

**EHB 2656**

**THE STATE SENATE**  
**Monday, April 10, 2006**

**ENGROSSED**

**House Bill No. 2656**

**As Amended**

ENGROSSED HOUSE BILL NO. 2656 - By: WINCHESTER and ROGGOW of the House and LASTER of the Senate.

**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, 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; 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           1. "Abandoned infant" means a child who is twenty-four (24)  
2 months of age or younger whose parent:

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

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

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

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

18           (1) if an infant is less than ninety (90) days of  
19 age, who fails to show that he has exercised  
20 proper parental rights and responsibilities with  
21 regard to the infant, including, but not limited  
22 to, contributing to the support of the mother of

1 the infant to the extent of his financial ability  
2 during her term of pregnancy,

3 (2) (a) if an infant is older than ninety (90) days  
4 but less than fourteen (14) months of age,  
5 who fails to show that he has exercised  
6 proper parental rights and responsibilities  
7 with regard to the infant, including, but  
8 not limited to, contributing to the support  
9 of the infant to the extent of his financial  
10 ability, which may include contributing to  
11 the support of the mother of the infant to  
12 the extent of his financial ability during  
13 her term of pregnancy.

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

20 (3) (a) if the infant is fourteen (14) months of age  
21 or older, who fails to show that he has  
22 exercised proper parental rights and  
23 responsibilities with regard to the infant,

1 including, but not limited to, contributing  
2 to the support of the infant to the extent  
3 of his financial ability.

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

10 In any case where a father, or a putative father of an  
11 infant born out of wedlock, claims that prior to the  
12 receipt of notice of the hearing provided for in  
13 Section 7006-1.2 of this title he had been  
14 specifically denied knowledge of the infant or denied  
15 the opportunity to exercise parental rights and  
16 responsibilities with regard to the infant, such  
17 father or putative father shall prove to the  
18 satisfaction of the court that he made sufficient  
19 attempts to discover if he had fathered a child or  
20 made sufficient attempts to exercise parental rights  
21 and responsibilities with regard to the infant prior  
22 to the receipt of notice,

1 e. has not established and/or maintained substantial and  
2 positive relationship with the infant during the six  
3 (6) months immediately prior to out-of-home placement  
4 or the six (6) continuous months while in out-of-home  
5 placement, and has not made meaningful efforts to gain  
6 or regain custody of the infant, despite being given  
7 the opportunity to do so. For purposes of this  
8 section, "establish and/or maintain substantial and  
9 positive relationship" includes but is not limited to:  
10 (1) frequent and regular contact with the infant  
11 through frequent and regular visitation or  
12 frequent and regular communication to or with the  
13 infant, and  
14 (2) the exercise of parental rights and  
15 responsibilities.

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

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

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

- 7           a. an evaluation of the child's safety, and
- 8           b. a determination regarding the family's need for  
9           services;

10          4. "Child" means any unmarried person under eighteen (18) years  
11 of age except any person convicted of a crime specified in Section  
12 7306-1.1 of this title or any person who has been certified as an  
13 adult pursuant to Section 7303-4.3 of this title and convicted of a  
14 felony;

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

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

22          7. "Child-placing agency" means a private agency licensed to  
23 place children in foster family homes, group homes, adoptive homes,

1 transitional or independent living programs, or family child care  
2 homes or other out-of-home placements; and which approves and  
3 monitors such placements and facilities in accordance with the  
4 licensing requirements established by the Oklahoma Child Care  
5 Facilities Licensing Act;

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

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

20 10. "Court-appointed special advocate" or "CASA" means a  
21 responsible adult who has been trained and is supervised by a court-  
22 appointed special advocate program recognized by the court, and who  
23 has volunteered to be available for appointment by the court to

1 serve as an officer of the court as a guardian ad litem, pursuant to  
2 the provisions of Section 7003-3.7 of this title, to represent the  
3 best interests of any deprived child or child alleged to be deprived  
4 over whom the district court exercises jurisdiction, until  
5 discharged by the court;

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

15 12. "Day treatment" means a nonresidential program which  
16 provides intensive services to a child who resides in the child's  
17 own home, the home of a relative, group home, a foster home or  
18 residential child care facility. Day treatment programs include,  
19 but are not limited to, educational services;

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

21 14. "Deprived child" means a child:

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

- 1           b.    who does not have the proper parental care or  
2                    guardianship or whose home is an unfit place for the  
3                    child by reason of neglect, abuse, cruelty, or  
4                    depravity on the part of the child's parents, legal  
5                    guardian, or other person responsible for the child's  
6                    health or welfare,
- 7           c.    who is a child in need of special care and treatment  
8                    because of the child's physical or mental condition,  
9                    and the child's parents, legal guardian, or other  
10                  custodian is unable or willfully fails to provide such  
11                  special care and treatment.  As used in this  
12                  paragraph, a child in need of special care and  
13                  treatment includes, but is not limited to, a child who  
14                  at birth tests positive for alcohol or a controlled  
15                  dangerous substance and who, pursuant to a drug or  
16                  alcohol screen of the child and an assessment of the  
17                  parent, is determined to be at risk for future  
18                  exposure to such substances,
- 19          d.    who is a child with a disability deprived of the  
20                  nutrition necessary to sustain life or of the medical  
21                  treatment necessary to remedy or relieve a life-  
22                  threatening medical condition in order to cause or  
23                  allow the death of the child if such nutrition or

