

ENGROSSED HOUSE  
BILL NO. 2905

By: Boyd (Laura) of the  
House

and

Williams of the Senate

( children - amending various sections in Title 10 -  
Oklahoma Commission on Children and Youth - Oklahoma  
Children's Code - children's records - repealing 10 O.S.,  
Sections 25, 30 and 31 - codification - emergency )

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 601.1, as  
last amended by Section 185, Chapter 352, O.S.L. 1995 (10 O.S. Supp.  
1997, Section 601.1), is amended to read as follows:

Section 601.1 A. There is hereby created the Oklahoma  
Commission on Children and Youth which shall be composed of sixteen  
(16) members. The membership shall include:

1. The Director of the Department of Human Services, the State  
Commissioner of Health, the Commissioner of the Department of Mental  
Health and Substance Abuse Services, the State Superintendent of  
Public Instruction, and the Chairman of the SJR 13 Oversight  
Committee, ~~or their designees. A designee shall be a person  
knowledgeable regarding programs and services for children and youth  
provided by the agency the designee represents and shall have  
authority to act on the Commission for the designating officer;~~

2. The Executive Director of the Office of Juvenile Affairs ~~or~~  
~~a designee. A designee shall be a person knowledgeable regarding~~  
~~programs and services for children and youth provided by the Office~~  
~~of Juvenile Affairs and shall have authority to act on the~~  
~~Commission for the Executive Director of the Office of Juvenile~~  
Affairs;

3. ~~Five~~ Four members who shall be appointed by the Governor  
from a list submitted by the governing board of each of the  
following organizations:

- a. a statewide association of children's institutions and  
agencies,
- b. ~~a statewide association of youth services,~~
- ~~e.~~ the Oklahoma Bar Association,
- ~~d.~~ c. the Oklahoma District Attorney's Association, and
- ~~e.~~ d. a statewide court-appointed Special Advocate  
Association;

4. One member appointed by the Governor who shall represent one  
of the metropolitan juvenile bureaus;

5. One member from the public at large, appointed by the  
Governor;

6. One member, from the public at large, appointed by the  
Speaker of the House of Representatives;

7. One member, from the public at large, appointed by the  
President Pro Tempore of the Senate; ~~and~~

8. One member elected by the Oklahoma Planning and Coordinating  
Council for Services to Children and Youth as provided by Section  
601.8 of this title. Said elected member shall serve a two-year  
term and may be reelected; and

9. The executive director of the Oklahoma Association of Youth  
Services.

The appointed members shall have had active experience in services to children and youth, shall serve for a term of two (2) years, and may be reappointed.

B. The Oklahoma Commission on Children and Youth shall report the attendance of the members of the Commission on a monthly basis to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Chairman of the House Committee on Community and Family Responsibilities, and the Chairman of the Senate Committee on Human Services.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 1101, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 19, Chapter 386, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7001-1.3), is amended to read as follows:

Section 7001-1.3 A. When used in the Oklahoma Children's Code, unless the context otherwise requires:

1. "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition pursuant to the provisions of ~~Section 7003-3.1 et seq.~~ Part 3 of Article III of this title Code are supported by the evidence and whether a child should be adjudged to be a ward of the court;

2. "Child" means any person under eighteen (18) years of age except any person convicted of a crime specified in Section 7306-1.1 of this title or any person who has been certified as an adult pursuant to Section 7303-4.3 of this title and convicted of a felony;

3. "Child in need of mental health treatment" means a child in need of mental health treatment as defined by the Inpatient Mental Health Treatment of Children Act;

4. "Child with a disability" means any child who has a physical or mental impairment which substantially limits one or more of the major life activities of the child or who is regarded as having such an impairment by a competent medical professional;

5. "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;

6. "Community-based services" or "community-based programs" means services or programs which maintain community participation or supervision in their planning, operation, and evaluation. Community-based services and programs may include, but are not limited to, emergency shelter, crisis intervention, group work, case supervision, job placement, recruitment and training of volunteers, consultation, medical, educational, home-based services, vocational, social, preventive and psychological guidance, training, counseling, early intervention and diversionary substance abuse treatment, sexual abuse treatment, transitional living, independent living, and other related services and programs;

7. "Court-appointed special advocate" or "CASA" means a responsible adult, other than an attorney for the parties, who has volunteered to be available for appointment by the court to serve as an officer of the court and represent any child ~~wherein a juvenile petition has been filed~~ over whom the district court exercises jurisdiction, based on the availability of volunteers, until discharged by the court. Priority shall be given to cases whenever a juvenile petition has been filed. It shall be the duty and responsibility of the court-appointed special advocate to advocate for the best interests of the child and to assist the child in obtaining a permanent, safe, homelike placement. A court-appointed special advocate shall not have any financial responsibility in any matter relating to a child represented by the court-appointed special advocate;

8. "Day treatment" means a nonresidential program which provides intensive services to children who reside in their own home, the home of a relative, group home, a foster home or residential child care facility. Day treatment programs include, but are not limited to, educational services;

9. "Department" means the Department of Human Services;

10. a. "Deprived child" means a child:

- (1) who is for any reason destitute, homeless, or abandoned,
- (2) who does not have the proper parental care or guardianship or whose home is an unfit place for the child by reason of ~~neglect~~, abuse, cruelty, or depravity on the part of the child's parents, legal guardian, or other person responsible for the child's health or welfare,
- (3) who is a child in need of special care and treatment because of his physical or mental condition including, but not limited to, a child born in a condition of dependence on a controlled dangerous substance, and his parents, legal guardian, or other custodian is unable or willfully fails to provide said special care and treatment,
- (4) who is a child with a disability deprived of the nutrition necessary to sustain life or of the medical treatment necessary to remedy or relieve a life-threatening medical condition in order to cause or allow the death of said child if such nutrition or medical treatment is generally provided to similarly situated children without a disability or children with disabilities; provided that no medical treatment is necessary

if, in the reasonable medical judgment of the attending physician, such treatment would be futile in saving the life of the child,

(5) who is, due to improper parental care and guardianship, absent from school as specified in Section 10-106 of Title 70 of the Oklahoma Statutes, if said child is subject to compulsory school attendance, or

(6) whose parent or legal custodian for good cause desires to be relieved of custody.

b. (1) Nothing in the Oklahoma Children's Code shall be construed to mean a child is deprived for the sole reason the parent, guardian, or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.

(2) Nothing contained in this subparagraph shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.

The phrase "dependent and neglected" shall be deemed to mean deprived;

11. "Dispositional hearing" means a hearing to determine the order of disposition which should be made with respect to a child adjudged to be a ward of the court;

12. "Emergency custody" means court-ordered custody of a child prior to adjudication of the child;

13. "Facility" means a place, an institution, a building or part thereof, a set of buildings, or an area whether or not enclosing a building or set of buildings used for the lawful custody and treatment of children;

14. "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 foster care;~~

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

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

17. "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 specialized foster home, a therapeutic foster family home, the home of a relative, or a kinship care home;

18. "Foster parent" means any individual maintaining a foster family home, who is responsible for the care of a foster child;

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

20. "Group home" means a residential facility housing no more than twelve children with a program which emphasizes family-style living in a homelike environment. Said group home may also offer a program within the community to meet the specialized treatment needs of its residents;

21. "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;

22. "Institution" means a residential facility offering care and treatment for more than twenty residents;

23. "Investigation" means a mandatory preadjudicatory process by the Department to determine the safety of a child and to make a recommendation to the district attorney as to whether a petition should be filed alleging a child to be a deprived child or whether other nonadjudicatory alternatives are available;

24. "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;

25. "Mental health facility" means a mental health facility as defined by the Inpatient Mental Health Treatment of Children Act;

26. "Multidisciplinary personnel" means any team of three or more persons who are trained in the prevention, identification, investigation, prosecution and treatment of child physical and sexual abuse cases and who are qualified to facilitate a broad range of interventions and services related to child abuse;

27. "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;

28. "Permanent relinquishment" means the voluntary surrender of the physical custody and the legal rights of a parent or guardian to a child by a child's parent or guardian, for purposes of the child's adoption, to a child-placing agency, the Department of Human Services, or any person with the assent of the court;

29. "Person responsible for a child's health or welfare" includes a parent; a legal guardian; custodian; a foster parent; a person eighteen (18) years of age or older with whom the child's parent cohabitates or any other adult residing in the home of the

child; an agent or employee of a public or private residential home, institution, facility or day treatment program as defined in Section 175.20 of this title; or an owner, operator, or employee of a child care facility as defined by Section 402 of this title;

~~29.~~ 30. "Preliminary inquiry" means an assessment and determination as to whether there is sufficient information to proceed with an investigation of abuse or neglect of a child or an investigation of failure to protect by the person responsible for the child when there are allegations of abuse or neglect;

~~30.~~ 31. "Permanent custody" means court-ordered custody of an adjudicated deprived child whose parental rights have been terminated;

~~31.~~ 32. "Protective custody" means custody of a child taken pursuant to ~~Section 7003-2.1 et seq.~~ Part 2 of Article III of this title Code;

~~32.~~ 33. "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;

~~33.~~ 34. "Residential child care center" means a twenty-four-hours-a-day residential group care facility at which a specified number of children, normally unrelated, reside with adults other than their parents;

~~34.~~ 35. "Responsible adult" for purposes of the release of a child from protective custody, means a stepparent, foster parent, person related to the juvenile in any manner who is eighteen (18) years of age or older, or any person having an obligation and authority to care for or safeguard the juvenile in another person's absence who is eighteen (18) years of age or older;

~~35.~~ 36. "Secure facility" means a facility which is designed and operated to ensure that all entrances and exits from the facility are subject to the exclusive control of the staff of the

facility, whether or not the juvenile being detained has freedom of movement within the perimeter of the facility, or a facility which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents;

~~36.~~ 37. "Temporary relinquishment" means the voluntary surrender of the rights of a parent or guardian with respect to a child, including legal and physical custody of the child, to a child-placing agency, the Department of Human Services, a relative of the child by blood within the third degree, or any other person with the assent of the court by a child's parent or guardian;

38. "Therapeutic foster home" means a foster family home which provides specific treatment 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;

~~—37.~~ 39. "Training school" means an institution maintained by the state exclusively for the care, education, training, treatment, and rehabilitation of juvenile delinquents;

~~38.~~ 40. "Temporary custody" means court-ordered custody of an adjudicated deprived child or the placement of a child by the parent of a child in foster care for a period not to exceed that authorized by the Oklahoma Children's Code;

~~39.~~ 41. "Transitional living program" means a residential program that may be attached to an existing facility or operated solely for the purpose of assisting children to develop the skills and abilities necessary for successful adult living. Said program may include, but shall not be limited to, reduced staff supervision, vocational training, educational services, employment and employment training, and other appropriate independent living skills training as a part of the transitional living program; and

~~40.~~ 42. "Treatment and service plan" means a written document which includes at least the following:

- a. a description of the type of home or facility in which a child is to be placed, including a discussion of the appropriateness of the placement and how the agency which is responsible for the child plans to carry out the judicial determination made with respect to the child, and
- b. a plan for assuring that the child receives proper care and that services are provided to the parents, child, and placement providers in order to improve the conditions in the parents' home, facilitate return of the child to the child's own home or to an alternate permanent placement, and address the needs of the child while in out-of-home care, including a discussion of the appropriateness of the services that have been provided to the child under the plan.

