

ENGROSSED HOUSE
BILL NO. 2826

By: Mass of the House
and
Stipe of the Senate

(children - Oklahoma FOCUS (Families Offering Children
Understanding and Support) in Foster Care Act - amending
various sections in Title 10 - Oklahoma Children's Code -
codification - emergency)

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

SECTION 1. This act shall be known and may be cited as the
"Oklahoma FOCUS (Families Offering Children Understanding and
Support) in Foster Care Act".

SECTION 2. AMENDATORY 10 O.S. 1991, Section 1129, as
last amended by Section 2, Chapter 352, O.S.L. 1995, and as
renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp.
1997, Section 7001-1.2), is amended to read as follows:

Section 7001-1.2 It is the intent of the Legislature that
Chapter ~~54~~ 70 of this title shall be liberally construed, to the end
that its purpose may be carried out:

The paramount consideration in all proceedings concerning a
child alleged or found to be deprived is the best interests of the
child. The purpose of the laws relating to children alleged or found
to be deprived is to:

1. Secure for each such child, the care and guidance as will best serve the spiritual, emotional, mental and physical welfare of the child;

2. Provide judicial procedures which protect the welfare of the child;

3. Preserve and strengthen the child's family ties whenever possible and in the child's best interests. Give family reunification or rehabilitation priority as a means for protecting the welfare of children, but recognizing that the right to family integrity is limited by the right of children to be protected from abuse and neglect. To this effect, removing the child from the custody of parents when the child's welfare is in danger or the child's safety cannot be adequately safeguarded without removal. ~~When~~ Except as otherwise provided by the Oklahoma Foster Care and Out-of-Home Placement Act, when removal from the child's own family is necessary and in the child's best interests, the care and custody and discipline of the child shall approximate, as nearly as may be, that which should be given by its parents, recognizing that permanency is in the best interests of the child when family rehabilitation and reunification is not possible or in the best interests of the child; and

4. Assure adequate and appropriate care and treatment for the child, with the use of the least restrictive method of treatment or placement consistent with the treatment or placement needs of the child.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7003-5.3a of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Reunification services need not be provided to a parent described in this section, when the court finds by clear and convincing evidence that:

1. The whereabouts of the parent are unknown. A finding pursuant to this paragraph shall be supported by an affidavit or by proof that a reasonably diligent search has failed to locate the parent. The posting or publication of notices is not required in that search;

2. The child or a sibling of the child:

- a. has been previously adjudicated a deprived child pursuant to the Oklahoma Children's Code or laws from other states or territories as a result of physical or sexual abuse,
- b. following the adjudication, the child has been removed from the custody of the parent,
- c. has been returned to the custody of the parent from whom the child had been taken originally, and
- d. is being removed pursuant to the Oklahoma Children's Code, due to additional physical or sexual abuse;

3. The parent of the child has caused the death of another child through abuse;

4. The child has been adjudicated a deprived child, pursuant to the Oklahoma Children's Code, as a result of severe sexual abuse, neglect or the infliction of severe physical harm to the child, a sibling, or a half-sibling by a parent;

5. The parent is not receiving reunification services for a sibling or a half-sibling of the child pursuant to paragraph 2, 3 or 4 of this subsection;

6. The child was conceived by means of the commission of rape or by an act committed outside of this state which, if committed in this state, would constitute such an offense. This paragraph only applies to the parent who committed the offense or act;

7. The parent of the child willfully abandoned the child, and the court finds that the abandonment itself constituted a serious danger to the child. For purposes of this paragraph, a "serious danger" means that without the intervention of another person or agency, the child would have sustained severe or permanent disability, injury, illness, or death. For purposes of this paragraph, "willful abandonment" shall not be construed as actions taken in good faith by the parent without the intent of placing the child in serious danger;

8. a. The court ordered a permanent plan of adoption, guardianship, or long-term foster care for any siblings or half-siblings of the child because the parent failed to correct the conditions which led to initial court intervention with the sibling or half-sibling after the sibling or half-sibling had been removed from that parent, or
- b. The parental rights of a parent over any sibling or half-sibling of the child had been permanently severed and, according to the findings of the court, the parent had not subsequently made a reasonable effort to correct the problems that led to removal of the sibling or half-sibling of that child from that parent;

9. The parent has been convicted of a Schedule S-1, S-2, S-3 or S-4 felony;

10. The parent of the child has a history of extensive, abusive and chronic use of drugs or alcohol and had resisted treatment for this problem during a three-year period immediately prior to the filing of the petition which brought that child to the court's attention, or failed or refused to comply with a program of drug or

alcohol treatment described in the case plan required by the Oklahoma Children's Code on at least two prior occasions, even though the programs identified were available and accessible;

11. The parent is willing to consent to termination of parental rights; and

12. Reunification is not in the best interests of the child. The failure of the parent to respond to previous services, the fact that the child was abused or neglected while the parent was under the influence of drugs or alcohol, a past history of violent behavior, mental illness or testimony by a competent professional that the parent's behavior is unlikely to be changed by services are among the factors indicating that reunification services are unlikely to be successful.

