siblings are separated, should be allowed contact or visitation with other siblings; provided, however, the best interests of each sibling shall be the standard for determining whether they should be placed in the same foster placement or permanent placement, or allowed contact or visitation with other siblings.

SECTION 10. AMENDATORY Section 4, Chapter 353, O.S.L. 1996 (10 O.S. Supp. 1996, Section 7204), is amended to read as follows:

Section 7204. A. The Department of Human Services and the Department of Juvenile Justice shall each establish a program of foster care for children in the custody of the state agency.

B. Each Department, in implementing the foster care program within its jurisdictional area, shall:

1. Recruit foster families for children in the custody of the state agency;

2. Contract with foster parents and child-placing agencies to provide foster care services to children within the custody of the state agency;

3. Exercise supervision over all foster placements with whom the state agency has a contract for foster care services;

4. Exercise oversight of all foster children within the custody of the state agency who are in out-of-home placement, including, but not limited to, foster children placed in foster homes by a child-placing agency;

5. Advise and cooperate with the governing boards of all child-placing agencies and with foster parents;

~~5.~~ 6. Assist the staff of all child-placing agencies, foster parents and foster families by advising them on methods and procedures relating to child care and improvement of services;

~~6.~~ 7. Establish rules and standards for providing foster care services in addition to those required by the Oklahoma Child Care Facilities Licensing Act;

~~7.~~ 8. Require initial and ongoing foster parent training and education programs;

~~8.~~ 9. Provide foster parents with a statewide, toll-free telephone number, titled the Foster Parent Hotline, for obtaining information related to foster care services and for the filing of any complaints or grievances;

10. Cooperate, collaborate and assist ~~postadjudicatory~~ postadjudication review boards in the review of the placement of each child in foster care in order to achieve the goals in the treatment and service plan required for each child by ~~Title 10 of the Oklahoma Statutes~~ this title;

~~9.~~ 11. Provide for insurance coverage pursuant to the provisions of the Oklahoma Foster Care and Out-of-Home Placement Act;

~~10.~~ 12. Provide for collection, through assignment, attachment, garnishment, liens, or other legal process, of the cost for out-of-home placement services provided through the state

agency from the parents, guardian, or other person responsible for the care and support of a child in the custody of the state agency;

~~11.~~ 13. Cooperate with and help promote foster parent associations. The state agency shall provide foster parent associations with data, information and guidelines on the obligations, responsibilities and opportunities of foster parenting and shall keep the associations and members apprised of changes in laws and rules relevant to foster parenting;

~~12.~~ 14. Through the individualized service planning process, develop a permanency plan for each child in custody who is placed in foster care with the goal of placement of the child in a home environment that can be reasonably expected to be stable and permanent; and

~~13.~~ 15. Exercise and perform such other acts as may be necessary to implement the Oklahoma Foster Care and Out-of-Home Placement Act.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7204.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. A foster parent may report to the Office of Advocate Defender of the Department of Human Services an allegation that an employee of the Department or of a child-placing agency has threatened the foster parent with removal of a child from the foster parent, harassed or refused to place a child in a licensed or certified foster home, or disrupted a child placement as retaliation or discrimination towards a foster parent who has:

- a. filed a grievance pursuant to Section 7213 of this title,
- b. provided information to any state official or Department employee, or
- c. testified, assisted, or otherwise participated in an investigation, proceeding or hearing against the Department or child-placing agency.

2. The provisions of this subsection shall not be construed to include any complaints resulting from administrative, civil or criminal action taken by the employee or Department or child-placing agency for violations of law or rules, or contract provisions by the foster parent.

3. A reporter shall not be relieved of the duty to report incidents pursuant to the Oklahoma Child Abuse Reporting and Prevention Act.

4. The Advocate General shall establish rules and procedures for evaluating reports of complaints pursuant to paragraph 1 of this subsection and for conducting an investigation of such reports.

B. 1. The Office of Advocate Defender shall prepare and maintain written records from the reporting source that shall contain the following information to the extent known at the time the report is made:

- a. the names and addresses of the child and the person responsible for the child's welfare,
- b. the nature of the complaint, and
- c. the names of the persons or agencies responsible for the allegations contained in the complaint.

2. Any investigation conducted by the Office of Advocate Defender pursuant to such information shall not duplicate and shall be separate from the investigation mandated by the Oklahoma Child Abuse Reporting and Prevention Act or other investigation of the Department having notice and hearing requirements.