1 medical treatment is generally provided to similarly  
2 situated children without a disability or children  
3 with disabilities; provided that no medical treatment  
4 shall be necessary if, in the reasonable medical  
5 judgment of the attending physician, such treatment  
6 would be futile in saving the life of the child,  
7 e. who is, due to improper parental care and  
8 guardianship, absent from school as specified in  
9 Section 10-106 of Title 70 of the Oklahoma Statutes,  
10 if the child is subject to compulsory school  
11 attendance, ~~or~~  
12 f. whose parent, legal guardian or custodian for good  
13 cause desires to be relieved of custody,  
14 g. who has been born to a parent who currently has  
15 children removed from their home due to a pending  
16 deprived case, or  
17 h. who has been born to a parent whose parental rights to  
18 another child have been terminated by the court and  
19 the conditions which led to the making of the finding,  
20 which resulted in the termination of the parental  
21 rights of the parent to the other child, have not been  
22 corrected.

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

8           Nothing contained in this paragraph shall prevent a court from  
9 immediately assuming custody of a child and ordering whatever action  
10 may be necessary, including medical treatment, to protect the  
11 child's health or welfare.

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

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

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

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

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

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

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

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

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

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

1        24. "Guardian ad litem" means a person appointed by the court  
2 to protect the best interests of a child pursuant to the provisions  
3 of Section 7003-3.7 of this title in a particular case before the  
4 court;

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

10       26. "Independent living program" means a program specifically  
11 designed to assist a child to enhance those skills and abilities  
12 necessary for successful adult living. An independent living  
13 program may include, but shall not be limited to, such features as  
14 minimal direct staff supervision, and the provision of supportive  
15 services to assist children with activities necessary for finding an  
16 appropriate place of residence, completing an education or  
17 vocational training, obtaining employment, or obtaining other  
18 similar services;

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

21       28. "Investigation" means an approach utilized by the  
22 Department to respond to reports of alleged child abuse or neglect  
23 which, according to priority guidelines established by the

1 Department, constitute a serious and immediate threat to a child's  
2 health or safety. An investigation includes, but is not limited to,  
3 the following elements:

- 4 a. an evaluation of the child's safety,
- 5 b. a determination whether or not child abuse or neglect  
6 occurred, and
- 7 c. a determination regarding the family's need for  
8 prevention and intervention-related services;

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

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

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

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

22 33. "Multidisciplinary child abuse team" means any team  
23 established pursuant to Section 7110 of this title of three or more

1 persons who are trained in the prevention, identification,  
2 investigation, prosecution and treatment of physical and sexual  
3 child abuse and who are qualified to facilitate a broad range of  
4 prevention and intervention-related services and services related to  
5 child abuse;

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

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

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

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

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

21 39. "Person responsible for a child's health, safety or  
22 welfare" includes a parent; a legal guardian; custodian; a foster  
23 parent; a person eighteen (18) years of age or older with whom the

1 child's parent cohabitates or any other adult residing in the home  
2 of the child; an agent or employee of a public or private  
3 residential home, institution, facility or day treatment program as  
4 defined in Section 175.20 of this title; or an owner, operator, or  
5 employee of a child care facility as defined by Section 402 of this  
6 title;

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

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

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

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

15 ~~The term "putative~~

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

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

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

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

1           42. "Relative" means a grandparent, great-grandparent, brother  
2 or sister of whole or half blood, aunt, uncle or any other person  
3 related to the child within the third degree of consanguinity;

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

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

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

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

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

1 (1) after transfer of legal custody of the child,  
2 other than in connection with an action for  
3 termination of parental rights, a relinquishment  
4 of parental rights, a consent to termination of  
5 parental rights or an adoption, or  
6 (2) when a guardianship or kinship guardianship is  
7 established for the child.

8 b. Residual parental rights and responsibilities may be  
9 limited or restricted as determined by the court, and  
10 include, but are not limited to:  
11 (1) the right of visitation,  
12 (2) the right to consent to adoption,  
13 (3) the responsibility for support of and costs of  
14 medical care for the child,  
15 (4) the right to determine the religious faith of the  
16 child, and  
17 (5) the right to consent to termination of parental  
18 rights and the right to permanently relinquish  
19 parental rights.

