STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

FLOOR SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2656

By: Winchester and Roggow of the House

and

Laster of the Senate

FLOOR SUBSTITUTE

An Act relating to children; amending 10 O.S. 2001, Sections 7001-1.3, as last amended by Section 3, Chapter 422, O.S.L. 2004, 7003-5.3, as amended by Section 18, Chapter 327, O.S.L. 2002 and 7003-5.5 (10 O.S. Supp. 2005, Sections 7001-1.3 and 7003-5.3), which relate to the Oklahoma Children's Code; modifying scope of certain definitions; modifying certain placement restriction; authorizing the juvenile court to modify certain orders; stating requirements of certain order; specifying procedures for surviving orders; directing all juvenile court orders be mailed to certain persons; authorizing enforcement or modification of certain order under certain circumstances; amending 10 O.S. 2001, Sections 7102, as last amended by Section 1, Chapter 184, O.S.L. 2005, 7110, as last amended by Section 3, Chapter 184, O.S.L. 2005 and 7110.2, as last amended by Section 4, Chapter 184, O.S.L. 2005 (10 O.S. Supp. 2005, Sections 7102, 7110 and 7110.2), which relate to Oklahoma Child Abuse Reporting and Prevention Act; modifying scope of certain definitions; modifying requirements of multidisciplinary teams; providing classification and eligibility requirements for child advocacy centers; modifying eligibility requirements for allocated funds; amending 10 O.S. 2001, Section 7510-1.5, as last amended by Section 6, Chapter 415, O.S.L. 2004 (10 O.S. Supp. 2005, Section 7510-1.5), which relates to subsidized adoptions programs; modifying annual certification requirement; clarifying assistance eligibility requirement; modifying scope of assistance payment exception; amending 63 O.S. 2001, Section 1-227.9, as amended by Section 1, Chapter 250, O.S.L. 2004 (63 O.S. Supp. 2005, Section 1-227.9), which relates to the Child Abuse Training and Coordination Council; modifying membership of Council; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7001-1.3, as last amended by Section 3, Chapter 422, O.S.L. 2004 (10 O.S. Supp. 2005, 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. "Abandoned infant" means a child who is twenty-four (24) months of age or younger whose parent:

a. has willfully left the infant alone or in the care of another who is not the parent of the infant without identifying the infant or furnishing any means or methods of identification,

b. has willfully left the infant alone or in the care of another who is not the parent of the infant and expressed a willful intent by words, actions, or omissions not to return for the infant,

c. has knowingly placed or knowingly allowed the infant be placed in or remain in conditions or surroundings that posed or constituted a serious danger to the health and safety of the infant thereby demonstrating wanton disregard for the child's well-being,

d. is a father, or a putative father if the infant was born out of wedlock, and:

(1) if an infant is less than ninety (90) days of age, who fails to show that he has exercised proper parental rights and responsibilities with regard to the infant, including, but not limited to, contributing to the support of the mother of the infant to the extent of his financial ability during her term of pregnancy,

(2) (a) if an infant is older than ninety (90) days but less than fourteen (14) months of age, who fails to show that he has exercised proper parental rights and responsibilities with regard to the infant, including, but not limited to, contributing to the support

of the infant to the extent of his financial ability, which may include contributing to the support of the mother of the infant to the extent of his financial ability during her term of pregnancy.

(b) ~~failure~~ Failure to contribute to the support of the mother during her term of pregnancy, pursuant to this subdivision, shall not in and of itself be grounds for termination of the parental rights of the father or putative father, or

(3) (a) if the infant is fourteen (14) months of age or older, who fails to show that he has exercised proper parental rights and responsibilities with regard to the infant, including, but not limited to, contributing to the support of the infant to the extent of his financial ability.

(b) Pursuant to this subdivision, failure to contribute to the support of the mother during her term of pregnancy shall not in and of itself be grounds for termination of the parental rights of the father or putative father.

In any case where a father, or a putative father of an infant born out of wedlock, claims that prior to the receipt of notice of the hearing provided for in Section 7006-1.2 of this title he had been specifically denied knowledge of the infant or denied the opportunity to exercise parental rights and responsibilities with regard to the infant, such father or putative father shall prove to the

satisfaction of the court that he made sufficient attempts to discover if he had fathered a child or made sufficient attempts to exercise parental rights and responsibilities with regard to the infant prior to the receipt of notice, or

e. has not established and/or maintained substantial and positive relationship with the infant during the six (6) months immediately prior to out-of-home placement or the six (6) continuous months while in out-of-home placement, and has not made meaningful efforts to gain or regain custody of the infant, despite being given the opportunity to do so. For purposes of this section, "establish and/or maintain substantial and positive relationship" includes but is not limited to:

(1) frequent and regular contact with the infant through frequent and regular visitation or frequent and regular communication to or with the infant, and

(2) the exercise of parental rights and responsibilities.

Incidental or token visits, communications or contributions shall not be sufficient to establish and/or maintain a substantial and positive relationship with the infant;

2. "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition pursuant to the provisions of Part 3 of Article III of this Code are supported by the evidence and whether a child should be adjudged to be a ward of the court;

3. "Assessment" means a systematic process utilized by the Department of Human Services to respond to reports of alleged child abuse or neglect which, according to priority guidelines established by the Department, do not constitute a serious and immediate threat

to a child's health, safety or welfare. The assessment includes, but is not limited to, the following elements:

a. an evaluation of the child's safety, and

b. a determination regarding the family's need for services;

4. "Child" means any unmarried 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;

5. "Minor in need of treatment" means a child in need of mental health or substance abuse treatment as defined by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

6. "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;

7. "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;

8. "Chronic abuse or chronic neglect of a child" means a pattern of physical or sexual abuse or neglect which is repeated or continuing;

9. "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;

10. "Court-appointed special advocate" or "CASA" means a responsible adult who has been trained and is supervised by a court-appointed special advocate program recognized by the court, and who has volunteered to be available for appointment by the court to serve as an officer of the court as a guardian ad litem, pursuant to the provisions of Section 7003-3.7 of this title, to represent the best interests of any deprived child or child alleged to be deprived over whom the district court exercises jurisdiction, until discharged by the court;

11. "Court-appointed special advocate program" means an organized program, administered by either an independent, not-for-profit corporation, a dependent project of an independent, not-for-profit corporation or a unit of local government, which recruits, screens, trains, assigns, supervises and supports volunteers to be available for appointment by the court as guardians ad litem, to represent the best interests of a deprived child or a child alleged to be deprived in a case for which a deprived petition has been filed;

12. "Day treatment" means a nonresidential program which provides intensive services to a child who resides in the child's 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;

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

14. "Deprived child" means a child:

a. who is for any reason destitute, homeless, or abandoned,

b. 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,

c. who is a child in need of special care and treatment because of the child's physical or mental condition, and the child's parents, legal guardian, or other custodian is unable or willfully fails to provide such special care and treatment. As used in this paragraph, a child in need of special care and treatment includes, but is not limited to, a child who at birth tests positive for alcohol or a controlled dangerous substance and who, pursuant to a drug or alcohol screen of the child and an assessment of the parent, is determined to be at risk for future exposure to such substances,

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

e. 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 the child is subject to compulsory school attendance, ~~or~~

f. whose parent, legal guardian or custodian for good cause desires to be relieved of custody,

g. who has been born to a parent who currently has children removed from his or her home due to a pending deprived case, or

h. who has been born to a parent whose parental rights to another child have been terminated by the court and the conditions which led to the making of the finding, which resulted in the termination of the parental rights of the parent to the other child, have not been corrected.