B. 1. If the parent is incarcerated or institutionalized, the court shall order reasonable services unless the court determines, by a preponderance of evidence, that those services would be detrimental to the child. In determining detriment, the court shall consider the age of the child, the degree of parent-child bonding, the length of the sentence, the nature of the treatment, the nature of crime or illness, the degree of detriment to the child if services are not offered and, for minors twelve (12) years of age or older, the minor's attitude toward the implementation of family reunification services, and any other appropriate factors.

2. Services may include, but shall not be limited to, the following:

- a. maintaining contact between parent and child through collect telephone calls,
- b. transportation services, where appropriate,
- c. visitation services, where appropriate, and
- d. reasonable services to extend to family members or foster parents providing care for the child if the services are not detrimental to the child.

3. An incarcerated parent may be required to attend counseling, parenting classes, or vocational training programs as part of the service plan if these programs are available to the parent.

C. When it is alleged that the parent is incapable of utilizing services due to mental incompetency, the court shall order reunification services unless competent evidence from mental health professionals establishes that, even with the provision of services, the parent is unlikely to be capable of adequately caring for the child within twelve (12) months.

D. If a court does not order reunification services, it shall conduct a permanency hearing within one hundred twenty (120) days of the dispositional hearing. However, the court shall not schedule a hearing so long as the other parent is being provided reunification services.

E. If the court orders a permanency hearing to be held, it shall direct the Department of Human Services to prepare an assessment. The assessment shall include:

1. Current search efforts for an absent parent or parents;
2. A review of the amount of and nature of any contact between the child and the parents of the child since the time of placement;
3. An evaluation of the child's medical, developmental, scholastic, mental, and emotional status and an analysis of whether any of the child's characteristics would make it difficult to find a person willing to adopt the child;
4. A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent, guardian or foster parent, to include a social history including screening for criminal records and prior referrals for child abuse if not previously completed, the capability to meet the child's needs, and the understanding of the legal and financial rights and responsibilities of adoption and guardianship;

5. The relationship of the child to any identified prospective adoptive parent or guardian, the duration and character of the relationship, the motivation for seeking adoption or guardianship, and a statement from the child concerning placement and the adoption or guardianship, unless the child's age or physical, emotional or other condition precludes his or her meaningful response, and if so, a description of the condition; and

6. A child's eligibility for subsidy, if adopted.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 1116, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 5, Chapter 389, O.S.L. 1997 (10 O.S. Supp. 1997, 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 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 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. Except as otherwise provided by the Oklahoma Child Abuse Reporting and Prevention Act, the court may dismiss the petition 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.

9. The court, upon petition by an appropriate party, may set a hearing to terminate the parental rights of any person if reunification services are not required pursuant to subsection C of this section.

B. ~~In~~ Except as otherwise provided by subsection C of this section, 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~~.

C. In any dispositional order removing a child from the home of the child, the court may make a determination that efforts to reunite the family are not feasible or required, and that reasonable efforts are being made to secure an alternate permanent placement for the child. When the court orders that reunification services are not feasible or required, the court shall inform the parent that the parent's parental rights may be terminated.

~~C.~~ D. 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.

~~D.~~ E. 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.

~~E.~~ F. 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 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7003-5.5b of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in Section 6 of this act, whenever a child is removed from a parent's custody, the court shall order services pursuant to the individual treatment and service plan prepared pursuant to Section 7003-5.3 of Title 10 of the Oklahoma Statutes, for the child and the child's parents for the purpose of facilitating reunification of the family as follows:

1. For a child who, on the date of initial removal from the physical custody of the parent, was three (3) years of age or older, court-ordered services shall not exceed a period of twelve (12) months; and

2. For a child who, on the date of initial removal from the physical custody of one parent of the child, was under the age of three (3) years, court-ordered services shall not exceed a period of six (6) months.

B. 1. Court-ordered services may be extended an additional three (3) months if it can be shown that the objectives of the service plan can be achieved within the extended time period. The court shall extend the time period only if it finds that there is a substantial probability that the child will be returned to the physical custody of the parent of the child within the extended time period or that reasonable services have not been provided to the parent.

2. If the court extends the time period, the court shall specify in the court records the factual basis for its conclusion that there is a substantial probability that the child will be returned to the physical custody of the parent of the child within the extended time period.

C. When counseling or other treatment services are ordered, the parent shall be ordered to participate in those services, unless the

parent's participation is deemed by the court to be inappropriate or potentially detrimental to the child.

D. Physical custody of the child by the parents during the time period provided shall not serve to interrupt the running of the period.

E. If at the end of the time period, a child cannot be safely returned to the care and custody of a parent without court supervision, but the child clearly desires contact with the parent, the court shall take the child's desire into account in devising a permanency plan.

F. In cases where the child was under the age of three (3) years on the date of the initial removal from the physical custody of the parent of the child, the court shall inform the parent that the failure of the parent to participate regularly in any court-ordered treatment programs or to cooperate or avail themselves of services provided as part of the Individual Treatment and Service Plan may result in a termination of efforts to reunite the family after six (6) months.

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 6, Chapter 389, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7003-5.6), is amended to read as follows:

Section 7003-5.6 A. 1. ~~Every~~ Pursuant to the provisions of Section 4 of this act, 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 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 the court terminates jurisdiction.