B. Unless the context otherwise requires, the terms defined by the Oklahoma Child Abuse Reporting and Prevention Act and the Oklahoma Foster Care and Out-of-Home Placement Act shall have the same meaning when used in the Oklahoma Children's Code.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 26, is amended to read as follows:

Section 26. No person, other than the parents, or ~~relatives~~ persons related to the child by blood within the ~~fourth~~ third degree, ~~of the child concerned,~~ may ~~assume~~ accept the ~~permanent care and custody of~~ temporary relinquishment of the rights of a parent to a child except in accordance with the provisions of ~~this act~~ the Oklahoma Children's Code, or in accordance with the decree of a court of competent jurisdiction.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 27, is amended to read as follows:

Section 27. ~~No~~ As authorized by this article, no person may ~~assign, permanently or temporarily~~ relinquish, ~~or otherwise transfer~~

~~to another his~~ the parental rights or duties with respect to the permanent care or custody of a child, except to the parents, or to the relatives of the child by blood within the ~~fourth~~ third degree, of the child concerned, unless specifically authorized or required so to do by an order or judgment of a court of competent jurisdiction or unless by a relinquishment executed in writing in accordance with the provisions of this ~~act~~ article or ~~of~~ pursuant to Section 47 of Title 44 of the Oklahoma Statutes.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 28, is amended to read as follows:

Section 28. ~~Relinquishments~~ A. Temporary relinquishments, except as otherwise provided by subsection B of this section, may be made only to:

1. The Department of Human Services;
2. Adult blood relatives of a child for purposes of and in compliance with the provisions of Section 47 of the Title 44 of the Oklahoma Statutes; and
3. Any other person with the written assent of the Department or a court of competent jurisdiction.

B. 1. A person may temporarily relinquish the parental rights to a child, to a relative of the child within the third degree pursuant to this subsection. The temporary relinquishment shall:

- a. be in writing,
- b. clearly identify the child, the person to whom custody is being relinquished, that person's relationship to the child, and whether the relinquishment is permanent or temporary,
- c. be executed by the parent before a notary public, and
- d. clearly state that it is for all purposes, including, but not limited to, health care.

2. Nothing in this section shall terminate, interfere, delay or negate any right of visitation by the noncustodial parent, or any person granted visitation by court order.

C. Permanent relinquishments may be made only to:

~~(1) the 1. The Department of Human Services, and shall be executed in writing before the court;~~

~~(2) a 2. A child-placing agency duly licensed or recognized under the provisions of Section 402 of this title pursuant to the Oklahoma Adoption Code; or~~

~~(3) any 3. Any other person, with the written assent of the Department or court.~~

SECTION 6. AMENDATORY 10 O.S. 1991, Section 29, is amended to read as follows:

Section 29. ~~Relinquishments~~ A. Permanent relinquishments may be executed by a person whose consent to an adoption of a child is required by the Oklahoma Adoption Code.

B. Temporary relinquishments may be executed by:

~~(1) the 1. The parents of a child;~~

~~(2) one parent alone, if~~

~~(a) the other parent consents thereto in writing; or~~

~~(b) the other parent is dead; or~~

~~(c) the other parent has been adjudicated incompetent and such incompetence is permanent in its nature and such fact has been proven to the satisfaction of the court; or~~

~~(d) the other parent, for one year preceding, has abandoned the family; or~~

~~(e) the other parent is imprisoned in a penitentiary, state or federal, for crime, provided such parent has been given proper notice and is authorized by the institutional head to attend said hearing and show cause why the child should not be taken from him or why such relinquishment should not be granted; or~~

~~(f) the other parent has been declared by the court to be morally unfit to provide for the care of the child; or~~

~~(g) by the 2. Single custodial parents;~~

3. The mother, if the child is born out of wedlock; or

~~(3) the 4. The guardian of the person of the child, if both parents are dead or if one parent is a person whose consent is not required under the terms of subdivision (2) of this section authorized by the court.~~

SECTION 7. AMENDATORY 10 O.S. 1991, Section 38, is amended to read as follows:

Section 38. When an order has been entered which provides for payment of child support and the legal custodian temporarily relinquishes physical custody of the child to any person, subject to the provisions of Section ~~27~~ 4 of ~~Title 10 of the Oklahoma Statutes~~ this act, without obtaining a modification of the order to change legal custody, the relinquishment, by operation of law, shall create a presumption that such person to whom the child was temporarily relinquished has legal custody of the child for the purposes of the payment of child support ~~and the~~. The obligee shall remit payments that have been received by the obligee, and the obligor shall remit any such child support obligation required to the person to whom the relinquishment was made.

SECTION 8. AMENDATORY Section 9, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1997, Section 7003-1.1), is amended to read as follows:

Section 7003-1.1 A. 1. Upon notification or receipt of a report that a child may be deprived or whenever the county office determines that there are reasonable grounds to believe that a child may be deprived, the Department of Human Services shall conduct a preliminary inquiry or investigation in accordance with priority guidelines established by the Department.

2. Notification or receipt of a report that a child may be a victim of abuse, and any investigation made as a result of such notification or report, shall be subject to and conducted pursuant to the Child Abuse Reporting and Prevention Act.

3. The Department shall forward its findings to the district attorney's office.

B. 1. If, after the preliminary inquiry or investigation, the Department determines that:

- a. ~~an alleged abuse or neglect of a child was perpetrated by~~ is alleged to be deprived by reason of the action or omission of someone other than a person responsible for the child's health and welfare, and
- b. ~~an alleged abuse or neglect of a child does any~~ actions or omissions resulting in a child being alleged deprived do not appear to be attributable to failure on the part of a person responsible for the child's health or welfare to provide protection for the child,

the Department shall immediately verbally notify an appropriate local law enforcement agency for the purpose of conducting a possible criminal investigation. The verbal notification to the local law enforcement agency shall be followed by written referral transmitted at no later than close of the next day that the local law enforcement agency is open for business.

2. During the preliminary inquiry or investigation, the Department shall determine whether the alleged perpetrator is a parent of any child or is otherwise a person responsible for any child's health or welfare. If the alleged perpetrator is determined to be a parent of a child or is otherwise a person responsible for any child's health or welfare, such determination shall constitute reasonable grounds to conduct a preliminary inquiry or investigation regarding such child pursuant to subsection A of this section.

3. After making the referral to the law enforcement agency, the Department shall not be responsible for further investigation of the case unless notice is received from the law enforcement agency as provided by subsection C of this section or the alleged perpetrator is a person responsible for any child's health or welfare.

4. The Department of Human Services shall promulgate rules for the implementation of the provisions of this subsection. Said rules shall include, but not be limited to, provision for adequate and appropriate inquiry or investigation by the Department prior to notification of a local law enforcement agency.

C. 1. Any law enforcement agency receiving a referral as provided in this section shall provide the Department of Human Services' local child welfare office with a copy of the report of its investigation resulting from a referral from the Department.

2. Whenever, in the course of any criminal investigation, a law enforcement agency determines that there is cause to believe that ~~the alleged abuse or neglect was perpetrated~~ a child may be a deprived child by the acts or omission of a person responsible for the health and welfare of the child or is attributable to failure on the part of a person responsible for the child's health or welfare to provide protection for the child, the law enforcement agency shall immediately verbally contact the local child welfare office for the purpose of an investigation by that office. The verbal notification to the local child welfare office shall be followed by a written referral to the Department of Human Services no later than the close of the next day that the Department is open for business.

SECTION 9. AMENDATORY 10 O.S. 1991, Section 1109, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 4, Chapter 386, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7003-3.7), is amended to read as follows:

Section 7003-3.7 A. 1. If the parents, guardian, or other legal custodian of the child requests an attorney and is found to be

without sufficient financial means, counsel shall be appointed by the court if a petition has been filed alleging that the child is a deprived child or if termination of parental rights is a possible remedy, provided that the court may appoint counsel without such request, if it deems representation by counsel necessary to protect the interest of the parents, guardian or other legal custodian.

2. a. If the child is not otherwise represented by counsel, whenever a petition is filed pursuant to the provisions of this part, the court shall appoint a separate attorney, who shall not be a district attorney, regardless of any attempted waiver by the parent or other legal custodian of the child of the right of the child to be represented by counsel.

b. The attorney appointed for the child shall make arrangements to meet with the child as soon as possible after receiving notification of the appointment. Except for good cause shown, the attorney shall meet with the child not less than twenty-four (24) hours prior to any hearing in such proceeding. The attorney may speak with the child over the telephone if a personal visit is not possible due to exigent circumstances. If a meaningful attorney-client relationship between the child and the attorney is prohibited due to age or disability of the child, the attorney shall contact the custodian or caretaker of the child prior to the hearing.

c. The attorney shall be given access to all reports relevant to the case and to any reports of examination of the child's parents or other custodian made pursuant to this section. The attorney shall be charged with the representation of the child's best interests. To that end, the attorney shall make such

further investigation as the attorney deems necessary to ascertain the facts, to interview witnesses, examine and cross-examine witnesses at the preliminary hearing and trial, make recommendations to the court, and participate further in the proceedings to the degree appropriate for adequately representing the child.

3. The attorney may be allowed a reasonable fee for such services.

B. 1. Whenever a petition is filed alleging that a child is a deprived child, the court may appoint a guardian ad litem for the child at any time subsequent to the filing of the petition ~~and~~. The court shall appoint a guardian ad litem upon the request of the child or the attorney of the child and whenever a court-appointed special advocate is available to the court to serve as a guardian ad litem regardless of whether or not a guardian ad litem has been requested by the child or the attorney of the child. A Court-Appointed Special Advocate Program shall be made available to each judicial district.

~~1- 2.~~ The guardian ad litem shall not be a district attorney, an employee of the office of the district attorney, an employee of the court, an employee of a juvenile bureau, or an employee of any public agency having duties or responsibilities towards the child.

~~2- 3.~~ The guardian ad litem shall be appointed to objectively advocate on behalf of the child and act as an officer of the court to investigate all matters concerning the best interests of the child. In addition to other duties required by the court and as specified by the court, a guardian ad litem shall have the following responsibilities:

- a. conduct an independent investigation to determine the facts relevant to the situation of the child and the family, which must include, unless specifically

- excluded by the court, reviewing relevant documents;  
meeting with and observing the child in the home  
setting and considering the child's wishes, as  
appropriate; and interviewing parents, caregivers, and  
others with knowledge relevant to the case,
- b. advocate for the child's best interests by  
participating in appropriate aspects of the case and  
advocating for appropriate community services when  
necessary,
- c. maintain the confidentiality of information related to  
a case, with the exception of sharing information as  
permitted by law to promote cooperative solutions that  
are in the best interests of the child,
- d. monitor the child's best interests throughout any  
judicial proceeding, and
- e. present written reports on the child's best interests  
that include conclusions and recommendations and the  
facts upon which they are based.

4. Whenever a court-appointed special advocate is available for appointment as a guardian ad litem as provided by this subsection, the court shall give priority to the appointment of a court-appointed special advocate as the guardian ad litem of a deprived child.

~~C. 1. The court-appointed special advocate~~

5. a. The guardian ad litem shall be given access to the court file and access to all records and reports relevant to the case and to any records and reports of examination of the child's parent or other custodian, made pursuant to the laws relating to child abuse and neglect including reports generated by service providers.

~~2.~~ b. A court-appointed special advocate shall serve without compensation and shall have such other qualifications and duties and responsibilities as may be prescribed by rule by the Supreme Court.

~~3.~~ c. Any person participating in a judicial proceeding as a ~~court-appointed special advocate~~ guardian ad litem shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any civil liability that otherwise might be incurred or imposed. Any person serving in positions of management of a ~~CASA court-appointed special advocate~~ organization, including members of the Board of Directors acting in good faith, shall be immune from any civil liability or any vicarious liability for the negligence of any ~~CASA court-appointed special advocate~~ organization advocates, managers, or directors.

