

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2332

By: Mass

AS INTRODUCED

An Act relating to children; amending Section 2, Chapter 353, O.S.L. 1996, as amended by Section 9, Chapter 389, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7202), which relates to foster care; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 353, O.S.L. 1996, as amended by Section 9, Chapter 389, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7202), is amended to read as follows:

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

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

2. The ~~state~~ State of Oklahoma has an interest in and a responsibility to children whose parents do not adequately provide proper care, supervision and protection for them. When circumstances within a family threaten a child's safety or welfare, or when such circumstances deprive a child of proper parental

supervision, the state's interest in the child's welfare and in the protection of the public takes precedence over the natural right and authority of the parent;

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

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

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

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

5. Each child shall be assured the care, guidance, and supervision in a permanent home which will serve the best interests

of the child's moral, emotional, mental, social, and physical well-being;

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

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

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

8. The goal of reunification of a child who has been adjudicated deprived with the parents or any other person responsible for the child's welfare shall be abandoned when, after a reasonable period of time, pursuant to the conditions and restrictions of the Oklahoma Foster Care and Out-of-Home Placement Act, there is sufficient evidence that the conduct of the parents toward the child, or the conduct of the parents during the child's out-of-home placement, including, but not limited to, compliance

with a treatment and service plan or court order, is determined not to be in the child's best interests, and abandonment of such goal is determined to be in the child's best interests. In such cases, the district attorney and the court shall provide for termination of parental rights in an expeditious manner if the grounds, situations or conditions exist to support termination of parental rights and the child is otherwise available for adoption;

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

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

SECTION 2. This act shall become effective November 1, 1998.

46-2-8662

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