~~3.~~ B. 1. No later than:

- a. six (6) months for a child who on the date of initial removal from the physical custody of the parents of such child was under the age of three (3) years, and
- b. twelve (12) months ~~after placing a child in out-of-home placement~~ for a child who on the date of initial removal from the physical custody of the parents of such child was three (3) years of age or older,

the court shall conduct a permanency hearing ~~to~~ pursuant to Section 7 of this act.

2. At the dispositional hearings, the court shall consider, in the best interests of the child, whether:

- a. the child should be returned to the child's parents or other family member,
- b. the child should be continued in out-of-home placement for a specified period pursuant to the provisions of Section 5 of this act. 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 time~~ period specified by Section 5 of this act. The reasons for any such extension shall be placed in the record of the courts,
- 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. The permanency hearing may be combined with the six-month review required by this section. If a permanency hearing is combined with another hearing, the requirements of the court related to the disposition of the other hearing must be met in addition to the requirements of this section.

~~4. C.~~ 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. D.~~ 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. E.~~ Notice of dispositional and review hearings shall be served by the court upon the ~~parties and upon~~ parents, the present foster parent or foster parents entitled to participate pursuant to Section 7208 of this title, the parent's attorney, the guardian ad litem of the child and the child's attorney, each of whom shall be entitled to participate pursuant to the Oklahoma Foster Care and Out-of-Home Placement Act.

~~D. F.~~ 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 7003-5.6a of this title and submitted by the child's guardian ad litem;

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 and have corrected the conditions which caused the child to be adjudicated;

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~~ must be 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 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. G.~~ 1. 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.

2. 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 loving emotional bond with a relative of the child by blood or marriage who is willing, able and eligible to adopt the child.

3. In the adoption consideration, the court shall consider whether the child has become integrated into the foster family to

the extent that the child's familial identity is with the foster family, and whether the foster family is able and willing permanently to treat the child as a member of the family. The court shall consider, without limitation:

- a. the love, affection, and other emotional ties existing between the child and the relatives of the child, and the child's ties with the foster family,
- b. the capacity and disposition of the child's relatives, as compared with that of the foster family, to give the child love, affection, and guidance and to continue the education of the child,
- c. the capacity and disposition of the relatives, as compared with that of the foster family, to provide the child with food, clothing, and medical care and to meet other physical, mental, and emotional needs of the child,
- d. the length of time the child has lived in a stable, satisfactory foster home and the desirability of his continuing to live in that environment,
- e. the permanence of the foster family as a family unit,
- f. the moral fitness, physical, and mental health of the relatives of the child, as compared with that of the foster family,
- g. the experiences of the child in the home, school, and community, both when with the parents from whom he was removed and when with the foster family, and
- h. any other factor considered by the court to be relevant to a particular placement of the child.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7003-5.6c of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to Section 7003-5.6 of Title 10 of the Oklahoma Statutes, the court shall hold a hearing to consider the issue of the establishment of permanency for the child.

B. Such a permanency hearing may be held concurrently with a hearing to review, modify, substitute, vacate, or terminate a dispositional order. A permanency hearing shall be conducted in substantial conformance with the provisions of Part 4 of Article III of the Oklahoma Children's Code. During the hearing, the court shall consider the child's need for a secure and permanent placement in light of any permanency plan or evidence submitted to the court. Upon completion of the hearing, the court shall enter written findings and make a determination based upon the permanency plan which will best serve the child's individual interests at that time.

C. After a permanency hearing, the court shall do one of the following:

1. Enter an order to return the child to the child's home;

2. Enter an order to continue placement of the child for an additional three (3) months, at which time the court shall hold a hearing to consider modification of its permanency order. An order entered under this paragraph shall enumerate the specific factors, conditions, or expected behavioral changes which comprise the basis for the determination that the need for removal of the child from the child's home will no longer exist at the end of the additional three-month period;

3. Direct the district attorney or the attorney for the child to institute proceedings to terminate the parent-child relationship;

4. Enter an order, pursuant to findings required by subsection B of this section, to do one of the following:

a. transfer guardianship and custody of the child to a suitable person,

b. transfer sole custody of the child from one parent to another parent,

- c. transfer custody of the child to a suitable person for the purpose of long-term care, or
- d. order long-term foster care placement for the child in a licensed foster care home or facility; or

5. Prior to entering a permanency order pursuant to subsection A of this section, convincing evidence must exist showing that all of the following apply:

- a. a termination of the parent-child relationship would not be in the best interests of the child,
- b. services were offered to the child's family to correct the situation which led to the child's removal from the home, and
- c. the child cannot be returned to the child's home.

D. Any permanency order may provide restrictions upon the contact between the child and the child's parent or parents, consistent with the best interests of the child.

E. Subsequent to the entry of a permanency order pursuant to this section, the child shall not be returned to the care, custody, or control of the child's parent or parents, over a formal objection filed by the child's attorney or guardian ad litem, unless the court finds by a preponderance of the evidence that returning the child to such custody would be in the best interests of the child.