C. 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 10. 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 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 11. 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 11 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 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7003-5.5c 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 is 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. had been previously adjudicated a deprived child pursuant to the Oklahoma Children's Code as a result of physical or sexual abuse,
- b. following the adjudication the child, had been removed from the custody of the parent of the child,
- 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 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 reunify 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 that, according to the findings of the court, this parent has not subsequently made a reasonable effort to treat 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 has resisted prior 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 has 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 through 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 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 clear and convincing evidence, 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 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.

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 regarding the likelihood that the child will be adopted if parental rights are terminated. 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; and

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.

SECTION 13. 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 9 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 14 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 10 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 10 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.

~~F.~~ 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 as a family unit of the foster family,
- 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 14. AMENDATORY Section 24, Chapter 353, O.S.L. 1996 (10 O.S. Supp. 1997, Section 7003-5.6a), is amended to read as follows:

Section 7003-5.6a A. The Department of Human Services or the agency having supervision of the case or, if the child has been removed from the custody of its parents, the Department or the agency or child-placing agency having custody of such child shall cause to be prepared for each review hearing required herein a written report concerning each child who is the subject of such review.

B. Said report shall include but not be limited to:

1. A summary of the physical, mental, and emotional condition of the child, the conditions existing in the out-of-home placement where the child has been placed, and the child's adjustment thereto;

2. A report on the child's progress in school and, if the child has been placed outside the child's home, the visitation exercised by the parents of such child or other persons authorized by the court;

3. Services being provided to a child sixteen (16) years of age or older to assist in the transition from out-of-home care or other community placement to independent living; and

4. If the Department is responsible for supervision of the child or is the legal custodian of the child, any efforts on the part of the parent or parents to correct the conditions which caused the child to be adjudicated deprived. Specific recommendations, giving reasons therefor, whether:

- a. the parental rights of the parent or parents of the child should be terminated and the child placed for adoption,
- b. the child should remain in the home or be placed outside the home of the child's lawful parents, or
- c. the child should remain outside the home or be returned to the home from which the child was removed.

C. The attorney representing a child and the guardian ad litem of a child whose case is being reviewed ~~may~~ shall submit a report to the court for presentation at the review hearing to assist the court in reviewing the placement or status of the child. The legal custodian shall not deny to a child the right of access to counsel and shall facilitate such access.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7003-5.6d 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 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 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7003-5.6e of Title 10, unless there is created a duplication in numbering, reads as follows:

A. At least three (3) weeks prior to the permanency hearing, the Department of Human Services, the foster parents of the child, the guardian ad litem, and the child's attorney shall meet in order to prepare a report regarding the child to the court for review.

The report must contain the:

1. Efforts and progress demonstrated by the child's parent to complete a treatment plan;
2. Extent to which the parent or guardian cooperated and used the services provided;
3. Status of the child, including the child's mental, physical, and emotional health; and
4. Plan for permanency for the child.

B. The child's attorney, the foster parent, or the guardian ad litem of the child may submit an additional informational report to the court for review.

SECTION 17. AMENDATORY 10 O.S. 1991, Section 1119, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 11, Chapter 200, O.S.L. 1996 (10 O.S. Supp. 1997, Section 7003-8.1), is amended to read as follows:

Section 7003-8.1 A. 1. In placing a child in the custody of ~~an individual~~ a person other than the parent, a guardian, or a legal custodian, or in the custody of a private agency or institution, the court shall, if at all possible, select a person or an agency or institution governed by persons of the same religious faith as that of the parents of the child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child, or, if the religious faith of the child is not ascertainable, then of the faith of either of the parents.

2. It shall be left to the discretion of the judge to place children where their total needs will best be served.

3. Under no circumstances shall a child be placed in the custody of ~~an individual~~ a person subject to the Oklahoma Sex Offenders Registration Act or ~~an individual~~ a person who is married to or living with ~~an individual~~ a person subject to the Oklahoma Sex Offenders Registration Act.

4. No ~~individual~~ person that has been convicted of any crime involving domestic abuse or is married to or living with a person convicted of a crime involving domestic abuse shall receive custody of a child unless that person is able to show by clear and convincing evidence that the child will not be at risk by such placement.

B. 1. Prior to placing a child in the custody of ~~an individual~~ a person other than the parent, a guardian, or a legal custodian, the court shall inquire as to whether the ~~individual~~ person has been previously convicted of a felony or a relevant misdemeanor or has any felony or relevant misdemeanor charges pending.

2. Prior to the custody order being entered, the person shall respond by certified affidavit or through sworn testimony to the court and shall provide an Oklahoma criminal history record obtained pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes, ~~or~~ and a local background check obtained from a county sheriff upon payment of Ten Dollars (\$10.00) to the sheriff's office in the county of residence of the individual.

3. For purposes of this subsection, "relevant misdemeanor" may include, but shall not be limited to, assault and battery, alcohol- or drug-related offenses, crimes involving domestic abuse and other offenses deemed relevant by the court.

SECTION 18. AMENDATORY 10 O.S. 1991, Section 1404, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last

amended by Section 8, Chapter 386, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7004-1.1), is amended to read as follows:

Section 7004-1.1 A. In addition to the other powers and duties prescribed by law, the Department shall have the power and duty to:

1. Provide for the temporary care and treatment of children taken into protective or emergency custody pursuant to ~~Section 7003-1.1 et seq. of this title~~ Article III of the Oklahoma Children's Code and placed in the Department's custody by an order of the juvenile court.

In providing for the temporary care and treatment of an alleged deprived child placed in the Department's custody, the Department shall:

- a. place such children in a children's shelter, a foster home or a relative's home,
- b. if ordered by the court, provide supervision of children alleged to be deprived who are placed by the court in the custody of a parent, relative or other responsible person. Such supervision shall, in accordance with standards established by rules promulgated by the Department, consist of periodic visitation with the child, the child's custodian, and such other persons as may be necessary to assess the safety of the child and to offer voluntary services. Such supervision shall not exceed the period allowed for the filing of a petition or, if a petition is filed, the period authorized by the court,
- c. admit an alleged deprived child in the Department's emergency custody to a hospital or mental health facility as provided in Section 5-507 of Title 43A of the Oklahoma Statutes and shall, if such child is found by the court to be a child in need of mental health treatment, place the child, as provided in

paragraph 2 of subsection D of Section 5-512 of Title 43A of the Oklahoma Statutes,

- d. provide such outpatient mental health care and treatment as may be necessary to preserve the health and safety of an alleged deprived child in emergency custody and as prescribed by a qualified mental health professional. Each child placed in the Department's emergency custody shall receive, as soon as practicable, educational instruction through enrollment in a public school or an alternative program consistent with the needs and abilities of the child,
- e. provide or prescribe treatment services for the family of an alleged deprived child placed in the Department's emergency custody if such services are voluntarily requested and the family is otherwise eligible under application law and rules promulgated by the Department for the services offered, and
- f. provide for each child placed in the Department's emergency custody to receive, as soon as practicable after the filing of the petition, an initial health screening to identify any health problems that require immediate treatment, to diagnose infections and communicable diseases and to evaluate injuries or other signs of neglect or abuse. The Department shall provide such medical care as is necessary to preserve the child's health and protect the health of others in contact with the child;

2. Provide for the care and treatment of an adjudicated deprived child placed in the Department's custody by an order of the juvenile court. In providing for the care and treatment of an

adjudicated deprived child placed in the Department's custody, the Department:

- a. shall review and assess each deprived child placed in its custody to determine the type of placement and services consistent with the needs of the child in the nearest geographic proximity to the home of the child. Such review and assessment shall include an investigation of the personal and family history of the child and his environment, and any necessary physical or mental examination. In making such review, the Department may use any facilities, public or private, which offer aid to it in the determination of the correct placement of the child,
- b. shall develop and, upon approval by the court, implement an individual treatment and service plan for each deprived child placed in the Department's custody in accord with the requirements of Section 7003-5.1 et seq. of this title,
- c. may place a deprived child in the home of the child with prior approval of the court pursuant to subsection B of Section 7003-7.1 of this title, in the home of a relative of the child, in a foster home, in a public or private children's shelter, in a group home, in an independent living program, or in any licensed facility established for the care of deprived children. No deprived child shall be placed in an institution operated by the Department,
- d. may admit a deprived child in the Department's custody to a hospital or mental health facility as provided in Section 5-507 of Title 43A of the Oklahoma Statutes and shall, if such child is found by the court to be a child in need of mental health treatment, place the

- child as provided in paragraph 2 of subsection D of Section 5-512 of Title 43A of the Oklahoma Statutes,
- e. may provide such outpatient mental health care and treatment as may be necessary to meet the treatment needs of a deprived child in the Department's custody and as prescribed by a qualified mental health professional, and
  - f. shall, if ordered by the court, provide supervision of children adjudicated deprived who are placed by the court in the custody of a parent, relative or other responsible person. Such supervision shall, in accordance with standards established in rules promulgated by the Department, consist of periodic visitation with the child, the child's custodian, and such other persons as may be necessary to determine compliance with the court-approved individual treatment and service plan. Such supervision shall not exceed a period of six (6) months unless extended by the court for good cause shown;

3. Transfer any child in its custody from any authorized placement to another authorized placement if such transfer is consistent with the treatment needs of the child or as may be required in an emergency, subject to the provisions of Section 7003-5.4a of this title;

4. In providing for the outpatient mental health care and treatment of children in its custody, utilize, to the maximum extent possible and appropriate, the services available through:

- a. the guidance centers operated by the State Department of Health,
- b. the Department of Mental Health and Substance Abuse Services, and

c. community-based private nonprofit agencies and organizations; ~~and~~

5. Provide, when voluntarily requested by a parent, legal guardian or legal custodian pursuant to rules promulgated by the Department, family preservation or other services aimed at the prevention of child abuse or neglect; and

6. Accept a child into voluntary placement when requested by the parent having physical custody of the child pursuant to subsection B of this section.

B. 1. Any child is eligible for acceptance into voluntary placement with the Department.

2. On acceptance of a child into voluntary placement, the Department shall prepare a notice of placement and shall file the notice in the case file of the child.

3. A period of voluntary placement pursuant to this section shall not exceed one hundred eighty (180) days. A child shall not be accepted into voluntary placement for more than two periods within twenty-four (24) consecutive months. Voluntary placement shall not be authorized if a deprived action has been initiated pursuant to the Oklahoma Children's Code.

4. A worker shall not accept a child into voluntary placement without the written informed consent of the child's parent, guardian or custodian. The Department shall terminate voluntary placement on receipt of written revocation of consent by the parent, guardian or custodian.

5. Voluntary placement pursuant to the conditions and restrictions of this subsection does not constitute abandonment, abuse or dependency as defined in the Oklahoma Children's Code or grounds for termination of the parent-child relationship pursuant to Section 7006-1.1 of this title and may not be used in a judicial proceeding as an admission of criminal wrongdoing by that parent.

6. The Department shall promulgate rules for the purpose of assessing parents for the full or partial cost of voluntary placement.

C. The Department may participate in federal programs relating to deprived children and services for such children; and apply for, receive, use and administer federal funds for such purposes.

~~C.~~ D. The Department shall receive interest earnings on the investment by the State Treasurer of monies, to be credited to an agency special account, for the benefit of and held in trust for persons placed in the custody of the Department or in residence at facilities maintained by the Department.

SECTION 19. AMENDATORY 10 O.S. 1991, Section 1125.1, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 5, Chapter 350, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7005-1.2), is amended to read as follows:

Section 7005-1.2 A. Except as provided by this section and except as otherwise specifically provided by state and federal laws, the following records are confidential and shall not be open to the general public or inspected or their contents disclosed:

1. Juvenile court records;
2. Agency records;
3. District attorney's records;
4. Law enforcement records;
5. Nondirectory education records;
6. Social records.

B. The limitation of subsection A of this section shall not apply to statistical information and other abstract information obtained pursuant to the provisions of this Code.

