ENGROSSED HOUSE
CONCURRENT
RESOLUTION NO. 1106

By: Seikel and Reese of the House

and

Cain of the Senate

A Concurrent Resolution memorializing the United States Congress to repeal or modify certain provisions of certain federal regulations relating to programs in the child welfare system in Oklahoma; requesting the Governor of the State of Oklahoma to support certain legislative endeavors; and directing distribution.

WHEREAS, the federal Adoption and Safe Families Act of 1997 (ASFA), Public Law 105-89, strengthened the nation's child welfare system in the various states through its focus on the health, safety and welfare of children as the paramount consideration when placing a child in foster care and at every point along the continuum of care; and

WHEREAS, Senate Bill No. 1224 of the 46th Oklahoma Legislature (1998) conformed state law with ASFA mandates and added further protections not required by federal law for children in Oklahoma by requiring all foster parents, including kinship foster parents, to undergo a national fingerprint background check and to complete training; and

WHEREAS, a recent amendment to 45 CFR 1355, a federal regulation published in the Federal Register at (65Fr 4019-4093), will negatively affect the Oklahoma Kinship Foster Care Program due to the additional state requirements; and

WHEREAS, the purpose of the Oklahoma Kinship Foster Care Program, administered by the Department of Human Services, is to help alleviate further traumatization of a child who is in need of

foster care services by placing the child with grandparents, family friends or other persons related to the child by blood, marriage, adoption or an emotional tie or bond, rather than with foster parents unknown to the child. The Oklahoma Kinship Foster Care Program also provides financial assistance to kinship relatives who provide such services in the same manner as nonkinship foster care providers; and

WHEREAS, the Oklahoma Kinship Care Program allows a child to be placed with a kinship relative without that kinship relative immediately undergoing a national fingerprint background check and certain training requirements. And, though the Oklahoma Statutes require the kinship foster parents to undergo a criminal background check prior to placement of the child, the Oklahoma laws allow for the emergency placement of the child with kinship relatives and payment of foster care pending completion of the national fingerprint background check and training requirement; and

WHEREAS, currently, the Oklahoma Kinship Foster Care Program provides services to over two thousand children in this state; and

WHEREAS, the newly promulgated federal regulation requires states to use the same placement criteria for kinship and nonkinship foster care homes. As such, the federal regulation prohibits federal financial assistance to a kinship foster care parent who, prior to placement, has not undergone a national fingerprint background check or met the training requirements; and

WHEREAS, unless a kinship relative is capable of accepting a child without the benefit of financial assistance, the newly promulgated federal regulation will result in the child's placement in a shelter or with a stranger, rather than with a kinship relative; and

WHEREAS, the Oklahoma Legislature believes that the provision of the newly promulgated federal regulation will deter grandparents, relatives and friends from assuming responsibility and care of

children in the child welfare system, may further traumatize Oklahoma children who are already at risk and will harm the underlying purpose of the Oklahoma Kinship Care Program.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 47TH OKLAHOMA LEGISLATURE, THE SENATE CONCURRING THEREIN:

THAT the Oklahoma Legislature hereby memorializes the United States Congress to modify or repeal provisions of the newly promulgated federal regulation published in the Federal Register (65FR 4019-4093) on January 25, 2000, or any other federal regulation that would jeopardize federal funding for and participation in the Oklahoma Kinship Foster Care Program.

THAT the Oklahoma Legislature requests that the Governor of the State of Oklahoma support this legislative endeavor by encouraging other Governors across the nation to join lawmakers in Oklahoma in requesting repeal or modification of 45 CFR 1355, as amended.

THAT copies of this resolution be sent to the Oklahoma Congressional Delegation; the Governor; the Clerk of the United States House of Representatives; the Secretary of the United States Senate; the Secretary of the United States Department of Health and Human Services, the state legislative leaders of all fifty states and the Director of the Department of Human Services in Oklahoma.

Adopted by the House of Representatives the 24th day of May, 2000.

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Speaker of the House of Representatives

Adopted by the Senate the ____ day of _____, 2000.

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President of the Senate