STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1427 By: Braddock

AS INTRODUCED

An Act relating to the Department of Human Services; amending Section 32, Chapter 421, O.S.L. 1998 (10 O.S. Supp. 2000, Section 7214), which relates to voluntary foster care placement of children; providing for responsibility of care and financial obligations; extending placement time for certain children; prohibiting certain relinquishments or custody for certain children; requiring evaluations; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 32, Chapter 421, O.S.L. 1998 (10 O.S. Supp. 2000, Section 7214), is amended to read as follows:

Section 7214. A. The Department of Human Services, including, but not limited to, the Developmental Disabilities Services Division, may accept a child into voluntary foster care placement when requested by the parent having legal custody of the child or when requested by a child residing in foster care who reaches eighteen (18) years of age and wishes to continue to reside in the foster care home pursuant to the provisions of subsection B of this section.

B. 1. Any child may be accepted into voluntary foster care placement with the Department.

2. The Department shall inform a parent considering voluntary foster care placement of a child, or the child residing in foster care who attains eighteen (18) years of age and wishes to continue to reside in the foster care home, of the following as applicable:

a. a parent who enters a voluntary foster care placement agreement may at any time request that the agency return the child,

b. evidence gathered during the time the child is voluntarily placed in foster care may be used at a later time as the basis for a petition alleging that the child is deprived, or as the basis for a petition seeking termination of parental rights,

c. the timelines and procedures for voluntary foster care placements.

3. Upon acceptance of a child into voluntary foster care placement, the Department shall prepare a notice of placement signed by the parent or the child residing in foster care who reaches eighteen (18) years of age and wishes to continue to reside in the foster care home. When a child is placed out of his or her home pursuant to the notice of placement, the Department shall have the responsibility for the child's placement and care. The financial obligation of the family will be determined after consideration of all available payment and funding sources including Title XIX of the Social Security Act, as amended, all available third party sources, and parent resources according to any order for child support pursuant to Sections 118 and 119 of Title 43 of the Oklahoma Statutes.

4. A period of voluntary foster care placement pursuant to the provisions of this section shall not exceed ninety (90) days except as otherwise provided by the Commission for Human Services by rule. If it appears that continuation of the voluntary foster care placement for a child with an emotional or mental illness or disability is necessary for a time exceeding the ninety-day limitation and continuation of the voluntary foster care placement is in the best interest of the child and the community, the parent

of the child may request the Department to extend the voluntary placement an additional ninety (90) days.

5. Except as otherwise provided by this section or Section 7006-1.1 of ~~Title 10 of the Oklahoma Statutes~~ this title, voluntary foster care placement pursuant to the conditions and restrictions of this subsection shall not constitute abandonment, or abuse or neglect as defined in the Oklahoma Children's Code. In addition, except as otherwise provided in the Oklahoma Child Abuse Reporting and Prevention Act or the Oklahoma Children's Code, the Department shall not require relinquishment of legal custody of a child who was voluntarily placed with the Department for the purposes of obtaining special treatment or care for an emotional or mental illness or disability.

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

C. 1. A child accepted for voluntary placement in foster care by the Department shall be evaluated for placement. The evaluation for placement shall include an assessment of the child's physical and mental health, developmental status, family and social history, and educational status. A treatment plan shall be developed for the child which contains, at a minimum, the goals to be achieved by the placement, the services which are to be provided, their intensity, duration, and provider of the services, and the recommended duration of the placement.

2. If a change in legal custody is recommended, the evaluation for placement shall include other alternatives which have been explored and the reason for their rejection, and the evaluation for placement shall contain an explanation of any particular placements which were considered and not chosen and the reason for their rejection.

D. The Department may:

1. Participate in federal programs relating to deprived children and services for such children; and

2. Apply for, receive, use and administer federal funds for such purposes.

SECTION 2. 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.

48-1-5106 KSM 6/12/15