3. At the request of the reporter, the Office of Advocate Defender shall keep the identity of the reporter strictly confidential from the operation of the Department, until the Advocate General determines what recommendations shall be made to the Commission for Human Services.

C. The Commission shall ensure that a person making a report in good faith under this section is not adversely affected solely on the basis of having made such report.

D. Any person who knowingly and willfully makes a false or frivolous report or complaint or a report that the person knows

lacks factual foundation, pursuant to the provisions of this section, may be subject to loss of foster parent certification or licensure status.

SECTION 12. AMENDATORY Section 6, Chapter 353, O.S.L. 1996 (10 O.S. Supp. 1996, Section 7206), is amended to read as follows:

Section 7206. A. The Department of Human Services, the Department of Juvenile Justice or any child-placing agency shall, prior to ~~placement in any out-of-home~~ foster placement, enter into a written ~~agreement~~ contract with the foster care placement provider. The ~~agreement~~ contract shall provide, at a minimum:

1. That the state agency and the child-placing agency shall have access at all times to the child and to the foster placement;

2. A listing of any specific requirements, specific duties or restrictions in providing foster care services;

3. That any foster child shall have access to and be accessible by any court-appointed special advocate for the foster child and the foster child's attorney;

4. That the foster care placement provider shall comply with performance standards required pursuant to the Oklahoma Foster Care and Out-of-Home Placement Act, the Oklahoma Children's Code, the Juvenile Justice Code, and the Oklahoma Child Care Facilities Licensing Act;

5. ~~For~~ Information regarding the amount of payments to be made for foster care services, including but not limited to a description of the process involved in receiving payments, including projected time frames, and information related to reimbursements for eligible costs and expenses for which the foster parent may be reimbursed;

6. That any foster child placed with a foster care placement provider ~~will~~ shall be released to the state agency or the child-placing agency whenever, in the opinion of the state agency or the child-placing agency, the best interests of the deprived child require such release, or the best interests of the delinquent child or the child in need of supervision, consistent with the state's interest in the protection of the public, require such

release pursuant to the Oklahoma Foster Care and Out-of-Home Placement Act; and

7. Such other information required by the state agency and the child-placing agency.

B. The state agency or child-placing agency shall provide the following information to the foster parents, along with a copy of the written ~~agreement~~ contract required pursuant to subsection A of this section:

1. The ~~name, title, names~~ names and telephone ~~number~~ numbers of the child's case worker, the foster parents' case worker, the case ~~worker's supervisor~~ workers' supervisors', and the contact within the state agency central office, or the name and telephone number of the contact person within the child-placing agency;

2. A copy of the grievance procedure established by the state agency or the child-placing agency pursuant to the Oklahoma Foster Care and Out-of-Home Placement Act;

3. The name and telephone number of any foster parent association in the county of residence of the foster parent;

4. For foster parents of deprived children, the name and telephone number of any ~~postadjudicatory~~ postadjudication review board established in the county of residence of the foster parent or the nearest ~~postadjudicatory~~ postadjudication review board and the court having jurisdiction over the child; and

5. A copy of the statement of foster parent rights;

6. Information detailing the foster parents' ability to submit written reports to the court, or to petition the court directly for review of a decision by the state agency or the child-placing agency to remove a foster child who has been placed with the foster parent, in accordance with the limitations and requirements of Section & 7208 of this ~~act~~ title; and

7. A copy of the policies and procedures of the Department or child-placing agency which pertain to placement operations of the agency, and which may be necessary to properly inform the out-of-home placement providers of the duties, rights and responsibilities of the out-of-home placement providers and the Department.

C. 1. In addition to other requirements made pursuant to the Oklahoma Child Care Facilities Licensing Act, each child-placing agency shall maintain supervision of all children placed by the agency in foster placement and shall maintain supervision of and make regular visits to such foster placements.