F. Following the entry of a permanency order which places a child in the custody or guardianship of another person or agency, the court shall retain jurisdiction and annually review the order to ascertain whether the best interests of the child are being served. When such order places the child in the custody of the Department of Human Services for the purpose of long-term foster care placement in a facility, the review shall be in a hearing that shall not be waived or continued beyond twelve (12) months after the permanency hearing or the last review hearing. Any modification shall be accomplished through a hearing procedure following reasonable

notice. During the hearing, all relevant and material evidence shall be admitted and procedural due process shall be provided to all parties.

SECTION 8. AMENDATORY 10 O.S. 1991, Section 1130, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 8, Chapter 389, O.S.L. 1997 (10 O.S. Supp. 1997, 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 of subsection B of Section 60.5 of this title~~ the Oklahoma Adoption Code, who desires to terminate 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 the parent or parents have voluntarily placed physical custody of the child in foster care for a period of one hundred eighty (180) days or more with the Department of Human Services or with a child-placing agency and have not manifested during such period the firm intention to resume physical custody of the child or to make permanent legal arrangements for the care of the child; or

4. A finding that:

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

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

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

~~(4) d. (1) the parent has failed to show that the condition which led to the making of 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 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 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 within the time period specified by the Oklahoma Children's Code, or~~

(2) the court has determined that reunification efforts are not feasible or required; or

~~4. 5. 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 the child's attorney; or

~~5. 6.~~ 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. 7.~~ A conviction in a criminal action pursuant to ~~the provisions of Sections 1021.3, 1111 and 1123 of Title 21 of the Oklahoma Statutes~~ or the Oklahoma Child Abuse Reporting and Prevention Act, ~~the laws relating to child abuse and neglect,~~ or a finding in a deprived child action either that:

- a. the parent has physically caused serious bodily injury to 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~~ such injury. For purposes of this paragraph, "serious bodily injury" means an injury which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty, 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; 7. or

~~7. A conviction in a criminal action that~~

c. 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; 7. or

d. the parent has sexually abused, murdered or severely harmed or injured a child; or

8. A finding that the child has been in foster care for fifteen (15) out of the most recent twenty-two (22) months; 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 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 parental rights; or

~~9.~~ 10. 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. The provisions of this section shall not apply to adoption proceedings and actions to terminate parental rights which do not involve a petition for deprived status of the child. Such proceedings and actions shall be governed by the Oklahoma Adoption Code.~~

SECTION 9. AMENDATORY Section 2, Chapter 353, O.S.L. 1996, as amended by Section 9, Chapter 389, O.S.L. 1997 (10 O.S. Supp. 1997, 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, the child shall be placed, 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 or foster home which will serve the best interests of the child's moral, emotional, mental, social, and physical well-being;

6. When a child is placed in a foster home, the foster parents shall be allowed to integrate the child into the family setting, make the foster child an integral part of the family, and care for the foster child as they would their own child;

7. When a child is placed in a foster home, the foster parents shall have a right to exercise parental substitute authority over the child. The ability to exercise parental substitute authority

shall not be construed to advocate corporal punishment on the foster child by the foster parent. Corporal punishment is not implied when reasonable restraint is used to:

- a. protect a foster child from physical injury,
- b. obtain possession of a weapon or other dangerous object from a foster child, or
- c. protect property from damage by a foster child;

8. Foster parents have a recognizable interest in the familial relationship they establish with a foster child who has been in their care and custody, and shall therefore be considered essential participants with regard to decisions related to the care, supervision, guidance, disciplining, rearing and other foster care services provided to such children;

9. 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.~~ 10.
- 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.~~ 11. 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 and the Oklahoma Children's Code, 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.~~ 12. 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 3, Chapter 353, O.S.L. 1996 (10 O.S. Supp. 1997, Section 7203), is amended to read as follows:

Section 7203. For purposes of the Oklahoma Foster Care and Out-of-Home Placement Act:

1. "Child-placing agency" means a private agency licensed to place children in foster family homes, group homes, adoptive homes, transitional or independent living programs, or family child care homes or other out-of-home placements; and which approves and monitors such placements and facilities in accordance with the licensing requirements established by the Oklahoma Child Care Facilities Licensing Act;

2. "Foster care" or "foster care services" means continuous twenty-four-hour care and supportive services provided for a child in foster placement ~~while the child needs out-of-home placement,~~ including, but not limited to, the care, supervision, guidance, disciplining and rearing of a foster child by the foster parent;

3. "Foster child" means a child placed in foster placement;

4. "Foster family" means all persons living in a foster family home, other than a foster child;

5. "Foster family home" means the private residence of a family which provides foster care services to a child. Such term shall include a foster family home, a therapeutic foster family home, the home of relative, or a kinship care home;

6. "Foster parent" means any individual maintaining a foster family home, who is responsible for the care ~~of,~~ supervision, guidance, discipline, rearing and other foster care services provided to a foster child;

7. "Foster parent eligibility assessment" includes, but is not limited to, criminal background investigations, psychosocial

information, a personality inventory, home assessments, a national criminal history records search for fingerprints, arrest check, and any other assessment required by the Department of Human Services, the Department of Juvenile Justice, or any child-placing agency. Criminal background investigations shall be similar to the procedures used by the Oklahoma Department of Public Safety;