C. Except as authorized by Section 620.6 of this title and this article and except as otherwise specifically provided by state and federal laws pertaining to the confidentiality of records and information and the inspection, release, disclosure, correction or

expungement of such information, including but not limited to state and federal laws pertaining to education records, medical records, drug or alcohol treatment records, law enforcement, or social service records, the records listed in subsection A of this section shall be confidential and shall be inspected, released, disclosed, corrected or expunged only pursuant to an order of the court.

Except as otherwise provided in Section 601.6 of this title, no subpoena or subpoena duces tecum purporting to compel disclosure of such information or record shall be valid.

D. An order of the court authorizing the inspection, release, disclosure, correction or expungement of confidential records shall be entered by the court only after a review of the records by the court and a determination by the court, with due regard for the confidentiality of the records and the privacy of persons identified in the records, that a compelling reason exists and such inspection, release or disclosure is necessary for the protection of a legitimate public or private interest.

1. Except for district attorney's records, any order authorizing the disclosure, release or inspection of said records pursuant to this subsection may be conditioned on such terms and restrictions as the court deems necessary and appropriate.

2. Upon the filing of a petition for an order of the court pursuant to this section, the court shall set a date for a hearing and shall provide ~~for reasonable~~ three (3) judicial days' notice to the agency holding the records and the person who is the subject of the record if said person is eighteen (18) years of age or older or to the parents of a child less than ~~age~~ eighteen (18) years of age who is the subject of the record, to the attorneys, if any, of such person, child or parents and any other interested party as ordered by the court. The hearing may be closed at the court's discretion.

E. Any agency or person may seek an order from the juvenile court prohibiting the release of information subject to disclosure

without an order of the court pursuant to Section 620.6 of this title and this article. The court may, for good cause shown, prohibit the release of such information or authorize release of the information upon such conditions as the court deems necessary and appropriate.

F. The court may authorize a designated person to review juvenile court confidential reports and records and collect statistical information and other abstract information for research purposes. Such authorization shall be in writing and state specifically the type of information which may be reviewed.

Each person granted permission to inspect confidential reports and records for research purposes shall present a notarized statement to the court stating that the names of children, parents and such other persons required by the court to be confidential will remain confidential.

G. Nothing in Section 620.6 of this title and this article shall be construed as:

1. Authorizing the inspection of records or the disclosure of information contained in records relating to the provision of benefits or services funded, in whole or in part, with federal funds, except in accord with federal statutes and regulations governing the receipt or use of such funds;

2. Authorizing the disclosure of papers, records, books or other information relating to the adoption of a child required to be kept confidential. The disclosure of such information shall be governed by the Oklahoma Adoption Act;

3. Abrogating any privilege, including the attorney-client privilege, or affecting any limitation on such privilege found in any other statutes;

4. Limiting or otherwise affecting access of parties to a deprived proceeding to records filed with or submitted to the court;

5. Limiting or otherwise affecting access of agencies to information subject to disclosure, review, or inspection by contract or as a condition for the receipt of public funds or participation in any program administered by the agency; and

6. Prohibiting the Department of Human Services from summarizing the outcome of an investigation to the person who reported a known or suspected instance of child abuse or ~~neglect~~ to any person providing services to a child who is or is alleged to be a victim of child abuse.

H. The confidential records listed in subsection A of this section may be inspected and their contents disclosed without a court order to a school district in which the child who is the subject of the record is currently enrolled. The inspection of records and disclosure authorized by this subsection may be limited to summaries or to information directly necessary for the purpose of such inspection or disclosure. Upon request by the school district, the agency in possession of the records shall provide the requested information to the school district. Any records disclosed as provided by this subsection shall remain confidential. The use of any information shall be limited to the purposes for which disclosure is authorized.

SECTION 20. AMENDATORY 10 O.S. 1991, Section 1125.2, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 20, Chapter 386, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7005-1.3), is amended to read as follows:

Section 7005-1.3 A. Juvenile court records may be inspected, and their contents shall be disclosed, without a court order to the following persons upon showing of proper credentials and pursuant to their lawful duties:

1. The court having the child currently before it in any proceeding pursuant to this title, any district court or tribal court to which such proceedings may be transferred, employees and

officers of the court in the performance of their duties, including but not limited to guardians ad litem appointed by the court, and court-appointed special advocates;

2. Members of review boards established pursuant to Section 7003-5.1 ~~et seq.~~ of this title, Child Death Review Board, and multidisciplinary personnel. In addition to juvenile court records, members of such review boards may inspect, without a court order, information including but not be limited to:

- a. psychological and medical records,
- b. placement history and information, including the names and addresses of foster parents,
- c. family assessments,
- d. treatment or service plans, and
- e. school records;

3. A district attorney and the employees of an office of a district attorney in the course of their official duties pursuant to this title or the prosecution of crimes against children;

4. The attorney representing a child who is the subject of a proceeding pursuant to the provisions of this title or representing a child pursuant to subsection A of Section 7112 of this title. Said attorney may also access other records listed in subsection A of Section 7005-1.2 of this title for use in the legal representation of the child;

5. Employees of juvenile bureaus in the course of their official duties pursuant to this title, and employees of the Department of Human Services in the course of their official duties;

6. Employees of a law enforcement agency of this or another state and employees of a child protective service of another state in the course of their official duties pertaining to investigations of a report of known or suspected child abuse ~~or neglect~~ or crimes against children or for the purpose of determining whether to place a child in protective custody;

7. Persons and agencies authorized by Section 7005-1.7 of this title;

8. The Oklahoma Commission on Children and Youth as provided by Sections 601.2 and 601.6 of this title;

9. The Department of Human Services or other public or private agency or individual having court-ordered custody or custody pursuant to Department of Human Services placement of the child who is the subject of the record;

10. The Office of Juvenile Affairs;

11. The child who is the subject of the record and the parents, legal guardian, legal custodian or foster parent of said child;

12. A federally recognized Indian tribe in which the child who is the subject of the record is a member or is eligible to become a member of the tribe and is the biological child of a member of an Indian tribe pursuant to the Federal Indian Child Welfare Act, P.L. 95-608, and the Oklahoma Indian Child Welfare Act, ~~Section 40 et seq. of this title~~; provided such Indian tribe, in the course of its official duties, is:

- a. investigating a report of known or suspected child abuse ~~or neglect~~ or crimes against children or for the purpose of determining whether to place a child in protective custody, or
- b. providing services to or for the benefit of a child including but not limited to protective, emergency, social and medical services, or
- c. the tribe, the tribal court or the tribal child welfare program has asserted jurisdiction or intervened in any case in which the child is the subject of the proceedings or is a party to the proceedings pursuant to the authority provided in the Oklahoma Indian Child Welfare Act.

The records that are to be provided to Indian tribes under this subsection shall include all case records, reports, and documents as defined in Section 7005-1.1 of this title;

13. The Governor or to any person the Governor designates, in writing, and any federal official of the United States Department of Health and Human Services;

14. Any member of the Legislature approved by the Speaker of the House of Representatives or the President Pro Tempore of the Senate; ~~and~~

15. Persons authorized by and in the manner provided by the Oklahoma Child Abuse Reporting and Prevention Act; and

16. A foster parent, with regard to records concerning the social, medical, psychological or educational needs of a child currently placed with that foster parent or of a child being considered for placement with that foster parent.

B. In accordance with the rules adopted for such purpose pursuant to Section 620.6 of this title, records listed in subsection A of Section 7005-1.2 of this title may be inspected and their contents disclosed without a court order to participating agencies.

C. Records and their contents disclosed without an order of the court as provided by this section shall remain confidential. The use of such information shall be limited to the purposes for which disclosure is authorized. It shall be unlawful and a misdemeanor for any person to furnish any record or disclose any information contained therein for commercial, political or any other unauthorized purpose.

SECTION 21. AMENDATORY 10 O.S. 1991, Section 1125.2A, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 9, Chapter 386, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7005-1.4), is amended to read as follows:

Section 7005-1.4 A. Department of Human Services agency records pertaining to a child may be inspected and their contents disclosed without a court order to the following persons upon showing of proper credentials and pursuant to their lawful duties:

1. The court having the child currently before it in any proceeding pursuant to this title, any district court or tribal court to which such proceedings may be transferred, employees and officers of the court in the performance of their duties, including but not limited to guardians ad litem appointed by the court, postadjudicatory review boards, court-appointed special advocates, and members of the Child Death Review Board;

2. Any district court which has ordered a home study by the Department in an action for divorce, annulment, custody of a child, or appointment of a guardian of a child, or any subsequent proceeding in such actions; provided, however, the Department may limit disclosure in the home study to summaries or to information directly necessary for the purpose of such disclosure;

3. A district attorney and the employees of an office of a district attorney in the course of their official duties pursuant to this title or the prosecution of crimes against children or upon their request in their official capacity as advisor to a grand jury proceeding;

~~3.~~ 4. The attorney representing a child who is the subject of a proceeding pursuant to the provisions of this title or representing a child pursuant to the laws relating to child abuse ~~and neglect~~. Said attorney may also access other records listed in subsection A of Section 7005-1.2 of this title for use in the legal representation of the child;

~~4.~~ 5. Employees of juvenile bureaus in the course of their official duties;

~~5.~~ 6. Employees of a law enforcement agency of this or another state and employees of a child protective service of another state

or federally recognized Indian tribe in the course of their official duties pertaining to investigations of a report of known or suspected child abuse ~~or neglect~~ or crimes against children or for the purpose of determining whether to place a child in protective custody;

~~6.~~ 7. The Oklahoma Commission on Children and Youth as provided by Sections 601.2 and 601.6 of this title;

~~7.~~ 8. The Office of Juvenile Affairs;

~~8.~~ 9. Persons and agencies authorized by Section 7005-1.7 of this title;

~~9.~~ 10. Members of multidisciplinary teams or multidisciplinary personnel designated by the Department of Human Services, investigating a report of known or suspected child abuse ~~or neglect~~ or providing services to a child or family which is the subject of the report;

~~10.~~ 11. A physician who has before him a child whom the physician reasonably suspects may be abused ~~or neglected~~ or any health care or mental health professionals involved in the evaluation or treatment of the child, the child's parents, guardian, foster parent, custodian or other family members;

~~11.~~ 12. Any public or private agency or person authorized by the Department to diagnose, or provide care, treatment, supervision or other services to a child who is the subject of a report or record of child abuse ~~or neglect~~, provided the Department may limit such disclosure to summaries or to information directly necessary for the purpose of such disclosure;

~~12.~~ 13. Any federally recognized Indian tribe or state or county child protective services or child welfare agency providing for or supervising the diagnosis, care, treatment, supervision or other services provided such child;

~~13.~~ 14. A parent or guardian of the child who is the subject of such records; provided that records pertaining to any alleged or

adjudicated abuse ~~or neglect~~ of said child shall not be inspected or disclosed pursuant to this paragraph;

~~14.~~ 15. Any person or agency for research purposes, if all of the following conditions are met:

- a. the person or agency conducting such research is employed by the State of Oklahoma or is under contract with this state and is authorized by the Department of Human Services to conduct such research, and
- b. the person or agency conducting the research ensures that all documents containing identifying information are maintained in secure locations and access to such documents by unauthorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when the research is completed;

~~15.~~ 16. Persons authorized by and in the manner provided by the Oklahoma Child Abuse Prevention and Reporting Act;

17. A foster parent, with regard to records concerning the social, medical, psychological or educational needs of a child currently placed with that foster parent or of a child being considered for placement with that foster parent;

~~16.~~ 18. The Governor or to any person the Governor designates, in writing, and any federal official of the United States Department of Health and Human Services;

~~17.~~ 19. The Oklahoma Health Care Authority;

~~18.~~ 20. Any member of the Legislature approved by the Speaker of the House of Representatives or the President Pro Tempore of the Senate; and

~~19.~~ 21. Any person or agency authorized to receive any paper, record, book or other information pursuant to the Oklahoma Adoption



living in the same household and whether an investigation has begun~~†~~,

~~2. Confirmation~~     b.   confirmation as to whether previous reports have been made and the dates thereof, the content of those previous reports, the dates and outcome of any investigations or actions taken by the Department of Human Services in response to any report of child abuse ~~or neglect~~, and any actions taken by the district attorney after submission of any investigative report~~†~~, and

~~3. The~~   c.   the dates of any judicial proceedings prior to the child's death, serious injury, or near death, a summary of each participant's recommendations made at the judicial proceedings, and the rulings of the court.