2. The child-placing agency shall visit each foster placement no less than once every month.

3. The child-placing agency shall prepare and maintain a written report of its findings for each visit.

4. a. A complete written review of the placement, well-being and progress of any foster child in foster care with a child-placing agency shall be made by the child-placing agency as required by the state agency with which the child-placing agency has a contract.

b. If a child-placing agency is providing foster care services for a child pursuant to a written agreement or contract with the parents or guardian of a child, the child-placing agency shall provide a copy of the written review to the parents or guardian of the child. The written agreement or contract shall specify how often the review shall be conducted.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7206.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. A statement of foster parent's rights shall include, but not be limited to, the right to:

1. Be treated with dignity, respect, and consideration as a professional member of the child welfare team;

2. Be given appropriate, ongoing training to develop and enhance foster parenting skills;

3. Be informed about ways to contact the state agency or the child-placing agency in order to receive information and assistance to access supportive services for any child in the foster parent's care;

4. Receive timely financial reimbursement for providing foster care services;
5. Be notified of any costs or expenses for which the foster parent may be eligible for reimbursement;
6. Be provided a clear, written explanation of the individual treatment and service plan concerning the child in the foster parent's home;
7. Receive, at any time during which a child is placed with the foster parent, additional or necessary information that is relevant to the care of the child;
8. Be notified of scheduled permanency planning review meetings concerning the foster child in order to actively participate in the case planning and decision-making process regarding the child;
9. Provide input concerning the plan of services for the child and to have that input be given full consideration in the same manner as information presented by any other professional on the team;
10. Communicate with other professionals who work with the foster child within the context of the team including, but not limited to, therapists, physicians, and teachers;
11. Be given, in a timely and consistent manner, any information regarding the child and the child's family which is pertinent to the care and needs of the child and to the making of a permanency plan for the child. Disclosure of information shall be limited to that information which is authorized by the provisions of Article V of the Oklahoma Children's Code for foster parents and Article VII of the Oklahoma Juvenile Code;
12. Be given reasonable notice of any change in or addition to the services provided to the child pursuant to the child's individual treatment and service plan;
13. a. Be given written notice of:
 - (1) plans to terminate the placement of the child with the foster parent pursuant to Section 7208 of Title 10 of the Oklahoma Statutes, and

(2) the reasons for the changes or termination in placement, and

b. The notice shall be waived only in emergency cases pursuant to Section 7208 of Title 10 of the Oklahoma Statutes;

14. Be notified by the court in a timely and complete manner of all court hearings, including notice of the date and time of any court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case;

15. Be informed of decisions made by the court, the state agency or the child-placing agency concerning the child;

16. Be considered as a preferred placement option when a foster child who was formerly placed with the foster parent is to re-enter foster care at the same level and type of care, if that placement is consistent with the best interest of the child and other children in the foster parent's home;

17. Be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's certification;

18. Be provided the opportunity to request and receive a hearing regarding decisions that affect certification retention;

19. Have timely access to the state agency's and child placement agency's appeals process and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal;

20. Be given the number of the statewide toll-free Foster Parent Hotline established in Section 10 of this act; and

21. File a grievance and be informed of the process for filing a grievance.

B. The Department of Human Services, the Office of Juvenile Justice, and a child-placing agency under contract with the Department shall be responsible for implementing this section.

C. Nothing in this section shall be construed to create a private right of action or claim on the part of any individual, the Department of Human Services, the Office of Juvenile Justice or any child-placing agency.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7206.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

Unless there is a kinship placement available, a foster parent shall be considered as a preferred placement option when the foster child who was formerly placed with the foster parent is to be reentered into foster care at the same level and type of care, if that placement is consistent with the best interests of the child and other children in the foster parent's home.

SECTION 15. AMENDATORY Section 8, Chapter 353, O.S.L. 1996 (10 O.S. Supp. 1996, Section 7208), is amended to read as follows:

Section 7208. A. In making placements in foster care, the Department of Human Services, the Department of Juvenile Justice and any child-placing agency shall, if possible, arrange for a preplacement visit for the child with the persons who will be providing foster care.

B. If a child placed in the custody of a child-placing agency or in the custody of a state agency by the court has resided with a foster parent for three (3) or more months:

1. Except in an emergency, the state agency or child-placing agency shall:

- a. give a minimum of five (5) days' advance notice to the foster care family before removing a child from ~~their~~ such family's care, and
- b. at the time of such notification, provide the foster family with a written statement of the reasons for removing a child; and

2. The foster parent shall be entitled to submit to the court written reports or present testimony concerning the strengths, needs, behavior, important experiences, and relationships of the child, in addition to such other information the court may request.

C. When a child, under the jurisdiction of a court pursuant to the Oklahoma Children's Code, is placed in the custody of the

Department of Human Services, or a child, under the jurisdiction of a court pursuant to the Juvenile Justice Code is placed in the custody of the Department of Juvenile Justice, or is placed in the custody of any child-placing agency, the state agency or child-placing agency shall have discretion to determine an appropriate foster placement for the child. Except as provided in this section, the state agency or child-placing agency may remove a child in its custody from a foster placement whenever the state agency or child-placing agency determines that removal is in the best interests of the deprived child, or the delinquent child or the child in need of supervision, consistent with the state's interest in the protection of the public.