8. "Foster placement" means a child-placing agency or a foster family home providing foster care services;

~~8.~~ 9. "Independent living program" means a program specifically designed to assist a child to enhance those skills and abilities necessary for successful adult living. An independent living program may include, but shall not be limited to, minimal direct staff supervision, and supportive services to assist with activities necessary for finding an appropriate place of residence, completing an education or vocational training, obtaining employment, or obtaining other similar services;

~~9.~~ 10. "Kinship care" means full-time care of a child by relatives, members of the relative's clan, stepparents, or other adults who have an existing bond with the child and to whom have been ascribed a family relationship role with the child's parents and the child;

~~10.~~ 11. "Out-of-home placement" means a placement, other than a placement in the home of the parent or guardian from whose custody the court has removed the child, until the child is reunified with the child's parents or a permanent placement is made;

~~11.~~ 12. "Parental substitute authority" means the ability of foster parents to integrate the foster child into the family setting and to care for the foster child as they would their own children. The term "parental substitute authority" also includes, but is not limited to, the ability of the foster parent to:

- a. protect, advance and nurture the foster child's physical, emotional and psychological well-being,

- b. meet the foster child's needs and maintain the health and personal hygiene of the foster child,
- c. teach the foster child ways to prevent and solve problems,
- d. maintain and build the foster parent/foster child relationship,
- e. teach self-control and responsibility to the foster child, and
- f. exercise reasonable and moderate discipline over the foster child. The exercise of reasonable and moderate discipline shall not be construed to mean corporal punishment nor is it intended to inhibit or impair the emotional, physical or psychological growth or development of the foster child nor is it intended to inflict serious emotional disturbance on the foster child;

13. "Relative" means a grandparent, great grandparent, brother or sister of whole or half blood, aunt, uncle or any other person related to the child within the fourth degree of consanguinity;

~~12.~~ 14. "Serious emotional disturbance" means a diagnosable disturbance in a child or adolescent that severely disrupts daily functioning in the home, school or community;

15. "Specialized foster care" means foster care provided to a child in a specialized foster home or agency-contracted home which has been certified as meeting the standards set by the Department of Human Services Division of Developmental Disabilities Services, is monitored by the Division of Developmental Disabilities Services, and is funded through the Home and Community Based Waiver Services Program administered by the Division of Developmental Disabilities Services;

16. "State agency" means the Department of Human Services or the Department of Juvenile Justice, as applicable; and

~~13.~~ 17. "Therapeutic foster home" means a foster family home which provides specific supportive services, pursuant to a therapeutic foster care contract, which are designed to remedy social and behavioral problems of a foster child residing in the home.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7203.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Legislature recognizes that parents have the right and duty to provide for the care, guidance, supervision, discipline and rearing of their children.

B. The Legislature also recognizes that when a child warrants foster care or out-of-home placement, the foster parent shall have the ability and authority to integrate the foster child into the family setting and to care for the foster child as they would their own children. As such, the foster parents shall be granted parental substitute authority.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7203.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to the provisions of the Oklahoma Foster Care and Out-of-Home Placement Act, the ability to exercise parental substitute authority over the foster child by the foster parent shall give foster parents the ability to integrate foster children into the family setting and to care for the foster child as they would their own.

B. Each order made by the court granting custody of a child to a state agency, an individual, or any child-placing agency shall be deemed to give parental substitute authority to any state agencies, individuals or a child-placing agency.

C. The ability for the foster parent to exercise parental substitute authority over the foster child shall not be construed to

mean abuse pursuant to the provisions of the Oklahoma Child Abuse Reporting and Prevention Act.

D. The Department of Human Services shall not promulgate rules that would restrict the ability of the foster parent to exercise parental substitute authority over the foster child.

SECTION 13. AMENDATORY Section 4, Chapter 353, O.S.L. 1996, as amended by Section 10, Chapter 389, O.S.L. 1997 (10 O.S. Supp. 1997, 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~~ of the above state agencies, in implementing the foster care program within ~~its~~ jurisdictional ~~area~~ areas, shall:

1. Recruit their respective 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;

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, parental substitute authority, behavior management techniques, including, but not limited to, proper use of restraining and holding techniques, parent-child conflict resolution techniques, stress management, and any other

appropriate technique to teach the foster parent to administer discipline and control potentially violent behavior without corporal punishment in a manner appropriate to the age and development of the foster child, and improvement of services;

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

8. Require initial and ongoing foster parent training and education programs related to the area of parental substitute authority, behavior management techniques, including, but not limited to, proper use of restraining and holding techniques, parent-child conflict resolution techniques, stress management, and any other appropriate technique to teach the foster parent to administer discipline and control potentially violent behavior without corporal punishment in a manner appropriate to the age and development of the foster child;

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 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 this title;

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

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;

13. Cooperate with and work with foster parents towards integrating the foster child into the foster family setting. The state agency shall provide foster parents with information, on an ongoing basis, related to social, psychological and medical information or any other information pertinent to the care, guidance, supervision, discipline, rearing and other foster care services provided to the foster child;

14. Apprise the foster family of changes in laws, rules and policy changes on a timely basis;

15. 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;

~~14.~~ 16. 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

~~15.~~ 17. Exercise and perform such other acts as may be necessary to implement the Oklahoma Foster Care and Out-of-Home Placement Act.