Nothing in the Oklahoma Children's Code shall be construed to mean a child is deprived for the sole reason the parent, legal 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.

Nothing contained in this paragraph 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;

15. "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;

16. "Emergency custody" means the custody of a child prior to adjudication of the child following issuance of an order of the district court pursuant to Section 7003-2.1 of this title or following issuance of an order of the district court pursuant to an emergency custody hearing, as specified by Section 7003-2.4 of this title;

17. "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;

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

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

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

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

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

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

24. "Guardian ad litem" means a person appointed by the court to protect the best interests of a child pursuant to the provisions

of Section 7003-3.7 of this title in a particular case before the court;

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

26. "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, such features as minimal direct staff supervision, and the provision of supportive services to assist children with activities necessary for finding an appropriate place of residence, completing an education or vocational training, obtaining employment, or obtaining other similar services;

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

28. "Investigation" means an approach utilized by the Department to respond to reports of alleged child abuse or neglect which, according to priority guidelines established by the Department, constitute a serious and immediate threat to a child's health or safety. An investigation includes, but is not limited to, the following elements:

a. an evaluation of the child's safety,

b. a determination whether or not child abuse or neglect occurred, and

c. a determination regarding the family's need for prevention and intervention-related services;

29. "Kinship care" means full-time care of a child by a kinship relation;

30. "Kinship guardianship" means a judicially created relationship between a child and a kinship relation of the child established pursuant to the provisions of Section 7003-5.5 of this title;

31. "Kinship relation" or “kinship relationship” means relatives, stepparents, or other responsible adults who have a bond or tie with a child and/or to whom has been ascribed a family relationship role with the child's parents or the child;

32. "Mental health facility" means a mental health or substance abuse treatment facility as defined by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

33. "Multidisciplinary child abuse team" 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 physical and sexual child abuse and who are qualified to facilitate a broad range of prevention and intervention-related services and services related to child abuse;

34. "Near death" means a child is in serious or critical condition, as certified by a physician, as a result of abuse or neglect;

35. “Neglect” means neglect as such term is defined by the Oklahoma Child Abuse Reporting and Prevention Act;

36. "Out-of-home placement" means a placement, other than a placement in the home of the parent, legal guardian or custodian from whose custody the court has removed the child;

37. "Permanency hearing" means a hearing by the court to determine whether a child is to be returned to the child's home or whether other permanent placement will be sought within a specific time frame for the child;

38. "Permanent custody" means a court-ordered custody of an adjudicated deprived child whose parent's parental rights have been terminated;

39. "Person responsible for a child's health, safety 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;

40. "Protective custody" means custody of a child taken pursuant to Section 7003-2.1 of this title;

41. a. "Putative father" means the father of a child:

~~a.~~ (1) born out of wedlock, or

~~b.~~ (2) whose mother was married to another person at the time of the birth of such child or within ten (10) months prior to the birth of the child.

~~The term "putative~~

b. "Putative father" includes, but is not limited to:

(1) a man who has acknowledged or claims paternity of the child,

(2) a man named as the father by the mother of the child, or

(3) any man alleged to have engaged in sexual intercourse with the mother during a possible time of conception;

42. "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 third degree of consanguinity;

43. "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;

44. "Reasonable efforts" means the reasonable exercise of diligence and care, with regard to a child who is in out-of-home placement, or who is at imminent risk of being harmed, to:

a. refer to, arrange for, or develop reasonable supportive and rehabilitative services for the family of such child that are required both to prevent unnecessary placement of the child outside of the child's home and to foster, whenever appropriate, the safe reunification of such child with the child's family, or

b. place a child who cannot be returned home into a permanent placement;

45. a. "Residual parental rights and responsibilities" means those rights and responsibilities that remain with the parent:

(1) after transfer of legal custody of the child, other than in connection with an action for termination of parental rights, a relinquishment of parental rights, a consent to termination of parental rights or an adoption, or

(2) when a guardianship or kinship guardianship is established for the child.

b. Residual parental rights and responsibilities may be limited or restricted as determined by the court, and include, but are not limited to:

(1) the right of visitation,

(2) the right to consent to adoption,

(3) the responsibility for support of and costs of medical care for the child,

(4) the right to determine the religious faith of the child, and

(5) the right to consent to termination of parental rights and the right to permanently relinquish parental rights.

c. Residual parental rights and responsibilities shall not include the right to consent to the marriage of a minor pursuant to the provisions of Section 3 of Title 43 of the Oklahoma Statutes;

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

47. "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;

48. "Serious bodily injury" means a bodily injury that involves:

a. substantial risk of death,

b. extreme physical pain,

c. protracted and obvious disfigurement, or

d. protracted loss or impairment of the function of a bodily member, organ or mental faculty;

49. "Serious danger to the health and safety" means that without the intervention of another person or agency, a child would likely or in all probability sustain severe or permanent disability or injury, illness, or death;

50. "Sibling" means a biologically or legally related brother or sister of a child;

51. "Specialized foster care" means foster care provided to a child in a specialized foster home or agency-contracted home which:

a. has been certified by the Developmental Disabilities Services Division of the Department of Human Services,

b. is monitored by the Division, and

c. is funded through the Home- and Community-Based Waiver Services Program administered by the Division;

52. "Temporary custody" means court-ordered custody of an adjudicated deprived child;

53. "Therapeutic foster family 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;

54. "Torture" means to inflict:

a. intense emotional or psychological anguish to or suffering by a child, or

b. physical pain for the purpose of coercing or terrorizing a child;

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

56. "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. The 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;

57. "Treatment and service plan" means a document written pursuant to Section 7003-5.3 of this title; and

58. "Voluntary foster care placement" means the temporary placement of a child by the parent, legal guardian or custodian of the child in foster care pursuant to a signed placement agreement between the Department or a child-placing agency and the child's parent, legal guardian or custodian.