D. 1. In order to promote stability for foster children and limit repeated movement of such children from one foster placement to another, the state agency or child-placing agency, except as otherwise provided by this subsection, shall not change the foster home placement of a child without the approval of the court in the following circumstances:

- a. the child has been moved once since the last court hearing, as provided in Section ~~22~~ 7003-5.4a of this ~~act~~ title, and
- b. a foster parent with whom the child has resided for more than ~~one (1) year~~ six (6) months objects, in writing pursuant to the provisions of this subsection, after notice of the removal of the child by the state agency or the child-placing agency.

2. The objection shall be filed with the court by the foster parent and served on the state agency or child-placing agency within five (5) ~~working~~ days after receipt of the notice from the state agency or child-placing agency regarding removal of the child. The court shall provide for notice to other parties in the case.

3. Timely filing and service of the objection shall stay removal of the child pending review of the court unless the state agency's or child-placing agency's stated reason for removal is:

- a. substantial noncompliance by the foster parent with applicable foster family home standards and agreements,
- b. pending investigation of allegations of abuse or neglect of the child by a foster parent or other person residing in the foster family home, or
- c. reunification with a parent that contributed to the child being deprived, with the prior approval of the court.

4. The court shall conduct a hearing within fifteen (15) working days on any objection filed pursuant to this section. The court may order that the child remain in or be returned to the objecting foster parent's home if the court finds that the Department of Human Services or child-placing agency's decision to remove the child was arbitrary or was inconsistent with the child's treatment and service plan.

SECTION 16. AMENDATORY Section 12, Chapter 353, O.S.L. 1996 (10 O.S. Supp. 1996, Section 7212), is amended to read as follows:

Section 7212. A. 1. The Department of Human Services, the Department of Juvenile Justice and each child-placing agency shall develop:

- a. a foster care education program to provide training for persons intending to furnish foster care services, and
- b. continuing educational programs for foster parents.

2. The Department of Human Services shall develop:

- a. a kinship foster care training program, and
- b. continuing educational programs for foster parents providing kinship foster care.

B. 1. In addition to any other conditions and requirements specified by the state agency or child-placing agency, as applicable, prior to placement of a child in foster placement other than kinship care, each foster parent shall have completed the training approved by the Department of Human Services, the

Department of Juvenile Justice or the child-placing agency, as appropriate.

2. Approved training shall require a minimum of twelve (12) hours of study related, but not limited, to physical care, education, learning disabilities, procedures for referral to and receipt of necessary professional services, behavioral assessment and modification, independent-living skills, and procedures for biological parent contact.

3. The foster parent or person intending to provide foster care services may complete the training as part of an approved training program offered by a public or private agency with expertise in the provision of child foster care or in related subject areas.

C. 1. A foster parent providing kinship foster care shall, if possible, complete the training developed by the Department of Human Services for kinship care prior to placement or at such other times as required by the Department; provided, however, in no event shall such training take place later than three (3) months after placement of the child with such foster parent.

2. The Department shall complete a homestudy or other evaluation required by the Department of Human Services for the purpose of placing a child into kinship foster care as soon as is feasible after the initial placement of a child.

3. In order to provide for the payment or reimbursement for the providing of kinship foster care services until the certification and training requirements have been completed, the Department shall enter into a ninety (90) day contract with the foster parent during which time the Department and the foster parents shall satisfy the certification and training requirements.

D. Foster parent training programs may include, but need not be limited to, in-service training, workshops and seminars developed by the state agency; seminars and courses offered through public or private education agencies; and workshops, seminars and courses pertaining to behavioral and developmental disabilities and to the development of mutual support services for foster parents.

SECTION 17. AMENDATORY Section 13, Chapter 353, O.S.L. 1996 (10 O.S. Supp. 1996, Section 7213), is amended to read as follows:

Section 7213. A. The Department of Human Services, the Department of Juvenile Justice and child-placing agencies shall each establish grievance procedures for foster parents with whom such state agencies or child-placing agencies contract.