C. The Department of Human Services and the Department of Juvenile Justice shall not be liable for any costs or expenses expended voluntarily by the foster parent for the foster child which are in excess of the funds allotted for the foster child by state agencies.

SECTION 14. AMENDATORY Section 6, Chapter 353, O.S.L. 1996, as amended by Section 12, Chapter 389, O.S.L. 1997 (10 O.S. Supp. 1997, 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 any out-of-home foster placement, enter into a written contract with the foster care placement provider. The 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. 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 and any information concerning the accessibility and availability of funds for the foster child by the foster parent;

6. That any foster child placed with a foster care placement provider 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~~ parent at the time of placement, along with a copy of the written contract required pursuant to subsection A of this section:

1. The names and telephone numbers of the child's case worker, the foster parents' case worker, the case 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 and any other medical, psychological, social or other pertinent information related to foster care by the foster parent;

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 postadjudication review board established in the county of residence of the foster parent or the nearest postadjudication review board and the court having jurisdiction over the child;

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 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.

D. The Department of Human Services, the Department of Juvenile Justice, and any child-placing agency shall not restrict or revoke a contract because a foster parent exercises parental substitute authority over the foster child.

SECTION 15. AMENDATORY Section 13, Chapter 389, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7206.1), is amended to read as follows:

Section 7206.1 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 education and continuing education and training related to parental substitute authority to develop and enhance foster parenting skills. Such training and education also shall encompass the techniques and methods used in restraining or holding individuals, behavior management techniques, parent-child conflict resolution techniques, stress management, and any other appropriate technique to teach the foster parent to administer discipline and control potentially violent behavior without corporal punishment in a manner appropriate to the age and development of the foster child;

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, listing components of the plan pursuant to the provisions of the Oklahoma Children's Code and the Oklahoma Foster Care and Out-of-Home Placement Act;

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. Receive any information concerning the number of times a foster child has been moved and the reasons why, and the names and telephone numbers of previous foster parents;

11. 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;

12. Communicate with other foster parents in order to share information regarding the foster child;

~~11.~~ 13. 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.~~ 14. 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.~~ 15. 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~~ this title, 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~~ this title;

~~14.~~ 16. 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.~~ 17. Be informed of decisions made by the court, the state agency or the child-placing agency concerning the child;

~~16.~~ 18. Be considered as a preferred placement option when a foster child who was formerly placed with the foster parent is to reenter 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.~~ 19. Be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's certification;

~~18.~~ 20. Be provided the opportunity to request and receive a hearing regarding decisions that affect certification retention;

~~19.~~ 21. Be allowed the right to exercise parental substitute authority;

22. 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.~~ 23. Be given the number of the statewide toll-free Foster Parent Hotline established in Section ~~10~~ 7204 of this ~~act~~ title; and

~~21.~~ 24. 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 16. AMENDATORY Section 8, Chapter 353, O.S.L. 1996, as amended by Section 15, Chapter 389, O.S.L. 1997 (10 O.S. Supp. 1997, 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~~ any child five (5) years of age or older with the persons who will be providing foster care. Persons involved in the preplacement visits should make every effort to discuss with the child how the care, supervision, and guidance, including, but not limited to, parental substitute authority, shall be achieved.

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 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. 1. 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.

2. The provisions of this subsection shall not authorize removal of a foster child from the foster home when parental substitute authority has been exercised over the foster child by the foster parent.

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 7003-5.4a of this title, and
- b. a foster parent with whom the child has resided for more than 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) 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.

E. In obtaining an approval by the court for removal of a foster child from a foster home, the Department of Human Services shall inform the court as to the reason why the foster child is being removed from the foster home. The Department of Human Services shall also inform the court as to the number of times a foster child has been removed from the foster home.

F. The court, in the court record, shall describe in detail the reasons why the removal of a foster child from the foster home is in the best interests of the foster child.

G. The Department of Human Services shall not remove the foster child from the foster home solely on the grounds that a foster parent has exercised substitute parental authority.

SECTION 17. AMENDATORY Section 9, Chapter 353, O.S.L. 1996, as amended by Section 14, Chapter 386, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7209), is amended to read as follows:

Section 7209. A. 1. Except as otherwise provided by law, the Department of Human Services or the Department of Juvenile Justice shall not place a child in out-of-home placement unless a ~~criminal background investigation~~ foster parent eligibility assessment has been completed as required by ~~the Oklahoma Child Care Facilities Licensing Act~~ this section.

2.
 - a. The Department of Human Services and the Department of Juvenile Justice shall request a foster parent eligibility assessment for a national criminal history records search from the Oklahoma State Bureau of Investigation in order to obtain a fingerprints check of any foster parent prior to the first placement of a foster child in a foster home. The Department of Human Services and the Department of Juvenile Justice shall contract with the Oklahoma State Bureau of Investigation to obtain a national criminal history records search and any records of a foster parent. The Oklahoma State Bureau of Investigation shall forward one set of fingerprints to the Federal Bureau of Investigation for the purpose of conducting a national criminal history records search.
 - b. Upon request by the state agencies, the Oklahoma State Bureau of Investigation shall provide the information requested by state agencies pursuant to subparagraph a of this paragraph. The Bureau may contact the Federal

Bureau of Investigation to provide information so requested.