B. Unless the context otherwise requires, the terms defined in 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 2. AMENDATORY 10 O.S. 2001, Section 7003-5.3, as amended by Section 18, Chapter 327, O.S.L. 2002 (10 O.S. Supp. 2005, Section 7003-5.3), is amended to read as follows:

Section 7003-5.3 A. An individual treatment and service plan shall be filed with the court within thirty (30) days after a child has been adjudicated to be deprived.

B. The plan shall be filed by the Department of Human Services or the agency responsible for the supervision of the case, or by the Department or the agency or licensed child-placing agency having custody of the child if the child has been removed from the custody of its lawful parent or parents.

C. The treatment and service plan shall be based upon a comprehensive assessment and evaluation of the child and family. The plan shall be:

1. Developed with the participation or input of the parent, legal guardian, or custodian of the child, the ~~child's~~ attorney <u>of</u>

the child and the guardian ad litem of the child, if any, and, if appropriate, the child;

2. Individualized and specific to each child and the ~~child's~~ family of the child. The plan shall contain specific time frames;

3. Written in simple and clear English. If English is not the principal language of the child's parent, legal guardian, or custodian, and such person is unable to read or comprehend the English language, to the extent possible the plan shall be written in such person's principal language;

4. Subject to modification based on changing circumstances consistent with the correction of the conditions that led to the adjudication of the child; and

5. Reasonable, accurate, and in compliance with the requirements of other court orders.

D. The individual treatment and service plan shall include, but not be limited to:

1. A history of the child and family, including identification of the problems leading to the deprived child adjudication. The statement of the conditions leading to the adjudication shall include a statement of the methods to be used to correct those conditions or to achieve permanent placement of the child;

2. Identification of the specific services to be provided to the child~~,~~ including, but not limited to, educational, vocational educational, medical, drug or alcohol abuse treatment, or counseling or other treatment services, and identification of the services to be provided to the parent, legal guardian, custodian, stepparent, other adult person living in the home or other family members, to remediate or alleviate the conditions that led to the adjudication, including services needed to assist the family to provide safe and proper care of the child or to prevent further harm to the child;

3. A schedule of the frequency of services or treatment and the means by which delivery of the services or treatment will be assured

or, as necessary, the proposed means by which support services or other assistance will be provided to enable the parent or the child to obtain the services or treatment;

4. The name of the social worker assigned to the case;

5. If the child is placed outside the home:

   a. the services to be provided during and after any such placement,

   b. the reasons for such placement and a statement as to the unavailability or inappropriateness of local placement, or other good cause, for any placement ~~more than forty (40) miles from~~ which is not in as close proximity as possible to the home of the child,

   c. the services to be provided to the child to ensure safe and proper care while in such placement and the projected date of discharge,

   d. the services necessary to assist the child to reintegrate with the child's family or other community-based placement and a description of acts by and conduct that is expected of the parent or parents, legal guardian, custodian, or stepparent or other adult person living in the home that would alleviate the conditions that resulted in the removal of the child before the child can be returned to a safe home,

   e. if the child is sixteen (16) years of age or older, the services necessary to make the transition from foster care or other community placement to independent living,

   f. a description of the type of safe and proper placement in which the child is to be placed,

   g. a description of the initial support obligation to the child, as determined by the court,

h. a description of any visitation rights and obligations of the parent or parents, legal guardian, or custodian during the period the child is in care, and

i. a discussion of the safety and appropriateness of the child's placement, which placement is intended to be in the least restrictive and most family-like setting available, consistent with the best interests and special needs of the child and in as close proximity as possible to the child's home;

6. Performance criteria that will measure the progress of the child and family toward completion of the treatment and service plan including, but not limited to, time frames for achieving objectives and addressing the identified problems;

7. A projected date for the completion of the treatment and service plan;

8. The name and business address of the attorney representing the child;

9. The permanency goal for the child and the reason for selection of that goal; and

10. a. In the case of a child with respect to whom the permanency plan is adoption or placement in other permanent placement, documentation of the steps the Department is taking to:

(1) find an adoptive family or other permanent living arrangement for the child,

(2) place the child with an adoptive family, a fit and willing kinship relation, a legal guardian, kinship guardian, or in another planned permanent living arrangement, and

(3) finalize the adoption or guardianship, kinship guardianship or other permanent placement.

b. Such documentation shall include, at a minimum, child-specific recruitment efforts such as the use of state, regional and national adoption exchanges, including electronic exchange systems.

E. Each treatment plan shall specifically provide for the safety of the child, in accordance with state and federal law, and clearly define what actions or precautions will, or may, be necessary to provide for the safety and protection of the child.

F. The individual treatment and service plan shall include the following statement:

TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.

G. Whenever a child who is subject to the provisions of this section is committed for inpatient mental health or substance abuse treatment pursuant to the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, the individual treatment and service plan shall be amended as necessary and appropriate, including, but not limited to, identification of the treatment and services to be provided to the child and the child's family upon discharge of the child from inpatient mental health or substance abuse treatment.

H. In addition to the information required pursuant to subsection A of this section, when a child, who at birth tested positive for alcohol or a controlled dangerous substance and who was determined to be at risk for future exposure to such substances, has been removed from the home, the Department of Human Services, subject to court approval:

1. May require, as part of the treatment and service plan, that the mother of such child complete a treatment program approved by

the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority prior to the return of the child to a safe home;

2. May require, as part of the treatment and service plan, that the father of the child, legal guardian, custodian, stepparent or other adult person living in the home who is an alcohol-dependent or a drug-dependent person, as such terms are defined by Section 3-403 of Title 43A of the Oklahoma Statutes, and whose conduct has contributed to the dependency of such child or mother on alcohol or drugs, or to the conditions which caused the child to be adjudicated deprived, complete a treatment program approved by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority prior to the return of the child to the safe home; and

3. May require testing for substance abuse of the mother, father, legal guardian, custodian, stepparent or other adult person living in the home, on a monthly basis for a twelve-month period following completion of the substance abuse program and after return of the child to a safe home. A positive test of any such person shall be presented to the Department of Human Services and the district attorney.

I. Testing ordered by the court pursuant to subsection H of this section shall be admissible only for the purposes of deprived child and custody proceedings.

J. The services delineated in the individual treatment and service plan shall be designed to improve the conditions in the family home and aid in maintaining the child in a safe home, to facilitate the return of the child to the family home, or to facilitate the permanent placement of the child. The plan shall focus on clearly defined objectives and shall provide the most efficient path to quick reunification or permanent placement. To the extent possible, the plan shall contain outcome-based evaluation

criteria that measure success in the reunification or permanent placement process.

K. In the event that the parent or parents are unwilling to participate in the development or implementation of the individual treatment and service plan, the Department shall document such unwillingness in writing to the parent or parents and shall file the document with the court.

L. The parents, any foster parents of the child, the child's attorney and the guardian ad litem of the child, if any, shall be each provided a copy of the treatment and service plan approved by the court.