B. The procedures for foster parents established by each state agency and child-placing agency shall contain the following minimum requirements:

1. Resolution of disputes with foster parents shall be accomplished quickly, informally and at the lowest possible level, but shall provide for access to impartial arbitration by management level personnel within the central office; and

2. Prompt resolution of grievances within established time frames.

C. Each state agency and child-placing agency shall designate an employee to receive and process foster care grievances.

D. Each state agency and child-placing agency shall maintain records of each grievance filed as well as summary information about the number, nature and outcome of all grievances filed. Agencies shall keep records of grievances separate and apart from other foster parent files. A foster parent or a former foster parent shall have a right of access to the grievance record of grievances such person filed after the grievance procedure has been completed.

E. 1. Each foster parent shall have the right, without fear of reprisal or discrimination, to present grievances with respect to the providing of foster care services.

2. Each state agency shall promptly initiate a plan of corrective discipline including, but not limited to, dismissal of any agency employee or cancellation or nonrenewal of the contract of a child-placing agency determined by the state agency, through an investigation to have retaliated or discriminated against a foster parent who has:

- a. filed a grievance pursuant to the provisions of this section,
- b. provided information to any official or Department employee, or
- c. testified, assisted, or otherwise participated in an investigation, proceeding or hearing against the Department or the child-placing agency.

3. The provisions of this paragraph shall not be construed to include any complaint resulting from an administrative, civil or criminal action taken by the employee or child-placing agency for violations of law or rules, or contract provisions by the foster parent.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7220 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Legislature finds and declares that:

1. An increasing number of children under the age of eighteen (18) years, including many children who would otherwise be at risk of abuse or neglect, are in the care of a grandparent;

2. A principal cause for this increase is an increase in the incidence of parental substance abuse, child abuse, mental illness, poverty, and death, as well as concerted efforts by families and by the child welfare service system to keep children with relatives whenever possible;

3. Grandparents providing primary care for at-risk children may experience unique resultant problems, such as financial stress due to limited incomes, emotional difficulties related to dealing with the loss of the child's parents or to the child's unique behaviors, and decreased physical stamina combined with a much higher incidence of chronic illness;

4. Many children being raised by grandparents experience one or more of a combination of emotional, behavioral, psychological, academic, or medical problems, especially those born to a substance-abusing mother or those who are at risk of child abuse, neglect, or abandonment; and

5. Grandparents providing primary care for children lack appropriate information about the issues of kinship care, the special needs, both physical and psychological, of children born to a substance-abusing mother or who are at risk of child abuse, neglect, or abandonment, and the support resources currently available to them.

B. The Department of Human Services shall establish an informational and educational program for grandparents who provide primary care for children who are at risk of child abuse, neglect, or abandonment or who were born to substance-abusing mothers. As a part of the program, the Department shall develop, publish, and distribute an informational brochure for grandparents who provide primary care for children who are at risk of child abuse, neglect, or abandonment or who were born to substance-abusing mothers. The information provided under the program authorized by this section may include, but is not limited to, the following:

1. The problems experienced by children being raised by grandparents;
2. The problems experienced by grandparents providing primary care for children who have special needs;
3. The legal system as it relates to children and grandparents;
4. The benefits available to children and grandparents providing primary care; and
5. A list of support groups and resources located throughout the state.

C. The brochure may be distributed through hospitals, public health nurses, child protective services, medical professional offices, elementary and secondary schools, senior citizen centers, public libraries, and community action agencies selected by the Department.

SECTION 19. AMENDATORY 10 O.S. 1991, Section 5, as amended by Section 20, Chapter 297, O.S.L. 1996 (10 O.S. Supp. 1996, Section 5), is amended to read as follows:

Section 5. A. 1. Pursuant to the provisions of this section, ~~any~~ each and every grandparent of an unmarried minor

child shall have reasonable rights of visitation to the child if the district court deems it to be in the best interest of the child. The right of visitation to any grandparent of an unmarried minor child shall be granted only so far as that right is authorized and provided by order of the district court.

2. Except as otherwise provided by paragraphs 5 and 6 of this subsection, if a child is born out of wedlock, the parents of the father of such child shall not have the right of visitation authorized by this section unless such father has been judicially determined to be the father of the child.

3. If one natural parent is deceased and the surviving natural parent remarries, any subsequent adoption proceedings shall not terminate any court-granted grandparental rights belonging to the parents of the deceased natural parent unless said termination of visitation rights is ordered by the court after opportunity to be heard, and the district court determines it to be in the best interest of the child.

4. Except as otherwise provided by paragraphs 5, 6 and 7 of this subsection, if the parental rights of one or both parents have been terminated, any person who is the parent of the person whose parental rights have been terminated may be given reasonable rights of visitation if the court determines that a previous grandparental relationship has existed between the grandparents and the child and the district court determines it to be in the best interest of the child.