3. Any disclosure of information pursuant to this section shall not identify or provide an identifying description of any complainant or reporter of child abuse ~~or neglect~~, and shall not identify the name of the child victim's siblings or other children living in the same household, the parent or other person responsible for the child or any other member of the household, other than the person criminally charged.

For purposes of this section, the term "near death" means the child is in serious or critical condition, as certified by a physician.

SECTION 22.        AMENDATORY        10 O.S. 1991, Section 1125.2B, as amended by Section 61, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1997, Section 7005-1.5), is amended to read as follows:

Section 7005-1.5 Department of Human Services agency records pertaining to a child may be inspected and their contents disclosed and released without a court order to a federally recognized Indian tribe in which the child who is the subject of the record is a member or is eligible to become a member of the tribe and is the biological child of a member of an Indian tribe pursuant to the Federal Indian Child Welfare Act, P.L. 95-608, and the Oklahoma Indian Child Welfare Act, ~~Section 40 et seq. of Title 10 of the Oklahoma Statutes~~; provided such Indian tribe, in the course of its official duties, is:

- a. investigating a report of known or suspected child abuse ~~or neglect~~ or crimes against children or for the purpose of determining whether to place a child in protective custody, or
- b. providing services to or for the benefit of a child including but not limited to protective, emergency, social and medical services, or
- c. the tribe, the tribal court or the tribal child welfare program has asserted jurisdiction or intervened in any case in which the child is the subject of the proceedings or is a party to the proceedings pursuant to the authority provided in the Oklahoma Indian Child Welfare Act.

The records that are to be provided to Indian tribes under this section shall include all case records, reports, and documents as defined in Section 7005-1.1 of this title.

SECTION 23. AMENDATORY Section 63, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1997, Section 7005-1.7), is amended to read as follows:

Section 7005-1.7 ~~When rules pertaining~~ A. Pursuant to the federal Child Abuse Prevention and Treatment Act which ~~provide~~ provides for expanded disclosure and sharing of records and reports

with persons and entities who have a reason for the records and reports to protect children from child abuse ~~and neglect~~ are promulgated by the ~~Administration of Children, Youth and Families of the federal Department of Health and Human Services,~~ the Oklahoma Commission for Human Services shall promulgate emergency and permanent rules which will provide for disclosure of all ~~relevant~~ information to ~~any federal, state or local governmental entity, or any agent of such entity, with a predetermined need for such information~~ persons and entities authorized by this article, the Child Abuse Reporting and Prevention Act, the Oklahoma Foster Care and Out-of-Home Placement Act, and any other person or entity specifically authorized by law in order to carry out ~~its~~ their responsibilities under law to provide services to children and to protect children from abuse and neglect. Rules shall provide for the disclosure of all relevant information concerning reports of child abuse ~~and neglect~~ to the persons or entities authorized by law to receive such information.

B. The State of Oklahoma declares that the receipt of confidential information by persons authorized to receive confidential information relating to children, pursuant to subsection A of this section, is essential to the responsibility of the state to care and protect its children.

SECTION 24. 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 severe physical abuse  
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~~ such abuse ~~that is~~  
~~heinous or shocking to the court or that the child or~~  
~~sibling of such child has suffered severe harm or~~  
~~injury as a result of such physical or sexual abuse,~~  
or
- b. the parent has ~~physically or sexually~~ abused the child  
or a sibling of such child or failed to protect the  
child or a sibling of such child from ~~physical or~~  
~~sexual~~ abuse subsequent to a previous finding that  
such parent has ~~physically or sexually~~ abused the  
child or a sibling of such child or failed to protect  
the child or a sibling of such child from ~~physical or~~  
~~sexual~~ abuse; ~~or~~ 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; ~~or~~ 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 25. AMENDATORY 10 O.S. 1991, Section 1131, as amended by Section 66, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1997, Section 7006-1.2), is amended to read as follows:

Section 7006-1.2 A. ~~1.~~ A parent shall be given actual notice of any hearing to terminate such parent's parental rights. The

notice shall indicate the relief requested, and the hearing shall not be held until at least ten (10) days after the receipt of such notice, except with the consent of the parent, if known.

2. B. If the court finds that the whereabouts of the parent cannot be ascertained, it may order that notice be given by publication and a copy mailed to the last-known address of the parent. The notice shall be published once in a newspaper of general circulation in the county in which the action to terminate parental rights is brought, and the hearing shall not be held for at least ten (10) days after the date of publication of the notice. ~~Except as otherwise provided by subsection B of this section, if a parent has not received actual notice of the hearing at which he is deprived of his parental rights, the order depriving him of those rights shall not become final for a period of six (6) months after the hearing.~~

C. Nothing in this section shall prevent a court from immediately taking custody of a child and ordering whatever action may be necessary to protect ~~his~~ the health or welfare of the child.

~~B. For the purpose of terminating the parental rights, a father or putative father of a child born out of wedlock who has not, prior to commencement of a proceeding to terminate parental rights to such child, exercised parental rights and duties or whose consent is not required pursuant to Section 60.6 of this title shall not be deemed to have parental rights to such child. The father or putative father shall be entitled to notice and an opportunity to be heard pursuant to this section and Section 29.1 of this title, except that the court may:~~

~~1. Waive notice to a putative father whose identity is unknown to the mother of the child born out of wedlock and the mother of the child signs a sworn statement before the court that the identity of the father or putative father of the child is unknown and the court is satisfied, after inquiry into the matter, that his identity is~~

~~unknown and with due diligence could not be determined; the willful and deliberate falsification of said sworn statement shall be perjury and shall, upon conviction, be punishable as otherwise provided by law. The waiver of notice by the court pursuant to this paragraph shall not constitute grounds to challenge an adoption of the child; and~~

~~2. When the identity of the father or putative father of a child born out of wedlock is known but his whereabouts is unknown and the court, after inquiry, is satisfied that after diligent search his whereabouts remains unknown, order that notice be given by publication as provided in subsection A of this section and a copy mailed to the last-known address, if known, of such father or putative father. When notice is given by publication the order terminating parental rights shall not become final for a period of fifteen (15) days from the date of the order.~~

SECTION 26. AMENDATORY 10 O.S. 1991, Section 1134, as amended by Section 69, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1997, Section 7006-1.5), is amended to read as follows:

Section 7006-1.5 A. ~~Except as otherwise provided for in subsection B of this section, an~~ An action to adopt a child shall not be combined with an action to terminate parental rights and when the rights of a parent have been terminated, neither an interlocutory nor a final decree of adoption may be rendered until the decree terminating parental rights has become final.

~~B. This section shall not apply to:~~

~~1. A proceeding to adopt a child without the consent of a parent when the court has determined that consent is not legally required; or~~

~~2. A proceeding to adopt a child born out of wedlock when the mother of the child is granting consent to the adoption and is a party to the action; or~~

~~3. Proceedings pursuant to the provisions of Section 60.6 of this title.~~

SECTION 27. AMENDATORY 21 O.S. 1991, Section 845, as renumbered by Section 20, Chapter 353, O.S.L. 1995, and as last amended by Section 10, Chapter 386, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7102), is amended to read as follows:

Section 7102.

A. 1. a. It is the policy of this state to provide for the protection of children who have been abused ~~or~~ ~~neglected~~ and who may be further threatened by the conduct of persons responsible for the care and protection of such children.

b. Once any child of a family has been returned to a person named in the petition, a period of supervision by the court of not less than twelve (12) months shall occur prior to dismissal by the court, subject to the availability of funds.

c. Supervision by the Department during this period shall be in accordance with rules promulgated by the Department.

2. It is the policy of this state that in investigating allegations of child abuse ~~and neglect~~, in any necessary removal of a child from the home, in placements of a child required pursuant to the Oklahoma Child Abuse Reporting and Prevention Act ~~or~~ and in any administrative or judicial proceeding held pursuant to the provisions of the Oklahoma Child Abuse Reporting and Prevention Act, the best interests of the child shall be of paramount consideration.

B. As used in the Oklahoma Child Abuse Reporting and Prevention Act:

1. "Abuse ~~and neglect~~" means harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare;

2. "Harm or threatened harm to a child's health or welfare" includes but is not limited to nonaccidental:

- a. physical or mental injury~~;~~
- b. sexual abuse~~;~~
- c. sexual exploitation~~;~~ ~~or negligent treatment,~~
- d. neglect ~~or maltreatment including but not limited to the failure or omission to provide adequate food, clothing, shelter, or medical care,~~ or
- e. protection from harm or threatened harm;

3. "Child" means any person under the age of eighteen (18) years except any person convicted of a crime specified in Section 7306-1.1 of this title or any person who has been certified as an adult pursuant to Section 7303-4.3 of this title and convicted of a felony;

4. "Person responsible for a child's health or welfare" includes a parent; a legal guardian; custodian; a foster parent; a person eighteen (18) years of age or older with whom the child's parent cohabitates or any other adult residing in the home of the child; an agent or employee of a public or private residential home, institution, facility or day treatment program as defined in Section 175.20 of this title; or an owner, operator, or employee of a child care facility as defined by Section 402 of this title;

5. "Sexual abuse" includes but is not limited to rape, incest and lewd or indecent acts or proposals, as defined by law, ~~by a person responsible for the child's health or welfare;~~

6. "Sexual exploitation" includes but is not limited to allowing, permitting, or encouraging a child to engage in prostitution, as defined by law, ~~by a person responsible for the child's health or welfare~~ or allowing, permitting, encouraging, or engaging in the lewd, obscene, or pornographic photographing, filming, or depicting of a child in those acts as defined by the

state law, ~~by a person responsible for the child's health or welfare;~~

7. "Multidisciplinary personnel" means any team established pursuant to Section 7110 of this title of three or more persons who are trained in the prevention, identification, investigation, prosecution and treatment of child physical and sexual abuse cases and who are qualified to facilitate a broad range of interventions and services related to child abuse;

8. "Ruled out" means a report which is determined by a child protective services worker:

- a. to be false,
- b. to be unfounded,
- c. to be inherently improbable,
- d. to involve an accidental injury where neglect was not a factor, or
- e. as not constituting child abuse or neglect;

9. "Confirmed report" means a report which is determined by a child protective services worker, based upon some credible evidence, to constitute child abuse ~~or neglect~~;

10. "Uncertain report" means a report which is not ruled out by a child protective services worker, but which has inconclusive findings and for which there is insufficient evidence to determine whether child abuse ~~or neglect~~ has occurred;

11. "Child protective services worker" means a person employed by the Department of Human Services with sufficient experience or training as determined by the Department in child abuse prevention and identification;

12. "Department" means the Department of Human Services; ~~and~~

13. "Commission" means the Commission for Human Services; and

14. "Neglect" means failure or omission to provide:

- a. the proper or necessary parental care by reason of the faults or habits of the persons responsible for a child's health or welfare,
- b. proper or necessary subsistence, medical or surgical care, or other care necessary for the health, morals or well-being of the child, or
- c. the special care made necessary by the physical or mental condition of the child.