SECTION 3. AMENDATORY 10 O.S. 2001, Section 7003-5.5, is amended to read as follows:

Section 7003-5.5 A. 1. When a child has been adjudicated deprived pursuant to the provisions of Section 7003-4.5 of this title, the court may enter a dispositional order on the same day, but in any event the court shall hold a dispositional hearing and enter such order within forty (40) days of such adjudication unless the court finds on the record that the best interests of the child will be served by granting a delay.

2. If the court grants a delay, the court shall state why the delay is necessary and shall state the minimum amount of time needed to resolve any such reasons for the delay. The court shall schedule the dispositional hearing at the earliest possible time following the delay.

B. If the child is removed from the custody of the child's parent, the court or the Department of Human Services, as applicable, shall immediately consider concurrent permanency planning, so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

C. The following kinds of orders of disposition may be made in respect to wards of the court pursuant to a deprived child proceeding:

1. a. 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. If a child has been removed from the custodial parent of the child and the court, in the best interests of the child, is unable to release the child to the custodial parent, the court shall give priority for placement of the child with the noncustodial parent of the child unless such placement would not be in the child's best interests. If the court cannot place the child with the noncustodial parent, custody shall be consistent with the provisions of Section 21.1 of this title. If custody of the child cannot be made pursuant to the provisions of Section 21.1 of this title, the reason for such determination shall be documented in the court record. 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.

b. If it is consistent with the welfare of the child, the child shall be returned to the child's parent, legal guardian or custodian. Provided, that if it appears to the court that the conduct of the parent, legal guardian, custodian, or that a 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, legal guardian, 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.

c. The order placing the child under supervision by the Department in the child's own home 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.

2. The court may place the child in the custody of a suitable individual subject to the conditions and restrictions specified in Section 7003-8.1 of this title.

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, legal guardian, custodian, stepparent, or other adult person living in the home has contributed

to the deprivation of the child, the court may order that the parent, legal guardian, 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. a. The court may order a child's permanent care and custody transferred to another person, subject to residual parental rights and responsibilities and subject to such orders of the court as deemed necessary for the health, safety or welfare of the child pursuant to the provisions of this paragraph, upon the written consent of both parents of the child or upon the consent of one parent only if:

(1) the other parent is deceased,

(2) the other parent has been determined by a court of law to be incompetent or incapacitated,

(3) the other parent's whereabouts or identity is unknown. This fact shall be attested to by an affidavit of the consenting parent,

(4) the other parent who is eighteen (18) years of age or older, has signed a statement consenting to the transfer, executed before a notary public,

(5) the parental rights of the other parent has been terminated,

(6) the other parent has been or is found by the court of law to be unfit or unable to exercise parental rights and responsibilities for the child based upon situations enumerated in Section 7006-1.1 of this title,

(7) is or has been subject to the registration requirements of the Oklahoma Sex Offenders

Registration Act or any similar act in any other state, or

(8) has abandoned the child or is determined by the court to be otherwise unfit to assume custody of the child for any other reason.

b. 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 Code. The Department of Human Services shall only be required by the court to make the home study and report as specified by this paragraph in the following circumstances:

(1) the Department has previously conducted a home study on the prospective custodian within the past three (3) years, or

(2) the child is in the custody or under the legal supervision of the Department.

c. 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,

(2) the child marries or is legally emancipated, or

(3) 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,

(4) 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 and the custody of the child be given to another person, pursuant to the Oklahoma Guardianship and Conservatorship Act or the Oklahoma Children's Code,

(5) the order terminates because of the death or incapacity of the custodian or the death of the child, or

(6) the child is adopted.

d. 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 may require the person to whom custody is transferred to submit any records or reports the court deems necessary for purposes of such review. Such order shall not require the Department to supervise the placement during such period,

(2) shall not require periodic reviews by the court thereafter if the parties agree with the assent of the court that such reviews are not necessary to serve the best interests of the child, and

(3) unless periodic reviews are required pursuant to this subparagraph, the court may close the case, provided the order transferring the permanent

care and custody of the child shall remain in full force and effect subject to the provisions of subparagraph b of this paragraph.

8. a. When reunification of the family is not recommended or possible, as determined by the court, the court may order a child's permanent care and custody transferred to a kinship guardian subject to residual parental rights and responsibilities and subject to such orders of the court as deemed necessary for the health, safety or welfare of the child. Kinship guardianship shall include, but not be limited to, the following parental responsibilities with respect to a child:

(1) protection,

(2) education,

(3) care and control,

(4) custody, and

(5) decision making.

b. A kinship foster parent may file a petition with the court to be appointed as kinship guardian for a child.

c. The petition for kinship guardianship shall allege that:

(1) the child is in the legal custody of the Department,

(2) more than twelve (12) months have passed since the date of the dispositional order placing such child in the legal custody of the Department,

(3) the parents of the child are presently and for the foreseeable future unable to provide proper and adequate care for the child,

(4) the prospective kinship guardian consents to the appointment,

(5) the child has resided with the kinship foster parent and there exists a loving and emotional tie between the child and the kinship foster parent, and

(6) it would be in the best interests of the child for the petition to be granted.

d. Notice of the petition and a copy of the petition shall be served upon the parties, the Department, and the guardian ad litem of the child, if any.

e. Prior to the entry of an order appointing a kinship guardian, the court shall receive the most recent report regarding the background and home of the prospective kinship guardian.

f. If the court finds that the elements of the petition have been proven based on clear and convincing evidence, or upon the consent of all parties, the court shall grant the petition.

g. An order appointing a person as a kinship guardian shall award custody of the child to the kinship guardian. A kinship guardian shall have the same authority as a parent to consent on behalf of a child, except that a kinship guardian shall not consent to the adoption or surrender of a child.

h. Upon the entry of an order providing for the transfer of the permanent care and custody of a child to a kinship guardian, the order shall remain in full force and effect until:

(1) the child reaches the age of eighteen (18) years,

(2) the child is married or legally emancipated,

(3) the court finds after evidentiary hearing:

(a) the child has been abused or neglected while in the care and custody of the kinship guardian, and

(b) it is in the best interests of the child that custody of the child be returned to the parents,

(4) the district attorney, an attorney for the child, or the kinship guardian petitions the court for modification of the order transferring permanent care and custody to a kinship guardian and the court finds after evidentiary hearing that it is in the best interests of the child for the order to be modified and the custody of the child be given to another person, pursuant to the Oklahoma Guardianship and Conservatorship Act or the Oklahoma Children's Code,

(5) the order terminates because of the death or incapacity of the kinship guardian or the death of the child, or

(6) the child is adopted.

i. An order appointing a kinship guardian shall:

(1) require that the placement be reviewed within one (1) year after transfer and may require the kinship guardian to whom custody is transferred to submit any records or reports the court deems necessary for purposes of such review. Such order shall not require the Department to supervise the placement during such period,

(2) not require periodic reviews by the court thereafter if the parties agree with the assent of the court that such reviews are not necessary to serve the best interests of the child, unless

periodic reviews are otherwise required by the court, and

(3) unless periodic reviews are required, the court may close the case, provided the order transferring permanent care and custody to a kinship guardian shall remain in full force and effect subject to the provisions of this subparagraph.

j. Except as otherwise provided by the court, the appointment of a kinship guardian shall not affect or impair the visitation rights of a parent.