5. If the child has been born out of wedlock and the parental rights of the father of the child have been terminated, the parents of the father of such child shall not have a right of visitation authorized by this section to such child unless:

- a. the father of such child has been judicially determined to be the father of the child,
- b. the court determines that a previous grandparental relationship existed between the grandparents and the child, and
- c. the court determines such visitation rights to be in the best interest of the child.

6. If the child is born out of wedlock and the parental rights of the mother of the child have been terminated, the parents of the mother of such child shall not have a right of visitation authorized by this section to such child unless:

- a. the court determines that a previous grandparental relationship existed between the grandparents and the child, and
- b. the court determines such visitation rights to be in the best interest of the child.

7. For the purposes of paragraphs 4, 5 and 6 of this section, the district court shall not grant to the grandparents of an unmarried minor child, visitation rights to that child:

- a. subsequent to the final order of adoption of the child, provided however, any subsequent adoption proceedings shall not terminate any prior court-granted grandparental visitation rights unless said termination of visitation rights is ordered by the court after opportunity to be heard and the district court determines it to be in the best interest of the child, or
- b. if the child had been placed for adoption prior to attaining six (6) months of age.

B. In determining the best interest of the minor child, the court shall consider:

1. The willingness of the grandparent or grandparents to encourage a close relationship between the child and the parent or parents;
2. The length and quality of the prior relationship between the child and the grandparent or grandparents;
3. The preference of the child if the child is determined to be of sufficient maturity to express a preference;
4. The mental and physical health of the child;
5. The mental and physical health of the grandparent or grandparents; and
6. Such other factors as are necessary in the particular circumstances.

C. The district courts are vested with jurisdiction to issue orders granting grandparental visitation rights and enforce such visitation rights, upon the filing of a verified application for such visitation rights or enforcement thereof. Notice as ordered by the court shall be given to the person or parent having custody of said child and the venue of such action shall be in the county of the residence of such person or parent.

~~C.~~ D. Any transportation costs or other costs arising from any visitation ordered pursuant to this section shall be paid by the grandparent or grandparents requesting such visitation.

SECTION 20. AMENDATORY 10 O.S. 1991, Section 404.1, as last amended by Section 1, Chapter 200, O.S.L. 1996 (10 O.S. Supp. 1996, Section 404.1), is amended to read as follows:

Section 404.1 A. ~~Every owner or administrator~~ 1. The Department of a child care facility Human Services shall arrange, prior to employment, for require a criminal history investigation, conducted by the Oklahoma State Bureau of Investigation, ~~for an applicant for employment and for any adult residing in person making application to establish or operate a child care facility that is licensed or approved by a child-placing agency and located in a private residence prior to the issuance of a license to operate such facility. If the applicant for~~

2. a. Every child care facility shall arrange, prior to employment or resident has resided in Oklahoma for less than one (1) year, the, for a criminal history investigation shall to be obtained from conducted by the previous state of residence Oklahoma State Bureau of Investigation for any person to be employed by the child care facility.

b. In addition, any child care facility, licensed or approved pursuant to the Oklahoma Child Care Facilities Licensing Act, and located in a private residence, shall arrange for a criminal background investigation for any adult residing in the child care facility. A criminal history investigation conducted by the Oklahoma State Bureau of

Investigation shall also be completed for any adult who subsequently moves into the private residence.

3.
 - a. Any child care facility, contracting with any person for foster family home services or in any manner for services for the care and supervision of children, shall also, prior to executing a contract, arrange for a criminal history investigation for the contractor conducted by the Oklahoma State Bureau of Investigation.
 - b. Any child care facility contracting with any person for foster family home services shall arrange for a criminal background investigation for any adult residing in the foster family home. A criminal history investigation conducted by the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the residence.
 - c. Any child care facility contracting with any person for foster family home services shall request the Office of Juvenile Justice for a juvenile justice information system review pursuant to Sections 7302-9.6 and 7302-3.8 of this title for any child over the age of thirteen (13) years residing in the foster family home, other than a foster child, or who subsequently moves into the private residence. As a condition of contract, the child care facility shall obtain the consent of the parent or guardian of the child for such review.

4. If the applicant planning to establish or operate a child care facility, or an employee or contract employee of the child care facility, or the contractor of the child care facility has resided in Oklahoma for less than one (1) year, the criminal history investigation shall also be obtained from such person's previous state of residence.