The term "neglect" also includes a child who is found in a disreputable place or who is permitted to associate with vagrants, or vicious or immoral persons or a child who engages in a dangerous activity or is in a situation dangerous to life or limb or injurious to health or morals of the child or to others.

SECTION 28. AMENDATORY 21 O.S. 1991, Section 846, as last amended by Section 3, Chapter 353, O.S.L. 1995, and as renumbered by Section 20, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1997, Section 7103), is amended to read as follows:

Section 7103. A. 1. Every:

- a. physician or surgeon, including doctors of medicine and dentistry, licensed osteopathic physicians, residents and interns, examining, attending or treating a child under the age of eighteen (18) years,
- b. registered nurse examining, attending or treating such a child in the absence of a physician or surgeon,
- c. teacher of any child under the age of eighteen (18) years, and
- d. other person

having reason to believe that a child under the age of eighteen (18) years ~~has had physical injury or injuries inflicted upon the child by other than accidental means where the injury appears to have been caused as a result of physical abuse, sexual abuse, or neglect~~ is a victim of abuse, shall report the matter promptly to the county

office of the Department of Human Services in the county wherein the suspected ~~injury~~ abuse occurred. Such reports may be made by telephone, in writing, personally or by any other method prescribed by the Department. Any report of abuse ~~or neglect~~ made pursuant to this section shall be made in good faith.

2. Every physician or surgeon, including doctors of medicine, licensed osteopathic physicians, residents and interns, or any other health care professional attending the birth of a child who appears to be a child born in a condition of dependence on a controlled dangerous substance shall promptly report the matter to the county office of the Department of Human Services in the county in which such birth occurred.

3. No privilege or contract shall relieve any person from the requirement of reporting pursuant to this section.

4. The reporting obligations under this section are individual, and no employer, supervisor or administrator shall impede or inhibit the reporting obligations of any employee or other person. No employer, supervisor or administrator of ~~a~~ any employee or other person required to provide information pursuant to this section shall discharge, or in any manner discriminate or retaliate against, ~~any such~~ the employee or other person who in good faith provides such child abuse reports or information, testifies, or is about to testify in any proceeding involving child abuse ~~or neglect~~; provided, that ~~such~~ the person did not perpetrate or inflict such abuse ~~or neglect~~. Any ~~such~~ employer, supervisor or administrator who discharges, discriminates or retaliates against ~~such~~ the employee or other person shall be liable for damages, costs and attorney fees. Internal procedures to facilitate child abuse reporting and ~~apprise~~ inform employers, supervisors and administrators of ~~reports~~ reported suspected child abuse may be established provided that they are not inconsistent with the provisions of this section and that such procedures shall not

relieve the employee or such other person from the individual reporting obligations required by this section.

5. Every physician or surgeon making a report of abuse ~~or neglect~~ as required by this subsection or examining a child to determine the likelihood of abuse, ~~sexual abuse, or neglect~~ and every hospital or related institution in which the child was examined or treated shall provide copies of the results of the examination or copies of the examination on which the report was based and any other clinical notes, x-rays, photographs, ~~or~~ and other previous or current records relevant to the case to law enforcement officers conducting a criminal investigation into the case and to employees of the Department of Human Services conducting an investigation of alleged abuse ~~or neglect~~ in the case.

B. If the report is not made in writing in the first instance, it shall be reduced to writing by the Department of Human Services, in accordance with rules promulgated by the Commission for Human Services, as soon as may be after it is initially made by telephone or otherwise and shall contain the following information:

1. The names and addresses of the child and the child's parents or other persons responsible for the child's care;

2. The child's age;

3. The nature and extent of the ~~child's injuries~~ abuse, including any evidence of previous injuries;

4. The nature and extent of the child's dependence on a controlled dangerous substance; and

5. Any other information that the maker of the report believes might be helpful in establishing the cause of the injuries and the identity of the person or persons responsible therefor if such information or any part thereof is known to the person making the report.

C. Any person who knowingly and willfully fails to promptly report any incident as provided in this section may be reported by

the Department of Human Services to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor.

D. 1. Any person who knowingly and willfully makes a false report pursuant to the provisions of this section or a report that the person knows lacks factual foundation may be reported by the Department of Human Services to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor.

2. If a court determines that an accusation of child abuse ~~or~~ neglect made during a child custody proceeding is false and the person making the accusation knew it to be false at the time the accusation was made, the court may impose a fine, not to exceed Five Thousand Dollars (\$5,000.00) and reasonable attorney fees incurred in recovering the sanctions, against the person making the accusation. The remedy provided by this paragraph is in addition to paragraph 1 of this subsection or to any other remedy provided by law.

E. 1. Nothing in this section shall be construed to mean a child is abused ~~or neglected~~ for the sole reason the parent, guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.

2. Nothing contained in this subsection shall prevent a court from immediately assuming custody of a child, pursuant to the Oklahoma Children's Code, and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.

F. Nothing contained in this section shall be construed to exempt or prohibit any person from reporting any suspected child abuse ~~or neglect~~ pursuant to subsection A of this section.

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7105.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall adopt a priority system for the investigation of child abuse reports received pursuant to the Oklahoma Child Abuse Reporting and Prevention Act. The priority system shall be adopted pursuant to rules promulgated by the Commission for Human Services. The Department shall assign the highest priorities to investigations based on the reported severity and immediacy of the alleged harm to the child.

B. 1. The Department shall develop protocol for providing family assessments in response to:

- a. reports of child abuse which, based on the nature of the report indicates that the severity and immediacy of the alleged abuse to the child does not require more than a preliminary inquiry or investigation. If law enforcement officers are involved in the investigation, they shall provide written agreement to refer the case to family assessment. The reason for the termination of the child abuse investigation process shall be documented in the record,
- b. investigations of reported child abuse which result in an uncertain report, and
- c. investigations of reported child abuse which result in a ruled out report but may include child neglect.

2. In developing protocol for the provision of family assessments and services pursuant to this subsection, the Department shall:

- a. assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources,
- b. provide services or assist the child and family in obtaining services which are voluntary and time limited unless it is later determined by the Department based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The Department shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The Department shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the Department may commence an investigation,
- c. commence an immediate investigation if at any time during the family assessment or services the Department determines that an investigation is required. The Department staff who have conducted the assessment may remain involved in the provision of services to the child and family,
- d. document, at the time the case is closed, the outcome of the family assessment, any service provided and the removal of risk to the child, if it existed, and
- e. collaborate with the community to identify comprehensive local services and assure access to those services for children and families where there is risk of further abuse or neglect.

SECTION 30. AMENDATORY Section 6, Chapter 353, O.S.L. 1995, as amended by Section 12, Chapter 200, O.S.L. 1996 (10 O.S. Supp. 1997, Section 7106), is amended to read as follows:

Section 7106. A. 1. Any county office of the Department of Human Services receiving a child abuse ~~or neglect~~ report as provided in Section 7103 of this title shall promptly investigate said report in accordance with priority guidelines established by the Department of Human Services. ~~The Department may assign priorities to investigations based on the severity and immediacy of the alleged harm to the child. The Department shall adopt the priority system pursuant to rules promulgated by the Commission for Human Services.~~ The primary purpose of the investigation shall be the protection of the child.

2. If an investigation by the Department of Human Services of any report of child abuse shows that the incident reported was the result of the reasonable exercise of parental discipline as defined in Section 844 of Title 21 of the Oklahoma Statutes, then the investigation will proceed no further. If such incident was the result of the reasonable exercise of parental discipline, all records regarding the incident shall be expunged.

B. As necessary to complete a thorough investigation, the county office or the Department shall determine:

1. The nature, extent and cause of the abuse ~~or neglect~~;
2. The identity of the person responsible for the abuse ~~or neglect~~;
3. The names and conditions of any other children in the home;
4. An evaluation of the parents or persons responsible for the care of the child;
5. The adequacy of the home environment;
6. The relationship of the child to the parents or persons responsible for the care of the child; and
7. All other pertinent data.

C. 1. The investigation shall include a visit to the child's home, unless there is reason to believe that there is an extreme safety risk to the child or worker or it appears that the referral has been made in bad faith, and shall also include an interview with and examination of the subject child. The interview with and examination of the child may be conducted at any reasonable time and at any place, including but not limited to the child's school. It shall be the responsibility of the Department of Human Services to notify the parents of a child who has been interviewed at a school. The investigation may include an interview with the child's parents or any other person responsible for a child's health or welfare and an interview with and examination of any child in the home.

2. The investigation may include a medical, psychological, or psychiatric examination of any child in that home. If admission to the home, school, or any place where the child may be located cannot be obtained, then the district court having jurisdiction, upon application by the district attorney and upon cause shown, shall order the parents or the persons responsible for the health or welfare of the child, or the person in charge of any place where the child may be located, to allow entrance for the interview, the examination and the investigation. If the parents or person responsible for the child's health or welfare does not consent to a medical, psychological or psychiatric examination of the child that is requested by the county office or the Department, the district court having jurisdiction, upon application by the district attorney and upon cause shown, shall order the examination to be made at the times and places designated by the court.

3. The investigation may include an inquiry into the possibility that the child, a parent or a person responsible for the child's health or welfare has a history of mental illness. If a parent or person responsible for the child's health or welfare does not allow the county office or the Department to have access to

mental health records or treatment plans, requested by the county office or the Department, which may relate to the abuse ~~or neglect~~, the district court having jurisdiction, upon application by the district attorney and upon good cause shown, shall by order allow the county office or the Department to have access to the records pursuant to terms and conditions prescribed by the court.

4. a. If the court determines that the parent or person responsible for the child's health or welfare is indigent, the court shall appoint an attorney to represent the parent or person responsible for the child's health or welfare at the hearing to obtain mental health records.

b. A parent or person responsible for the child's health or welfare is entitled to notice and a hearing when the county office or the Department seeks a court order to allow a medical, psychological or psychiatric examination or access to mental health records.

c. Access to mental health records does not constitute a waiver of confidentiality.

5. The investigation of sexual abuse or serious physical abuse or both sexual abuse and serious physical abuse shall be conducted, when appropriate and possible, using a multidisciplinary approach.

D. If, before the investigation is complete, the opinion of the child protective services worker is that immediate removal of the child is necessary to protect the child from further abuse ~~or neglect~~, the child protective services worker shall recommend that the child be taken into custody pursuant to the Oklahoma Children's Code.

E. The county office shall make a complete written report of the investigation. The report, together with its recommendations, shall be submitted to the appropriate district attorney's office.

F. ~~1. Whenever, after a~~ Except as otherwise provided by the Oklahoma Child Abuse Reporting and Prevention Act, the preliminary inquiry or investigation, ~~the Department of Human Services determines that an alleged abuse or neglect of a child:~~

~~a. was perpetrated by someone other than a person responsible for the child's health and welfare, and~~

~~b. does not appear to be attributable to failure on the part of a person responsible for the child's health or welfare to provide protection for the child,~~

~~the Department shall immediately verbally notify an appropriate local law enforcement agency for the purpose of conducting a possible criminal investigation. The verbal notification to the local law enforcement agency shall be followed by written referral. After making the referral, the Department shall not be responsible for further investigation of the case unless notice is received from the law enforcement agency as provided by paragraph 2 of this subsection. The Commission for Human Services shall promulgate rules for the implementation of the provisions of this subsection. Such rules shall include but not be limited to provision for adequate and appropriate inquiry or investigation by the Department prior to notification of a local law enforcement agency.~~

~~2. Any law enforcement agency conducting an investigation of alleged child physical abuse or neglect shall provide the local child welfare office of the Department of Human Services with a copy of the report of its investigation.~~

~~3. Whenever, in the course of a criminal investigation related to child abuse or neglect, a law enforcement agency determines that there is cause to believe that the alleged abuse or neglect was perpetrated by a person responsible for the health and welfare of the child or is attributable to failure on the part of a person responsible for the child's health or welfare to provide protection for the child, the law enforcement agency shall immediately contact~~

~~the county office for the purpose of an investigation by that office. If the notification is verbal, the notification to the county office shall be followed by a written referral~~ of a child abuse report shall comply with Part 1 of Article III of the Oklahoma Children's Code.