9. Except as otherwise provided by law, the court may dismiss the petition and terminate its jurisdiction at any time for good cause shown when doing so is in the best interests of the child.

D. Any order entered pursuant to this section shall include a statement informing the child's parent that the consequences of noncompliance with the requirement of the court may include termination of the parent's rights with respect to the child or shall include a statement informing the child’s legal guardian or custodian that the consequences of noncompliance with the requirement of the court may include removal of the child from the custody of the legal guardian or custodian.

E. 1. Except as otherwise provided in subsection F 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:

a. reasonable efforts have been made to provide for the safe return of the child to the child's own home, or

b. reasonable efforts to reunite the family are not feasible, and reasonable efforts are being made to secure an alternate permanent placement for the child.

2. In determining reasonable efforts to be made with respect to a child and in making such reasonable efforts, the child's health, safety or welfare shall be the paramount concern.

F. 1. At any hearing held pursuant to the provisions of this section, if the court finds that continuation of reasonable efforts to return the child home are inconsistent with the permanency plan for a child, the court shall determine whether reasonable efforts have been made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child.

2. Reasonable efforts to reunite the child with the child's family shall not be required however, pursuant to the provisions of Section 7003-4.6 of this title.

G. 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.

2. 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 literacy, 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.

3. 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, legal guardian or custodian of the child.

4. A deprived adjudication based solely upon repeated absence from school shall not constitute a ground for termination of parental rights.

H. In any dispositional order involving a child sixteen (16) years of age 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.

I. 1. If reasonable efforts are required for the return of the child to the child's home, the court shall allow the parent of the child not less than three (3) months to correct conditions which led to the adjudication of the child as a deprived child prior to terminating the parental rights of the parent pursuant to the provisions of Section 7006-1.1 of this title.

2. The court shall not terminate the rights of a parent who has not been notified that the parental rights might be terminated.

3. 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 such 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.

J. 1. When the juvenile court assumes jurisdiction over a child pursuant to Article III of this Code, an order concerning child support or the legal custody of the child that has been previously entered in any other administrative or district court proceeding shall be subject to modification by the juvenile court during the pendency of the deprived action. When the juvenile court terminates its jurisdiction over the child in the deprived action,

the most recent order which determines child support or awards legal custody of the child to a parent or other person shall remain in full force and effect and shall survive the deprived action. The surviving order from the deprived action shall be docketed and filed in the administrative or district court action that was pending at the time the deprived action was commenced and shall control over any prior order concerning the child support or legal custody of the child.

2. If no action concerning child support or legal custody of the child is pending when the juvenile court terminates its jurisdiction over the child in the deprived action, the most recent order which determines child support or awards legal custody of the child to a parent or other person shall remain in full force and effect and shall survive the deprived action. The surviving order from the deprived action may be used as the sole basis for opening an administrative or district court action in the same county where the deprived action was pending or in the county where the legal custodian of the child resides. The court may direct the legal custodian or the clerk of the juvenile court to transmit the surviving order to the clerk of the district court of the county in which the order is to be filed along with the names and addresses of the parents of the child, if known. The clerk of the district court shall, immediately upon receipt, open a file without a filing fee, assign a case number and file the order.

3. Upon the filing of a juvenile court order concerning child support or legal custody of the child issued pursuant to this subsection, the clerk of the district court shall send by first-class mail a copy of the order with the case number to the juvenile court and to the parents of the child at the address listed on the order. The order shall not be confidential and may be enforced or modified after being docketed and filed in the prior existing or new administrative or district court action.

SECTION 4. AMENDATORY 10 O.S. 2001, Section 7102, as last amended by Section 1, Chapter 184, O.S.L. 2005 (10 O.S. Supp. 2005, Section 7102), is amended to read as follows:

Section 7102. A. 1. 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 health, safety or welfare of such children.

2. It is the policy of this state that in responding to a report of child abuse or neglect:

a. in any necessary removal of a child from the home,

b. in placements of a child required pursuant to the Oklahoma Child Abuse Reporting and Prevention Act, and

c. in any administrative or judicial proceeding held pursuant to the provisions of the Oklahoma Child Abuse Reporting and Prevention Act,

that the best interests of the child shall be of paramount consideration.

B. Except as otherwise provided by and used in the Oklahoma Child Abuse Reporting and Prevention Act:

1. "Abuse" means harm or threatened harm to a child's health, safety or welfare by a person responsible for the child's health, safety or welfare, including sexual abuse and sexual exploitation;

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

a. nonaccidental physical or mental injury,

b. sexual abuse,

c. sexual exploitation,

d. neglect,

e. failure or omission to provide protection from harm or threatened harm, or

f. abandonment;

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

a. adequate food, clothing, shelter, medical care, and supervision,

b. special care made necessary by the physical or mental condition of the child, or

c. abandonment;

4. "Child" means any unmarried 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;

5. "Person responsible for a child's health, safety or welfare" includes a parent; a legal guardian; a 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;

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

7. "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, safety 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, safety or welfare;

8. "Multidisciplinary child abuse team" means any freestanding team established pursuant to the provisions of Section 7110 of this

title. For purposes of this definition, “freestanding” means a team not used by a child advocacy center for its accreditation;

9. "Child advocacy center" means ~~an entity~~ a center and the multidisciplinary child abuse team of which it is a member that is accredited by the National Children's Alliance ~~or that is completing a sixth year of reaccreditation. Child advocacy centers~~ and shall be classified, based on the child population of a district attorney’s district, as follows:

a. nonurban centers in districts with child populations that are less than sixty thousand (60,000),

b. mid-level nonurban centers in districts with child populations equal to or greater than sixty thousand (60,000), but not including Oklahoma and Tulsa Counties, and

c. urban centers in Oklahoma and Tulsa Counties.