B. 1. Prior to contracting with a foster family home for placement of any child who is in the custody of the Department of

Human Services, the Department shall arrange for a criminal history investigation, conducted by the Oklahoma State Bureau of Investigation, for such foster family applicant and for any adult residing in such foster family home. A criminal history investigation conducted by the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the residence.

2. The Department shall provide for a juvenile justice information system review pursuant to Section 7302-3.8 of this title for any child over the age of thirteen (13) years residing in a foster family home, other than the foster child, or who subsequently moves into the private residence.

C. The Commission for Human Services shall promulgate rules to identify circumstances when a criminal history investigation for an applicant or contractor, or any person over the age of thirteen (13) years residing in a private residence in which a child care facility is located, shall be expanded beyond the investigation conducted by the Oklahoma State Bureau of Investigation or as otherwise provided pursuant to this section.

~~B.~~ D. 1. Adults The following persons shall not be required to obtain a criminal history investigation ~~are~~ pursuant to this section:

- a. a parent ~~volunteers~~ volunteer who ~~transport~~ transports children on an irregular basis, and
- b. a child ~~of a foster, adoptive, group or~~ day care center or family child care home operator who became an adult during continuous residence at the licensed or approved facility.

2. These exemptions shall not preclude the Department from requesting a criminal history investigation or investigating criminal, abusive or harmful behavior of such persons, if warranted.

~~3. Prior to the acceptance of a foster family home for placement of any child in the custody of the Department of Human Services, the Department shall arrange for a criminal history investigation, conducted by the Oklahoma State Bureau of~~

~~Investigation, for a foster family applicant and for any adult residing in such foster family home. A criminal history investigation conducted by the Oklahoma State Bureau of Investigation shall be done for any adult who moves into the residence at a later time.~~

~~4. The Department of Human Services shall promulgate rules to identify circumstances when a criminal history investigation of a foster family applicant and of any adult residing in such foster family home shall be expanded beyond the investigation conducted by the Oklahoma State Bureau of Investigation.~~

~~E.~~ E. A conviction for a crime shall not be an absolute bar to employment, except as provided in subsection ~~F~~ G of this section, but shall be considered in relation to specific employment duties and responsibilities.

~~D.~~ F. 1. Information received pursuant to this section by an owner or administrator of a child care facility shall be maintained in a confidential manner in a file that is separate from employment records. The information may be transmitted to the Department for child care facility licensing purposes.

2. Whenever an applicant is subsequently employed by ~~the owner or administrator of~~ or contracts with a child care facility, the information received pursuant to a criminal history investigation shall not be made a part of that individual's personnel or contract records. Such information, along with any other information relevant to the individual's ability to perform tasks that require direct contact with children, may be released to another child care facility in response to a request from ~~an owner or administrator of a~~ the child care facility ~~who~~ that is considering employing or contracting with the individual.

3. Requirements for confidentiality and record keeping with regard to the information shall be the same for the ~~owner or administrator~~ child care facility receiving the information in response to a request as those provided for in paragraph 1 of this subsection for the ~~owner or administrator~~ child care facility releasing such information.

~~E. G.~~ 1. A criminal history investigation conducted by the Oklahoma State Bureau of Investigation shall include a search of Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act.

2. a. It shall be unlawful for any person who is required to register pursuant to the Sex Offenders Registration Act to work with or provide services to children or to reside in a child care facility and for any employer who offers or provides services to children to knowingly and willfully employ or contract with, or allow continued employment of or contracting with any person who is required to register pursuant to the Sex Offenders Registration Act.

b. Upon a determination by the Department of any violation of the provisions of this section, the violator shall be subject to and the Department may pursue:

(1) an emergency order,

(2) license revocation, denial or nonrenewal,

(3) injunctive proceedings,

(4) an administrative ~~fine~~ penalty not to exceed ~~One Thousand Dollars (\$1,000.00)~~ Ten Thousand Dollars (\$10,000.00), and

(5) referral for criminal proceedings.

c. In addition to the penalties specified by this section, the violator may be liable for civil damages.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7003-5.6b of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. Pursuant to the provisions of this subsection, the Department of Human Services shall establish and administer an ongoing program of supported guardianship to assist families wishing to make a long-term commitment to a child by accepting

guardianship of the child. The supported guardianship program shall enable the family to assume the parental role without ongoing Department oversight but allow the family to return to the Department for services as needed.