G. If the Department has reason to believe that a parent of the child or other person may remove the child from the state before the investigation is completed, the Department may request the district attorney to file an application for a temporary restraining order in any district court in the State of Oklahoma without regard to continuing jurisdiction of the child. After a hearing on the application, the court may enter a temporary restraining order prohibiting the parent or other person from removing the child from the state pending completion of the investigation if the court finds that the county office or the Department has probable cause to conduct the investigation.

SECTION 31. AMENDATORY Section 7, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1997, Section 7107), is amended to read as follows:

Section 7107. A. Except as otherwise provided by the Oklahoma Child Abuse Reporting and Prevention Act, the reports required by Section ~~3~~ 7103 of this ~~act~~ title or any other information acquired pursuant to the Oklahoma Child Abuse Reporting and Prevention Act shall be confidential and may be disclosed only as provided in Section 7111 of this title and the Oklahoma Children's Code.

B. Except as otherwise provided by the Oklahoma Child Abuse Reporting and Prevention Act, any violation of the confidentiality requirements of the Oklahoma Child Abuse Reporting and Prevention Act shall be a misdemeanor punishable by up to six (6) months in jail or by a fine of Five Hundred Dollars (\$500.00) or by both fine and imprisonment.

1995 (10 O.S. Supp. 1997, Section 7108), is amended to read as follows:

Section 7108. A. As soon as possible after initiating an investigation of a ~~parent or other person having responsibility for the health or welfare of a~~ report of child abuse pursuant to the Oklahoma Child Abuse Reporting and Prevention Act, the ~~county office~~ child protective services worker conducting the investigation shall provide to the parent or person a brief and easily understood ~~summary of~~ written description of the investigation process. Such notice shall include:

1. The A statement that the investigation is being undertaken by the Department of Human Services pursuant to the requirements of the Oklahoma Child Abuse Reporting and Prevention Act in response to a report of child abuse;

2. A statement that the identity of the person who reported the incident of abuse is confidential and may not even be known to the Department since the report could have been made anonymously;

3. A statement that the investigation is required by law to be conducted in order to enable the Department of Human Services to identify incidents of abuse in order to provide protective or preventive social services to families who are in need of such services;

4. A statement that upon completion of the investigation the parent or other person will receive a letter from the Department which will inform such parent or other person:

- a. that the Department has found insufficient evidence of abuse, or
- b. that there appears to be probable cause to suspect the existence of child abuse in the judgment of the Department;

5. An explanation of the procedures of the Department of Human Services for conducting an investigation of alleged child abuse ~~or~~ neglect, including:

- a. a description of the circumstances under which the Department would seek to remove the child from the home through the judicial system, and
- b. an explanation that the law requires the Department to refer all reports of alleged criminal child abuse ~~or~~ neglect to a law enforcement agency for a separate determination of whether a criminal violation occurred;

~~2.~~ 6. The procedures to follow if there is a complaint regarding the actions of the Department or to request a review of the findings made by the Department in the investigation;

~~3.~~ 7. The person's right to review all records filed with the court concerning the investigation, provided the review shall not include the name of the person who filed the report specified in Section ~~3~~ 7103 of this ~~act~~ title, and provided the review would not jeopardize an ongoing criminal investigation or adjudicatory hearing;

~~4.~~ 8. The person's right to seek legal counsel;

~~5.~~ 9. References to the statutory and regulatory provisions governing child abuse ~~and neglect~~ and how the person may obtain copies of those provisions; and

~~6.~~ 10. The process the person may use to acquire access to the child if the child is removed from the home.

B. If the Department determines that a family assessment may be needed, the Department shall, at the time of the initial contact, provide the parent of the child with the following information:

1. The purpose of the contact with the family;

2. The name of the child protective services worker responding and such person's office telephone number; and

3. The assessment process to be followed during the Department's intervention with the family including the possible services available and expectations of the family.

SECTION 33. AMENDATORY Section 9, Chapter 353, O.S.L. 1995, as amended by Section 2, Chapter 212, O.S.L. 1996 (10 O.S. Supp. 1997, Section 7109), is amended to read as follows:

Section 7109. A. The Department of Human Services may provide information to a person or agency that provides professional services such as medical examination of or therapeutic intervention with a victim of abuse ~~and neglect~~. This information may include, but is not limited to:

1. The investigative determination; or
2. The services offered and provided.

B. The Department shall forward to any hospital or any physician, including, but not limited to, doctors of medicine and dentistry, licensed osteopathic physicians, residents and interns, reporting the ~~physical abuse or sexual abuse~~ of a child pursuant to Section 7103 of this title, information including the investigative determination, the services offered or provided, and such other information deemed necessary by the Department. Such information shall be entered and maintained in the child's medical records.

C. 1. The Department of Human Services shall forward to the school principal of the school in which a child is enrolled making a child abuse report pursuant to Section 7103 of this title a summary of any confirmed report of sexual abuse or severe physical abuse of the Department concerning the child. The summary shall include a brief description of the circumstances of sexual abuse or serious physical abuse, the name of the parent or person responsible for the child's health or welfare, and the name of a Department employee who serves as a contact person regarding the case.

2. The Department shall not release data that would identify the person who made the initial child abuse ~~or neglect~~ report, other

than an employee of the Department, or who cooperated in a subsequent investigation unless a court of competent jurisdiction orders release of the information for good cause shown.

3. The school principal shall forward to the receiving school all confirmed reports of sexual abuse and severe physical abuse received from the Department whenever a child transfers from one school district to another, and shall notify the Department of the child's new school, and address, if known.

4. Records maintained and transmitted pursuant to this section shall be confidential and shall be maintained and transmitted in the same manner as Special Education records or other such records, pursuant to Title 70 of the Oklahoma Statutes. Access to such records may be made available by the principal or designee to a person designated to assist in the treatment of or with services provided to the child. Such records shall be destroyed when the student reaches eighteen (18) years of age.

D. The transmission of and access to such records shall not constitute a waiver of confidentiality.

~~E. This section shall not be interpreted to allow disclosure of any reports or records relevant to the reports of child abuse if the disclosure would be prohibited by any federal law applicable to the reports or records relevant to the reports of child abuse.~~

~~F.~~ It shall be unlawful pursuant to the Oklahoma Child Abuse Reporting and Prevention Act for the Commission for Human Services, or any employee working under the direction of the Department of Human Services, any other public officer or employee, or any court-appointed special advocate to furnish or permit to be taken off of the records any information therein contained for commercial, political or any other unauthorized purpose.

~~G.~~ F. Any person to whom disclosure is made shall not disclose to any other person reports or other information obtained pursuant to this section.

~~H.~~ G. The Department shall submit the summary of confirmed sexual abuse or severe physical abuse of a child on forms developed by the Department. Such forms shall contain a warning that the information contained therein is confidential and may only be released to a person designated by the principal to assist in the treatment of or with services provided to a child.

SECTION 34. AMENDATORY Section 11, Chapter 353, O.S.L. 1995, as last amended by Section 126, Chapter 133, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7111), is amended to read as follows:

Section 7111. A. There is hereby established within the Department of Human Services a statewide central registry for child abuse, sexual abuse, and neglect made pursuant to the Oklahoma Child Abuse Reporting and Prevention Act. Any additional requirements required by this section that are not already within the existing statewide central registry for child abuse, sexual abuse, and neglect shall be fully implemented by January 1, 1996.

B. The Child Welfare Division of the Department of Human Services shall be responsible for maintaining the registry, which shall be suitably cross-indexed, of all such reported findings.

C. The central registry shall contain, but shall not be limited to:

1. All information in the written report required by Section 7103 of this title;

2. A record of the final disposition of the report including services offered and services accepted;

3. The plan for rehabilitative treatment;

4. The names and identifying data, dates, and circumstances of any persons requesting or receiving information from the registry; and

5. Any other information which might be helpful in furthering the purposes of this section.

D. 1. Data and information related to individual cases in the central registry shall be confidential and shall be made available only as authorized by state or federal law.

2. Information relating to whether the registry contains a confirmed report or uncertain report of child abuse or child neglect may be released for employment purposes if the responsibilities or duties of a new, prospective or existing employee involve working with or directly providing care for children.

E. The Commission for Human Services shall promulgate rules governing the availability of such data and information.

F. Rules promulgated by the Commission shall encourage cooperation with other states in exchanging reports in order to effect a national registration system.

G. Any person employed in the central registry who permits the data and information stored in the registry to be released without authorization to persons or agencies other than those specified by law shall be guilty of a felony. The fine for a violation of this subsection shall not be more than One Thousand Dollars (\$1,000.00).

H. Any court or agency records relating to confirmed, ruled out or unconfirmed reports shall be maintained by the court or agency until otherwise provided by law.

SECTION 35. AMENDATORY Section 12, Chapter 353, O.S.L. 1995, as amended by Section 14, Chapter 200, O.S.L. 1996 (10 O.S. Supp. 1997, Section 7112), is amended to read as follows:

Section 7112. A. ~~If~~ If the child is not already represented by separate counsel, in every criminal case filed pursuant to the Oklahoma Child Abuse Reporting and Prevention Act, the judge of the district court ~~may~~ shall appoint an attorney-at-law to appear for and represent a child who is the alleged victim of child abuse ~~or neglect~~ pursuant to Section 7003-3.7 of this title.

~~The attorney may be allowed a reasonable fee for such services and shall meet with the child as soon as possible after receiving~~

~~notification of the appointment. Except for good cause shown to the court, the attorney shall meet with the child not less than twenty-four (24) hours prior to any hearing. The attorney shall be given access to all reports relevant to the case and to any reports of examination of the child's parents or other custodian made pursuant to this section. The attorney shall be charged with the representation of the child's best interests. To that end, the attorney shall make such further investigation as the attorney deems necessary to ascertain the facts, to interview witnesses, examine and cross-examine witnesses at the preliminary hearing and trial, make recommendations to the court, and participate further in the proceedings to the degree appropriate for adequately representing the child.~~

B. 1. A court-appointed special advocate as defined by the Oklahoma Children's Code and the Oklahoma Juvenile Code may be appointed to represent a child who is the alleged subject of child abuse or neglect. ~~The court-appointed special advocate shall be given access to all reports relevant to the case and to any reports of examination of the child's parents or other custodian made pursuant to this section including reports of service providers.~~

~~C.~~ 2. At such time as the information maintained by the statewide registry for child abuse, sexual abuse, and neglect is indexed by name of perpetrator and the necessary and appropriate due process procedures are established by the Department of Human Services, a court-appointed special advocate organization, in accordance with the policies and rules of the Department, may utilize the registry for the purpose of completing background screenings of volunteers with the organization.

SECTION 36. AMENDATORY Section 14, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1997, Section 7114), is amended to read as follows:

Section 7114. A. 1. In addition to any other costs which a court is authorized to require a defendant to pay, upon conviction of any offense involving child abuse ~~or neglect~~, the court may require that the defendant pay court-appointed attorney fees for the victim child to any local or state agency incurring the cost or any other person or entity providing services to or on behalf of the child, and the cost of any medical examinations conducted on the victim child in order to determine the nature or extent of the abuse ~~or neglect~~.