10. “Assessment” means a systematic process utilized by the Department of Human Services to respond to reports of alleged child abuse or neglect which, according to priority guidelines established by the Department, do not constitute a serious and immediate threat to the child's health, safety or welfare. The assessment includes, but is not limited to, the following elements:

a. an evaluation of the child's safety, and

b. a determination regarding the family's need for services;

11. “Investigation” means an approach utilized by the Department to respond to reports of alleged child abuse or neglect which, according to priority guidelines established by the Department, constitute a serious and immediate threat to the child's health or safety. An investigation includes, but is not limited to, the following elements:

a. an evaluation of the child's safety or welfare,

b. a determination whether or not child abuse or neglect occurred, and

c. a determination regarding the family's need for prevention and intervention-related services;

12. “Services not needed determination” means a report in which a child protective services worker, after an investigation, determines that there is no identified risk of abuse or neglect;

13. “Services recommended determination” means a report in which a child protective services worker, after an investigation, determines the allegations to be unfounded or for which there is insufficient evidence to fully determine whether child abuse or neglect has occurred, but one in which the Department determines that the child and the child's family could benefit from receiving prevention and intervention-related services;

14. “Confirmed report - services recommended” means a report which is determined by a child protective services worker, after an investigation and based upon some credible evidence, to constitute child abuse or neglect which is of such a nature that the Department recommends prevention and intervention-related services for the parents or persons responsible for the care of the child or children, but for which initial court intervention is not required;

15. “Confirmed report - court intervention” means a report which is determined by a child protective services worker, after an investigation and based upon some credible evidence, to constitute child abuse or neglect which is of such a nature that the Department finds that the child's health, safety or welfare is threatened;

16. “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;

17. “Department” means the Department of Human Services;

18. “Commission” means the Commission for Human Services; and

19. “Prevention and intervention-related services” means community-based programs that serve children and families on a voluntary and time-limited basis to help reduce the likelihood or incidence of child abuse and neglect.

SECTION 5. AMENDATORY 10 O.S. 2001, Section 7110, as last amended by Section 3, Chapter 184, O.S.L. 2005 (10 O.S. Supp. 2005, Section 7110), is amended to read as follows:

Section 7110. A. 1. In coordination with the Child Abuse Training and Coordination Council, each district attorney shall develop a multidisciplinary child abuse team in each county of the district attorney or in a contiguous group of counties.

2. The lead agency for the team shall be chosen by the members of the team. The team shall intervene in reports involving child sexual abuse or child physical abuse or neglect.

B. The multidisciplinary child abuse team members shall include, but need not be limited to:

1. Mental health professionals licensed pursuant to the laws of this state or licensed professional counselors;

2. Police officers or other law enforcement agents with a role in, or experience or training in child abuse and neglect investigation;

3. Medical personnel with experience in child abuse and neglect identification;

4. Child protective services workers within the Department of Human Services;

5. Multidisciplinary child abuse team coordinators, or Child Advocacy Center personnel; and

6. The district attorney or assistant district attorney.

C. 1. To the extent that resources are available to each of the various multidisciplinary child abuse teams throughout the state, the functions of the team shall include, but not be limited to, the following specific functions:

a. whenever feasible, law enforcement and child welfare staff shall conduct joint investigations in an effort to effectively respond to child abuse reports,

b. develop a written protocol for investigating child sexual abuse and child physical abuse or neglect cases and for interviewing child victims. The purpose of the protocol shall be to ensure coordination and cooperation between all agencies involved so as to increase the efficiency in handling such cases and to minimize the stress created for the allegedly abused child by the legal and investigatory process. In addition, each team shall develop confidentiality statements and interagency agreements signed by member agencies that specify the cooperative effort of the member agencies to the team~~.~~,

~~(1) Freestanding~~

c. freestanding multidisciplinary child abuse teams shall be approved by the Child Abuse Training and Coordination Council. The Child Abuse Training and Coordination Council shall conduct an annual review of freestanding multidisciplinary teams to ensure that the teams are functioning effectively. Teams not meeting the minimal standards as promulgated by the Child Abuse Training and Coordination Council shall be removed from the list of functioning teams in the state~~.~~

~~(2) A multidisciplinary team shall be automatically deemed a functioning team and shall not be subject to review and approval by the Child Abuse Training and Coordination Council if:~~

~~(a) the multidisciplinary team is initially accredited along with a child advocacy~~

~~center by the National Children's Alliance for the first two (2) years,~~

~~(b)~~ ~~the multidisciplinary team is reaccredited along with a child advocacy center by the National Children's Alliance, and in the third year of accreditation the multidisciplinary team secures an independent review of its activities by an independent reviewer approved by the National Children's Alliance and the independent reviewer finds that the child advocacy center is in substantial compliance with the same standards used to accredit the child advocacy center when it was last reviewed, or~~

~~(c)~~ ~~the multidisciplinary team is reaccredited along with a child advocacy center by the National Children's Alliance, and in the fifth or sixth year of reaccreditation the team secures reaccreditation from the National Children's Alliance Board of Directors~~,

~~c.~~ d. increase communication and collaboration among the professionals responsible for the reporting, investigation, prosecution and treatment of child abuse and neglect cases,

~~d.~~ e. eliminate duplicative efforts in the investigation and the prosecution of child abuse and neglect cases,

~~e.~~ f. identify gaps in service or all untapped resources within the community to improve the delivery of services to the victim and family,

~~f.~~ g. encourage the development of expertise through training. Each team member and those conducting child abuse investigations and interviews of child abuse victims shall be trained in the multidisciplinary team approach, conducting legally sound and age-appropriate interviews, effective investigation techniques and joint investigations as provided through the Child Abuse Training and Coordination Council or other resources,

~~g.~~ h. formalize a case review process and provide data as requested to the Child Abuse Training and Coordination Council for freestanding teams, and

~~h.~~ i. standardize investigative procedures for the handling of child abuse and neglect cases.

2. All investigations of child sexual abuse and child physical abuse or neglect and interviews of child abuse or neglect victims shall be carried out by appropriate personnel using the protocols and procedures specified in this section.

3. If trained personnel are not available in a timely fashion and, in the judgment of a law enforcement officer or the Department of Human Services, there is reasonable cause to believe a delay in investigation or interview of the child victim could place the child in jeopardy of harm or threatened harm to a child's health or welfare, the investigation may proceed without full participation of all personnel. This authority applies only for as long as reasonable danger to the child exists. A reasonable effort to find and provide a trained investigator or interviewer shall be made.

D. 1. A multidisciplinary child abuse team may enter into an agreement with the Child Death Review Board within the Oklahoma Commission on Children and Youth and, in accordance with rules promulgated by the Oklahoma Commission on Children and Youth,

conduct case reviews of deaths and near deaths of children within the geographical area of that multidisciplinary child abuse team.

2. Any multidisciplinary child abuse team reviewing deaths and near deaths of children shall prepare and make available to the public, on an annual basis, a report containing a summary of the activities of the team relating to the review of the deaths and near deaths of children and a summary of the extent to which the state child protection system is coordinated with foster care and adoption programs and whether the state is efficiently discharging its child protection responsibilities. The report shall be completed no later than December 31 of each year.

E. Nothing in this section shall preclude the use of hospital team reviews for client-specific purposes and multidisciplinary teams, either of which were in existence prior to July 1, 1995; provided, however, such teams shall not be subject to the provisions of paragraph 1 of subsection A of this section.