3. The Department of Human Services, pursuant to Section 7003-5.3 of this title, and the Department of Juvenile Justice, pursuant to Section 7303-5.2 of this title, shall conduct an assessment of each child in its custody which shall be designed to establish an appropriate treatment and service plan for the child.

B. 1. A child-placing agency may place a child who is in the custody of the agency in out-of-home placement, provided a ~~criminal background investigation~~ foster parent eligibility assessment has been completed for each individual required to be investigated pursuant to ~~the Oklahoma Child Care Facilities Licensing Act~~ this section.

2. In addition, a satisfactory assessment of the out-of-home placement shall be conducted by the child-placing agency prior to foster placement.

C. 1. Whenever a court awards custody of a child to an individual or a child-placing agency other than the Department of Human Services or the Department of Juvenile Justice, the court shall:

- a. require that when custody is placed with an individual, a ~~home study and a criminal history investigation~~ foster family eligibility assessment be conducted of the foster parents prior to placement of the child, and
- b. require that if custody is awarded to a child-placing agency, ~~the home study or placement study and criminal history investigation~~ a foster family eligibility assessment be conducted as ~~otherwise~~ required by the Oklahoma Child Care Facilities Licensing Foster Care and Out-of-Home Placement Act.

2. A child-placing agency other than the Department of Human Services or the Office of Juvenile Affairs shall, within thirty (30) days of placement, provide for an assessment of the child for the purpose of establishing an appropriate treatment and service plan for the child. The court shall require the treatment and service plan to be completed in substantially the same form and with the same content as required by the Oklahoma Children's Code for a deprived child or as required by the Juvenile Justice Code for a delinquent child or a child in need of supervision.

3. The child shall receive a complete medical examination within thirty (30) days of initial placement unless a medical examination was conducted on the child upon the removal of the child and the court finds no need for an additional examination.

4. The child may receive such further diagnosis and evaluation as necessary as determined by the court to preserve the physical and mental well-being of the child.

D. 1. When the court awards custody of a child to an individual or a child-placing agency as provided by this subsection, the individual or child-placing agency shall be responsible for the completion of and costs of the home study, criminal history investigation, preparation of a treatment and service plan, and the medical examination required by this subsection.

2. The Department of Human Services and the Department of Juvenile Justice shall be responsible for the completion of and costs of the home study, criminal history investigation, preparation of a treatment and service plan, and the medical examination required by this subsection only for the children placed in the custody of the state agency. The state agency may provide for reimbursement of such expenses, costs and charges so incurred pursuant to the Oklahoma Children's Code and the Juvenile Justice Code, as applicable.

E. 1. Upon any voluntary out-of-home placement of a child by a parent into foster care with a child-placing agency, the child-placing agency shall conduct an assessment of the child in its custody which shall be designed to establish an appropriate plan for placement of the child. Following the assessment, the child-placing agency shall establish an individual treatment and service plan for the child. A copy of each plan shall be provided to the child if the child is twelve (12) years of age or older and to the child's parent or guardian. The plan shall at a minimum:

- a. be specific,
- b. be in writing,
- c. be prepared by the agency in conference with the child's parents,
- d. state appropriate deadlines,
- e. state specific goals for the treatment of the child,
- f. describe the conditions or circumstances causing the child to be placed in foster care,
- g. describe the services that are necessary to remedy and that have a reasonable expectation of remedying the conditions or circumstances causing the child to be placed in foster care,
- h. state to whom the services will be delivered and who will deliver the services, and
- i. prescribe the time the services are expected to begin and the time within which expected results can reasonably be accomplished.

2. The child shall receive a complete medical examination within thirty (30) days of placement in foster care.

F. The child may receive such further diagnosis and evaluation as is necessary to preserve the physical and mental well-being of the child.

G. Subsequent to initial placement, the child placed in foster placement shall have a medical examination, at periodic intervals, but not less than once each year.

H. Prior to any proposed counseling, testing or other treatment services, the court or child-placing agency shall first determine that the proposed services are necessary and appropriate.

I. 1. If the assessment and medical examination disclose no physical, mental or emotional reasons for therapeutic foster care, a child voluntarily placed with a child-placing agency shall be placed in a regular foster home. If therapeutic foster care is required, the child may be placed only in foster homes that are certified as therapeutic foster care homes pursuant to the Oklahoma Child Care Facilities Licensing Act.

2. No child shall be eligible for any reimbursement through the state Medicaid program for placement in therapeutic foster care unless such placement has been reviewed and approved pursuant to rules regarding medical necessity for therapeutic foster care placement promulgated by the Oklahoma Health Care Authority Board.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7209.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

By July 1, 1999, the Department of Human Services, the Department of Juvenile Justice or any child-placing agency shall have completed and compiled a foster parent eligibility assessment on all foster parents who have not been assessed pursuant to this section.