2. If the court determines that the defendant has the ability to pay all or part of the ~~medical examination~~ costs, the court may set the amount to be reimbursed and order the defendant to pay that sum to the local or state agency or other person or entity incurring the cost in the manner in which the court believes reasonable and compatible with the defendant's financial ability.

3. In making a determination of whether a defendant has the ability to pay, the court shall take into account the amount of any fine imposed upon the defendant and any amount the defendant has been ordered to pay in restitution.

B. 1. In addition to any other costs which a court is authorized to require a defendant to pay, upon conviction of any offense involving sexual abuse, the court may require that the defendant pay, to the local or state agency incurring the cost, the cost of any medical examinations conducted on the victim child for the collection and preservation of evidence.

2. If the court determines that the defendant has the ability to pay all or part of the cost of the medical examination, the court may set the amount to be reimbursed and order the defendant to pay that sum to the local or state agency incurring the cost, in the manner in which the court believes reasonable and compatible with the defendant's financial ability.

3. In making the determination of whether a defendant has the ability to pay, the court shall take into account the amount of any fine imposed upon the defendant and any amount the defendant has been ordered to pay in restitution.

4. In no event shall a court penalize an indigent defendant by imposing an additional period of imprisonment in lieu of payment.

C. 1. The court shall require the defendant to pay, upon conviction of any offense involving the sexual or physical abuse of a child, for the psychological evaluation to determine the extent of counseling necessary for the victim of the abuse and any necessary psychological counseling deemed necessary to rehabilitate the ~~victim~~ child.

2. Such evaluations and counseling may be performed by psychiatrists, psychologists, licensed professional counselors or social workers. The results of the examination shall be included in the court records and in information contained in the central registry.

SECTION 37. AMENDATORY 21 O.S. 1991, Section 843, as renumbered by Section 20, Chapter 353, O.S.L. 1995, and as last amended by Section 127, Chapter 133, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7115), is amended to read as follows:

Section 7115. Any ~~parent or other~~ person who shall willfully or maliciously engage in child abuse ~~or neglect~~ or who shall otherwise willfully or maliciously injure, torture, maim, use unreasonable force upon a child under the age of eighteen (18), or sexually abuse, or sexually exploit ~~or otherwise abuse or neglect~~ such child, or any person responsible for the health or welfare of a child who shall willfully or maliciously cause, procure or permit any of said acts to be done, shall upon conviction be guilty of a felony. The fine for a violation of this section shall not be less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00). As used in this section, "permit" means to authorize

or allow for the care of a child by an individual when the person authorizing or allowing such care knows or reasonably should know that the child will be placed at risk of abuse as proscribed by this section.

SECTION 38. AMENDATORY 10 O.S. 1991, Section 1150.2, as last amended by Section 1, Chapter 223, O.S.L. 1995 (10 O.S. Supp. 1997, Section 1150.2), is amended to read as follows:

Section 1150.2 A. There is hereby re-created until July 1, 2000, in accordance with the Oklahoma Sunset Law, Section 3901 et seq. of Title 74 of the Oklahoma Statutes, the Child Death Review Board within the Oklahoma Commission on Children and Youth. The Board shall have the power and duty to:

1. Conduct case reviews of deaths and near deaths of children in this state;
2. Develop accurate statistical information and identification of deaths of children due to abuse and neglect;
3. Improve the ability to provide protective services to the surviving siblings of a child or children who die of abuse or neglect and who may be living in a dangerous environment; ~~and~~
4. ~~Improve~~ Examine and improve policies, procedures and practices within the agencies that serve children, including the child protection system;
5. Review the extent to which the state child protection system is coordinated with foster care and adoption programs and evaluate whether the state is efficiently discharging their child protection responsibilities under the Child Abuse Reporting and Prevention Act state plan; and
6. Establish two local child death review boards in the state and appoint volunteer members to such boards who are broadly representative of the community in which such boards are established. The members appointed must have expertise in the prevention and treatment of child abuse and neglect, and should

include, but should not be limited to, children's attorneys, child advocates and court-appointed special advocate volunteers. The local boards will have such duties and responsibilities as the Board designates and will review cases assigned by the Board and in their geographical area. Each local board established shall meet not less than once every three (3) months. The Board shall, subject to approval of the Oklahoma Commission on Children and Youth, promulgate such other rules as necessary for the implementation and administration of the local boards.

B. In carrying out its duties and responsibilities the Board shall:

1. Establish criteria for cases involving the death or near death of a child subject to specific, in-depth review by the Board;

2. Conduct a specific case review of those cases where the cause of death or near death is or may be related to abuse or neglect of a child;

3. Establish and maintain statistical information related to the deaths of children, including, but not limited to, demographic and medical diagnostic information;

4. Review the policies, practices, and procedures of the child protection system and the extent to which such system is coordinated with foster care and adoption programs and make specific recommendations to the entities comprising the child protection system for actions necessary for the improvement of the system;

5. As necessary and appropriate, for the protection of the siblings of a child who dies and whose siblings are deemed to be living in a dangerous environment, refer specific cases to the Department of Human Services or the appropriate district attorney for further investigation;

6. Request and obtain a copy of all records and reports pertaining to a child whose case is under review including, but not limited to:

- a. the medical examiner's report,
- b. hospital records,
- c. school records,
- d. court records,
- e. prosecutorial records,
- f. local, state, and federal law enforcement records, including, but not limited to, the Oklahoma State Bureau of Investigation (OSBI),
- g. fire department records,
- h. State Department of Health records, including birth certificate records,
- i. medical and dental records,
- j. Department of Mental Health and Substance Abuse Services and other mental health records,
- k. emergency medical service records, and
- l. Department of Human Services' files.

Confidential information provided to the Board shall be maintained by the Board in a confidential manner as otherwise required by state and federal law. For purposes of this section, any disclosure of such confidential information by the Board, its local boards, or their members not authorized by law shall be subject to damages, costs and attorney fees;

7. All information, documents and records in possession of the Board shall be confidential and not subject to subpoena or discovery in any civil or criminal proceedings; provided, however, information, documents and records otherwise available from other sources shall not be exempt from subpoena or discovery through those sources solely because such information, documents and records were presented to or reviewed by the Board;

8. Conduct reviews of specific cases of deaths and near deaths of children and request the preparation of additional information and reports as determined to be necessary by the Board including,

but not limited to, clinical summaries from treating physicians, chronologies of contact, and second opinion autopsies;

9. Recommend, when appropriate, amendment of the cause or manner of death listed on the death certificate; and

10. Subject to the approval of the Oklahoma Commission on Children and Youth, exercise all incidental powers necessary and proper for the implementation and administration of the Child Death Review Board Act, Section 1150 et seq. of this title.

C. The review and discussion of individual cases of death or near death of a child shall be conducted in executive session and in compliance with the confidentiality requirements of ~~Section 846 of Title 21~~ Article V of the Oklahoma ~~Statutes~~ Children's Code. All other business shall be conducted in accordance with the provisions of the Oklahoma Open Meeting Act, ~~Section 301 et seq. of Title 25 of the Oklahoma Statutes~~. All discussions of individual cases and any writings produced by or created for the Board in the course of its remedial measure and recommended by the Board as the result of a review of an individual case of the death or near death of a child, shall be privileged and shall not be admissible in evidence in any proceeding. The Board shall periodically conduct meetings to discuss organization and business matters and any actions or recommendations aimed at improvement of the child protection system which shall be subject to the Oklahoma Open Meeting Act. Part of any meeting of the Board may be specifically designated as a business meeting of the Board subject to the Oklahoma Open Meeting Act.

D. 1. The Board shall submit an annual statistical report on the incidence and causes of death of children in this state during the past calendar year and submit a copy of this report, including its recommendations, to the Governor, the Oklahoma Commission on Children and Youth, the President Pro Tempore of the Senate and the

Speaker of the House of Representatives on or before January 31 of each year.

2. The Oklahoma Commission on Children and Youth shall review the report of the Board and, as appropriate, incorporate the findings and recommendations into the annual Commission report and State Plan for Services to Children and Youth.

E. The term "near death", for purposes of this section, means the child is in serious or critical condition, as certified by a physician.

SECTION 39. AMENDATORY 10 O.S. 1991, Section 32, is amended to read as follows:

Section 32. No person except:

~~(1) the 1. The parent or parents of the child involved;~~

~~(2) a 2. A relative within the fourth degree of such, related to the child by blood within the third degree, having lawful custody thereof;~~

~~(3) the 3. The legal guardian of such child, duly authorized thereto by the court by which he the guardian was appointed; or~~

~~(4) the 4. The Department or a child-welfare child-placing agency enumerated in Section 4 of this act, if the care and custody of the child has been relinquished to the Department or the agency under the terms of this act or has been committed thereto by order of judgment of a court of competent jurisdiction, shall place or offer to place a child for care in a foster home without securing the consent of the Department of Public Welfare Human Services or court.~~

SECTION 40. AMENDATORY 44 O.S. 1991, Section 47, as amended by Section 1, Chapter 121, O.S.L. 1993 (44 O.S. Supp. 1997, Section 47), is amended to read as follows:

Section 47. A. Enlistments in the National Guard. Hereafter, the period of enlistment in the National Guard of this state shall be for three (3) years or such other time as prescribed by National

Guard regulations, and the qualifications for enlistment shall be the same as those prescribed for admission to the Regular Army or Regular Air Force or National Guard regulations; provided that the privilege of continuing in active service during the whole of an enlistment period and of reenlisting in the said service shall not be denied except as herein otherwise provided. Unless otherwise prohibited by federal law or by Department of Army, Department of Air Force or National Guard Bureau regulations, enlisted members and prospective members of the Oklahoma Army and Air National Guard who have successfully completed the requirements for and have obtained a General Education Diploma (G.E.D.) shall be awarded a high school diploma by the State of Oklahoma. The State Department of Education shall issue this high school diploma. Such diploma shall be limited to the purposes of enlistment and admission in the National Guard pursuant to the provisions of this section. Such purpose shall be specified on the high school diploma. All enlisted men of the National Guard of this state shall sign an enlistment contract and take and subscribe to the oath required by National Guard regulations. Any officer or warrant officer of the Armed Forces of the United States may administer the enlistment oath.

B. 1. By complying with this subsection, a single custodial parent who is an applicant for enlistment in the Oklahoma National Guard satisfies the requirements of National Guard Regulation 600-200 or Air National Guard Regulation 39-09 regarding relinquishment of custody by temporarily relinquishing custody of a minor child to an adult blood relative of the child within the third degree of consanguinity for all periods of active duty during the term of enlistment; provided, such temporary relinquishment shall:

- a. be in writing,
- b. clearly identify the child, the person to whom custody is being relinquished, that person's relationship to

the child, and the period of enlistment for which custody is to be temporarily relinquished,

c. be executed by the parent/applicant before a notary public, and

d. clearly state that it is for all purposes, including health care, during the periods of time in question.

2. A certified copy or executed copy of the written temporary relinquishment shall become a part of the applicant's permanent Oklahoma National Guard file.

3. Nothing in this section shall terminate, interfere, delay or negate any right of visitation by the noncustodial parent, or any person granted visitation by court order.

4. It is the intent of the Legislature that a temporary relinquishment pursuant to the provisions of this section shall not be a substantial change to any existing custody decree nor shall it be deemed a voluntary permanent relinquishment of custody.

SECTION 41. RECODIFICATION 10 O.S. 1991, Section 26, as amended by Section 3 of this act, shall be recodified as Section 7001-1.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 27, as amended by Section 4 of this act, shall be recodified as Section 7001-1.5 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 32, as amended by Section 39 of this act, shall be recodified as Section 7202.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 42. REPEALER 10 O.S. 1991, Sections 25, 30 and 31, are hereby repealed.

SECTION 43. 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 25th day of February,  
1998.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1998.

President of the Senate