F. ~~Such multidisciplinary~~ 1. Child advocacy centers shall be classified, based on the child population of a district attorney's district, as follows:

a. nonurban centers in districts with child populations that are less than sixty thousand (60,000),

b. midlevel nonurban centers in districts with child populations equal to or greater than sixty thousand (60,000), but not including Oklahoma and Tulsa Counties, and

c. urban centers in Oklahoma and Tulsa Counties.

2. The multidisciplinary child abuse team used by the child advocacy center for its accreditation shall meet the criteria required by a national association of child advocacy centers and, in addition, the team shall:

a. choose a lead agency for the team,

b. intervene in reports involving child sexual abuse and may intervene in child physical abuse or neglect,

c. promote the joint investigation of child abuse reports between law enforcement and child welfare staff, and

d. formalize standardized investigative procedures for the handling of child abuse and neglect cases.

G. Multidisciplinary child abuse ~~team~~ teams and child advocacy centers shall have full access to any service or treatment plan and any personal data known to the Department which is directly related to the implementation of this section.

~~G. 1. When funds become available, the Department of Human Services shall disburse funds to child advocacy centers as defined in subsection B of Section 7102 of this title.~~

~~2. The Department of Human Services is authorized to establish procedures related to the application process for disbursement of funds to centers.~~

~~3. When funds become available, the Department of Human Services shall disburse monies to a multidisciplinary child abuse team as provided in subsections A and B of this section.~~

SECTION 6. AMENDATORY 10 O.S. 2001, Section 7110.2, as last amended by Section 4, Chapter 184, O.S.L. 2005 (10 O.S. Supp. 2005, Section 7110.2), is amended to read as follows:

Section 7110.2 A. 1. The Department of Human Services shall allocate monies available in the Child Abuse Multidisciplinary Account (CAMA).

2. ~~Eligible applicants~~ Funds shall ~~include~~ be allocated to:

a. one functioning freestanding multidisciplinary child abuse team per county, as provided in Section 7110 of this title, ~~and~~

b. one hospital team pursuant to subsection E of Section 7110 of this title, and

c. one child advocacy center, accredited by the National Children's Alliance, per district attorney's district~~, as endorsed by the district attorney, until such time as the center receives accreditation by the National Children's Alliance, thus becoming the Child Advocacy Center for the district attorney's district. A center in existence prior to December 31, 2000, shall not be subject to district attorney endorsement~~.

(1) A child advocacy center shall be eligible for Child Abuse Multidisciplinary Account (CAMA) funding upon accreditation by the National Children's Alliance. In addition, the child advocacy center must secure a third-year interim review to determine whether the child advocacy center continues to meet the National Children's Alliance standards in effect at the time of its last accreditation. If a child advocacy center fails the third-year review, the center will remain eligible for CAMA funding, but must have another review conducted in the fourth year. If the child advocacy center fails the fourth-year review, the center shall be ineligible to receive CAMA funding until such time as the center receives reaccreditation from the National Children's Alliance.

(2) The accredited center shall remain the center for the district attorney's district as long as ~~the accreditation~~ eligibility is maintained pursuant to the provisions of Section 7110 of this title~~, and during fifth- and sixth-year reaccreditation reviews, while a center is eligible for Child Abuse Multidisciplinary Account funding, and the~~

~~center remains the child advocacy center for the district attorney's district~~. If a center ~~has~~ does not ~~secured reaccreditation during the sixth year~~ remain eligible pursuant to the provisions of Section 7110 of this title, endorsement by the district attorney as the child advocacy center for the district may be sought by any entity beginning with the calendar year after ~~an unsuccessful sixth-year reaccreditation attempt~~ the center is determined to be ineligible. The two centers in district number (4) and district number (13) that were accredited as of the effective date of this act shall continue to receive funding at the nonurban level. Should one of the exempted centers close or no longer meet the ~~definition of~~ criteria for a child advocacy center pursuant to the provisions of Section ~~7102~~ 7110 of this title, the center shall not be allowed to reopen in that district or to receive CAMA funds. The remaining center shall become the sole child advocacy center for the district attorney's district. ~~Should one of such exempted centers fail to complete the sixth-year reaccreditation process, the remaining child advocacy center in the district attorney's district shall become the sole center for the district with all rights established in law. The center application shall be a combined team and center application for statewide purposes.~~

3. Funding distribution pursuant to the provisions of this subsection shall be determined:

a. by multiplying the number of applicants in each category by the corresponding weight as follows:

(1) freestanding ~~teams~~ multidisciplinary child abuse team - 1,

(2) hospital team - 1,

(3) nonurban centers – 4,

~~(3)~~ (4) mid-level nonurban centers – 6, and

~~(4)~~ (5) urban centers – 24,

b. adding together the weighted results for all categories,

c. dividing the weighted result for each category by the sum of the weighted results for all categories, and

d. equally distributing funding to each applicant in the corresponding category based on the amounts obtained by multiplying the total available funding by the calculated percentages.

B. 1. Pursuant to the provisions of Section 7110.1 of this title, by January 31, 2003, and by January 31 of each year thereafter, the Department shall disburse monies from the Child Abuse Multidisciplinary Account to eligible multidisciplinary child abuse teams and to eligible child advocacy centers. A child advocacy center must be in compliance with the provisions of Section 7110 of this title to be eligible for Child Abuse Multidisciplinary Account funding. The disbursement shall be a single, annual disbursement, for the collection period of the preceding year beginning October 1 through September 30.

2. The Department of Human Services, the Child Abuse Training and Coordinating Council and the Children's Advocacy Centers of Oklahoma, Inc., shall meet annually, after September 30, 2002, to review the amount of CAMA funds to be disbursed.

C. A team or center may carry over funding for a period of one (1) year after allocation, such one-year period to begin in January and end in December of the same year; provided, however, funds not used within twenty-four (24) months of the original allocation will

be deducted from the contract amount for the next contract year. If a team or center is ineligible for funding in an upcoming year, unused funds from the current or previous years shall be returned to the CAMA account for use in subsequent years.

D. The Department of Human Services is hereby authorized to receive one half of one percent (0.5%) in administrative costs from the CAMA account.

SECTION 7. AMENDATORY 10 O.S. 2001, Section 7510-1.5, as last amended by Section 6, Chapter 415, O.S.L. 2004 (10 O.S. Supp. 2005, Section 7510-1.5), is amended to read as follows:

Section 7510-1.5 A. 1. When a parent or parents are found and approved for adoption of a child who is determined by the Department of Human Services to be eligible for adoption assistance pursuant to the Oklahoma Adoption Assistance Act, and before the final decree of adoption is entered, there must be a signed written agreement between the prospective adoptive parent or parents and the Department.