SECTION 19. AMENDATORY Section 12, Chapter 353, O.S.L. 1996, as amended by Section 16, Chapter 389, O.S.L. 1997 (10 O.S. Supp. 1997, 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 related to the area of substitute parental authority, behavior management techniques including, but not limited to, restraining and holding techniques, parent-child conflict resolutions techniques, stress management, and any other appropriate technique to teach the foster parent to administer discipline and control potentially violent behavior without corporal punishment in a manner appropriate to the age and development of the foster child, to provide training for persons intending to furnish foster care services, and
- b. continuing educational programs related to the area of parental substitute authority, behavior management techniques including, but not limited to, restraining and holding techniques, parent-child conflict resolutions techniques, stress management, and any other appropriate technique to teach the foster parent to administer discipline and control potentially violent behavior without corporal punishment in a manner appropriate to the age and development of the foster child, for foster parents.

2. The Department of Human Services shall develop:

- a. a kinship foster care training program related to the area of parental substitute authority, behavior management techniques including, but not limited to, restraining and holding techniques, parent-child conflict resolutions techniques, stress management, and any other appropriate technique to teach the foster parent to administer discipline and control potentially violent behavior without corporal punishment in a manner appropriate to the age and development of the foster child, 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, which relates to the area of parental substitute authority, behavior management techniques including, but not limited to, restraining and holding techniques, parent-child conflict resolutions techniques, stress management, and any other appropriate technique to teach the foster parent to administer discipline and control potentially violent behavior without corporal punishment in a manner appropriate to the age and development of the foster child, 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. Said training shall relate to the area of parental substitute authority, behavior management techniques including, but not limited to, restraining and holding techniques, parent-child conflict resolutions techniques, stress management, and any other appropriate technique to teach the foster parent to administer discipline and control potentially violent behavior without corporal punishment in a manner appropriate to the age and development of the foster child.

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. Such

training shall relate to the area of parental substitute authority, behavior management techniques including, but not limited to, restraining and holding techniques, parent-child conflict resolutions techniques, stress management, and any other appropriate technique to teach the foster parent to administer discipline and control potentially violent behavior without corporal punishment in a manner appropriate to the age and development of the foster child.

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. Such training shall relate to the area of parental substitute authority, behavior management techniques including, but not limited to, restraining and holding techniques, parent-child conflict resolutions techniques, stress management, and any other appropriate technique to teach the foster parent to administer discipline and control potentially violent behavior without corporal punishment in a manner appropriate to the age and development of the foster child.

2. The Department shall complete a home study 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-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.

E. The Department of Human Services, the Department of Juvenile Justice or each child-placing agency shall design training, education, or continuing education statewide schedules for foster parents.

F. The Department of Human Services, the Department of Juvenile Justice or each child-placing agency shall notify foster parents at least ten (10) business days in advance about the statewide scheduling of education or continuing education or foster parent training occurring in the foster parents' local jurisdictions.

G. The Department of Human Services may also provide additional foster care training to foster parents. Foster parents may request in writing to the Department of Human Services child protective services worker that additional foster parent training be provided.

SECTION 20. AMENDATORY Section 18, Chapter 389, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7220), is amended to read as follows:

Section 7220. 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 including, but not limited to, the area of parental substitute authority, 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 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7221 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. In order to promote stability and healthy growth of a foster child who has been placed in a foster home, it is the intent of the Legislature to limit the number of times a foster child is moved within the foster family system.

B. Unless there have been allegations made with regard to child abuse or neglect concerning the foster child, the child protective services worker shall make required visitations for the foster child at the home of the foster parent.

C. If there is good cause to believe that the foster child needs to be interviewed alone without the foster parent present, then the foster parent shall provide a location in the home where the foster child can be interviewed or questioned by the child protective services worker without the foster parent being present.

SECTION 22. AMENDATORY 10 O.S. 1991, Section 404.1, as last amended by Section 20, Chapter 389, O.S.L. 1997 (10 O.S. Supp. 1997, Section 404.1), is amended to read as follows:

Section 404.1 A. 1. The Department of Human Services shall require a criminal history investigation, conducted by the Oklahoma State Bureau of Investigation, for any person making application to

establish or operate a child care facility prior to the issuance of a license to operate such facility.

2. a. Every child care facility shall arrange, prior to employment, for a criminal history investigation to be conducted by the 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~~ foster parent eligibility assessment 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~~ foster parent eligibility assessment 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~~ foster parent eligibility assessment pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act, 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~~ foster parent eligibility assessment 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 or foster parent eligibility assessment 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.

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

- a. a parent volunteer who transports children on an irregular basis, and
- b. a child 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.

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

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 or contracts with a child care facility, the information received pursuant to a criminal history investigation or foster parent

eligibility assessment 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 the child care facility 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 child care facility receiving the information in response to a request as those provided for in paragraph 1 of this subsection for the child care facility releasing such information.

G. 1. A criminal history investigation or foster parent eligibility assessment 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 penalty not to exceed 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 23. NONCODIFICATION Section 1 of this act shall not be codified in the Oklahoma Statutes.

SECTION 24. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 10th day of March, 1998.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1998.

President of the Senate