2. As soon as the federal Department of Health and Human Services authorizes additional demonstration projects for additional use monies designated for expenditure for Title IV-E of the Social Security Act, which requires federal funds to be spent on children in foster care, the Department of Human Services shall request a waiver or demonstration project authorization for such monies. The waiver shall allow federal funds to be utilized to support children whose guardianship is transferred in situations where adoption is not possible and an identified family has made a long-term commitment to the child in addition to other programs authorized by law.

3. Upon obtaining a waiver, the Department shall conduct a three-year demonstration program. The children involved must meet state-established criteria.

4. The program of supported guardianship shall be operational upon receipt and according to the terms of the approved waiver.

B. By January 1, 1998, the Department of Human Services and the Department of Juvenile Justice shall submit to the Chairman of the House of Representatives Human Services Committee and the Chairman of the State Senate Human Resources Committee written recommended legislation for the development and implementation of a program for the long-term permanent placement of children in cases where the court has found that adoption of the child or termination of parental rights to the child is not possible or not in the best interests of the child. Such program shall include, but not be limited to, permanent guardianship through the juvenile court, supported guardianship and long-term or permanent foster care of the child. The Postadjudication Review Advisory Board and the Oklahoma Commission on Children and Youth shall assist the departments in meeting the requirements of this section.

SECTION 22. AMENDATORY 63 O.S. 1991, Section 1-227.9, as last amended by Section 17, Chapter 200, O.S.L. 1996 (63 O.S. Supp. 1996, Section 1-227.9), is amended to read as follows:

Section 1-227.9 A. There is hereby created the Child Abuse Training and Coordination Council.

B. The Oklahoma Commission on Children and Youth shall appoint a Child Abuse Training and Coordination Council which shall be composed of ~~twenty (20)~~ twenty-one (21) members, as follows:

1. One member shall be a representative of child welfare services within the Department of Human Services;
2. One member shall be a representative of juvenile services within the Department of Human Services;
3. One member shall be a representative of maternal and child health services within the State Department of Health;
4. One member shall be a representative of the State Department of Health;
5. One member shall be a representative of the State Department of Education;
6. One member shall be a representative of the Department of Mental Health and Substance Abuse Services;
7. One member shall be a representative of the Oklahoma State Medical Association and shall be a member of the Oklahoma Chapter of the American Academy of Pediatrics;
8. One member shall be a representative of the judiciary;
9. One member shall be a representative of the Oklahoma Osteopathic Association and shall be a pediatric osteopathic physician;
10. One member shall be a representative of the Oklahoma Coalition on Domestic Violence and Sexual Assault;
11. One member shall be a representative of the District Attorney's Council;
12. One member shall be a representative of the Council on Law Enforcement, Education and Training;
13. One member shall be a representative of the Department of Corrections;

14. One member shall be a representative of Court Appointed Special Advocates;

15. One member shall be a representative of the Oklahoma Bar Association;

16. One member shall be a representative of the Oklahoma Psychological Association;

17. One member shall be a representative of the Oklahoma Chapter of the National Association of Social Workers;

18. One member shall be a representative of the Oklahoma Association of Youth Services;

19. One member shall be a representative of the Indian Child Welfare Association; ~~and~~

20. One member shall be a representative of the Advisory Task Force on Child Abuse and Neglect appointed by the Governor; and

21. One member shall be a representative of the Postadjudication Review Board Program.

C. The appointed members shall be persons having expertise in the dynamics, identification and treatment of child abuse and neglect and child sexual abuse.

D. The Training and Coordination Council shall:

1. Establish objective criteria and guidelines for multidisciplinary and, as appropriate for each discipline, discipline-specific training on child abuse and neglect for professionals with responsibilities affecting children, youth and families;

2. Review curricula and make recommendations to state agencies and professional organizations and associations regarding available curricula and curricula having high standards of professional merit;

3. Review curricula regarding child abuse and neglect used in law enforcement officer training by the Oklahoma Council on Law Enforcement Education and Training (CLEET) and make recommendations regarding the curricula to CLEET;

4. Cooperate with and assist professional organizations and associations in the development and implementation of ongoing

training programs and strategies to encourage professionals to participate in ~~said~~ such training programs; and

5. Make reports and recommendations regarding the continued development and improvement of ~~said~~ such training programs to the State Commissioner of Health, the Oklahoma Commission on Children and Youth, and each affected agency, organization and association.

SECTION 23. REPEALER Section 16, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1996, Section 1135), is hereby repealed.

SECTION 24. This act shall become effective November 1, 1997.

46-1-7816 KSM