2. Adoption assistance in individual cases may commence with the adoptive placement or at the time of finalization of the adoption. Adoption assistance may be for special services only, or for monthly money payments, and either for a limited period, or for a long term, or for any combination of the foregoing.

Eligibility for and the rate of monthly adoption assistance payments shall be determined by the Department in accordance with rules promulgated by the Commission for Human Services.

B. When an otherwise eligible child is determined to have a causative, preexisting condition which was not identified or known prior to the legal finalization of the adoption and which has resulted in a severe medical or psychiatric condition that requires extensive treatment, hospitalization, or institutionalization, an adoption assistance agreement may be approved by the Department after the final decree of adoption has been entered. In the event

an adoption assistance agreement is approved that provides for monthly adoption assistance payments, the adoptive parents may also be entitled to receive retroactive adoption assistance payments for a period not to exceed the two (2) months prior to the date the adoption assistance agreement was approved.

C. Any child who met the requirements of the provisions of Sections 7510-1.2 and 7510-1.4 of this title, and was determined eligible for Oklahoma adoption assistance with respect to a prior adoption, and is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the ~~child's~~ adoptive parents of the child have died, shall be eligible for Oklahoma adoption assistance with respect to any subsequent adoption.

D. 1. When adoption assistance benefits are for more than one (1) year, the Department shall send the adoptive parent or parents ~~shall present an annual sworn certification that the adopted child remains under their care and that the conditions that caused the child to be initially approved for benefits continue to exist~~ an Adoption Assistance Annual Review request.

2. The adoptive parent or parents shall at all times keep the Department informed of circumstances including, but not limited to, whether the adoptive parent or parents continue to be legally responsible for support of the child which would make them ineligible for such assistance payments or eligible for assistance payments in a different amount.

3. The Department is authorized and directed to make a review of each adoption assistance agreement annually to assure that the parents are fulfilling their obligations under the agreement.

4. No payment may be made to any parents with respect to any child who has attained the age of eighteen (18) years, except ~~where the Department determines that the~~ a child ~~has a severe physical or mental disability which warrants the continuation of~~ may continue to

receive assistance until the child reaches the age of nineteen (19) years~~. The child may be considered for continued assistance after reaching the age of nineteen (19) years and until the child reaches the age of twenty-one (21) if the child has applied for Supplemental Security Income and the initial application is pending or has been denied and the child's needs meet the criteria for an adoption assistance difficulty of care level at Rate IV or Rate V as determined by the Department. Adoption assistance payments shall terminate when SSI payments are approved but in no event shall payments continue after the child reaches the age of twenty-one (21)~~ if the child:

a. continues to attend high school or pursues General Education Development, or

b. meets the criteria for an adoption assistance difficulty of care rate as determined by the Department.

5. Termination or modification of the adoption assistance agreement may be requested by the adoptive parent or parents at any time.

6. No payment may be made to adoptive parents if the Department determines that the parents are no longer legally responsible for the support of the child or that the child is no longer receiving any financial support from such parents.

E. A child for whom an adoption assistance agreement has been reached with the Department shall remain eligible and receive adoption assistance benefits regardless of the domicile or residence of the adopting parent or parents at any given time.

F. All records regarding adoption assistance shall be confidential and may be disclosed only in accordance with the provisions of the Oklahoma Adoption Code.

SECTION 8. AMENDATORY 63 O.S. 2001, Section 1-227.9, as amended by Section 1, Chapter 250, O.S.L. 2004 (63 O.S. Supp. 2005, Section 1-227.9), is amended to read as follows:

Section 1-227.9 A. There is hereby created the Child Abuse Training and Coordination Council.

B. The Oklahoma Commission on Children and Youth shall appoint a Child Abuse Training and Coordination Council which shall be composed of twenty-two (22) members, as follows:

1. One member shall be a representative of child welfare services within the Department of Human Services;

2. One member shall be a representative of juvenile services within the Office of Juvenile Affairs;

3. One member shall be a representative of maternal and child health services within the State Department of Health;

4. One member shall be a representative of the State Department of Health;

5. One member shall be a representative of the State Department of Education;

6. One member shall be a representative of the Department of Mental Health and Substance Abuse Services;

7. One member shall be a representative of a statewide medical association and shall be a member of a state chapter of a national academy of pediatrics;

8. One member shall be a representative of the judiciary;

9. One member shall be a representative of a statewide association of osteopathic physicians and shall be a pediatric osteopathic physician;

10. One member shall be a representative of a statewide coalition on domestic violence and sexual assault;

11. One member shall be a representative of the District Attorneys Council;

12. One member shall be a representative of the Council on Law Enforcement Education and Training;

13. One member shall be a representative of the Department of Corrections;

14. One member shall be a representative of Court Appointed Special Advocates;

15. One member shall be a representative of the Oklahoma Bar Association;

16. One member shall be a representative of a statewide association of psychologists;

17. One member shall be a representative of a local chapter of a national association of social workers;

18. One member shall be a representative of a statewide association of youth services agencies;

19. One member shall be a representative of an Indian child welfare association;

20. One member shall be a representative of an advisory task force on child abuse and neglect;

21. One member shall be a representative of a postadjudication review board program; and

22. One member shall be a representative of nationally accredited child advocacy centers nominated to the Oklahoma Commission for Children and Youth. Eligible nominees may be anyone selected by a majority of the members of the nationally accredited child advocacy ~~center that is accredited and recognized as a state chapter by a national children's alliance~~ centers located in Oklahoma.

C. The appointed members shall be persons having expertise in the dynamics, identification and treatment of child abuse and neglect and child sexual abuse.

D. The Child Abuse Training and Coordination Council shall:

1. Establish objective criteria and guidelines for multidisciplinary and, as appropriate for each discipline, discipline-specific training on child abuse and neglect for professionals with responsibilities affecting children, youth and families;

2. Review curricula and make recommendations to state agencies and professional organizations and associations regarding available curricula and curricula having high standards of professional merit;

3. Review curricula regarding child abuse and neglect used in law enforcement officer training by the Oklahoma Council on Law Enforcement Education and Training (CLEET) and make recommendations regarding the curricula to CLEET;

4. Cooperate with and assist professional organizations and associations in the development and implementation of ongoing training programs and strategies to encourage professionals to participate in such training programs;

5. Make reports and recommendations regarding the continued development and improvement of such training programs to the State Commissioner of Health, the Oklahoma Commission on Children and Youth, and each affected agency, organization and association;

6. Prepare and issue a model protocol for multidisciplinary teams regarding the investigation and prosecution of child sexual abuse, child physical abuse and neglect cases;

7. Review and approve protocols prepared by the local multidisciplinary teams;

8. Advise multidisciplinary teams on team development;

9. Collect data on the operation and cases reviewed by the multidisciplinary teams;

10. Issue annual reports; and

11. Annually approve the list of functioning multidisciplinary teams in the state.

SECTION 9. 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.

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