20 c. Residual parental rights and responsibilities shall  
21 not include the right to consent to the marriage of a  
22 minor pursuant to the provisions of Section 3 of Title  
23 43 of the Oklahoma Statutes;

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

7       47. "Secure facility" means a facility which is designed and  
8 operated to ensure that all entrances and exits from the facility  
9 are subject to the exclusive control of the staff of the facility,  
10 whether or not the juvenile being detained has freedom of movement  
11 within the perimeter of the facility, or a facility which relies on  
12 locked rooms and buildings, fences, or physical restraint in order  
13 to control behavior of its residents;

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

- 16           a. substantial risk of death,
- 17           b. extreme physical pain,
- 18           c. protracted and obvious disfigurement, or
- 19           d. protracted loss or impairment of the function of a  
20                bodily member, organ or mental faculty;

21       49. "Serious danger to the health and safety" means that  
22 without the intervention of another person or agency, a child would

1 likely or in all probability sustain severe or permanent disability  
2 or injury, illness, or death;

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

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

- 7 a. has been certified by the Developmental Disabilities  
8 Services Division of the Department of Human Services,  
9 b. is monitored by the Division, and  
10 c. is funded through the Home- and Community-Based Waiver  
11 Services Program administered by the Division;

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

14 53. "Therapeutic foster family home" means a foster family home  
15 which provides specific treatment services, pursuant to a  
16 therapeutic foster care contract, which are designed to remedy  
17 social and behavioral problems of a foster child residing in the  
18 home;

19 54. "Torture" means to inflict:

- 20 a. intense emotional or psychological anguish to or  
21 suffering by a child, or  
22 b. physical pain for the purpose of coercing or  
23 terrorizing a child;

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

4           56. "Transitional living program" means a residential program  
5 that may be attached to an existing facility or operated solely for  
6 the purpose of assisting children to develop the skills and  
7 abilities necessary for successful adult living. The program may  
8 include, but shall not be limited to, reduced staff supervision,  
9 vocational training, educational services, employment and employment  
10 training, and other appropriate independent living skills training  
11 as a part of the transitional living program;

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

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

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

1 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7003-5.3, as  
2 amended by Section 18, Chapter 327, O.S.L. 2002 (10 O.S. Supp. 2005,  
3 Section 7003-5.3), is amended to read as follows:

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

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

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

15 1. Developed with the participation or input of the parent,  
16 legal guardian, or custodian of the child, the ~~child's~~ attorney of  
17 the child and the guardian ad litem of the child, if any, and, if  
18 appropriate, the child;

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

21 3. Written in simple and clear English. If English is not the  
22 principal language of the child's parent, legal guardian, or  
23 custodian, and such person is unable to read or comprehend the

1 English language, to the extent possible the plan shall be written  
2 in such person's principal language;

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

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

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

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

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

1           3. A schedule of the frequency of services or treatment and the  
2 means by which delivery of the services or treatment will be assured  
3 or, as necessary, the proposed means by which support services or  
4 other assistance will be provided to enable the parent or the child  
5 to obtain the services or treatment;

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

7           5. If the child is placed outside the home:

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

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

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

18          d. the services necessary to assist the child to  
19 reintegrate with the child's family or other  
20 community-based placement and a description of acts by  
21 and conduct that is expected of the parent or parents,  
22 legal guardian, custodian, or stepparent or other  
23 adult person living in the home that would alleviate

1 the conditions that resulted in the removal of the  
2 child before the child can be returned to a safe home,  
3 e. if the child is sixteen (16) years of age or older,  
4 the services necessary to make the transition from  
5 foster care or other community placement to  
6 independent living,  
7 f. a description of the type of safe and proper placement  
8 in which the child is to be placed,  
9 g. a description of the initial support obligation to the  
10 child, as determined by the court,  
11 h. a description of any visitation rights and obligations  
12 of the parent or parents, legal guardian, or custodian  
13 during the period the child is in care, and  
14 i. a discussion of the safety and appropriateness of the  
15 child's placement, which placement is intended to be  
16 in the least restrictive and most family-like setting  
17 available, consistent with the best interests and  
18 special needs of the child and in as close proximity  
19 as possible to the child's home;  
20 6. Performance criteria that will measure the progress of the  
21 child and family toward completion of the treatment and service plan  
22 including, but not limited to, time frames for achieving objectives  
23 and addressing the identified problems;

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

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

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

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

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

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

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

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

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

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

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

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

21 H. In addition to the information required pursuant to  
22 subsection A of this section, when a child, who at birth tested  
23 positive for alcohol or a controlled dangerous substance and who was

1 determined to be at risk for future exposure to such substances, has  
2 been removed from the home, the Department of Human Services,  
3 subject to court approval:

4 1. May require, as part of the treatment and service plan, that  
5 the mother of such child complete a treatment program approved by  
6 the Alcohol and Drug Abuse Prevention, Training, Treatment and  
7 Rehabilitation Authority prior to the return of the child to a safe  
8 home;

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

19 3. May require testing for substance abuse of the mother,  
20 father, legal guardian, custodian, stepparent or other adult person  
21 living in the home, on a monthly basis for a twelve-month period  
22 following completion of the substance abuse program and after return  
23 of the child to a safe home. A positive test of any such person

1 shall be presented to the Department of Human Services and the  
2 district attorney.

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

6 J. The services delineated in the individual treatment and  
7 service plan shall be designed to improve the conditions in the  
8 family home and aid in maintaining the child in a safe home, to  
9 facilitate the return of the child to the family home, or to  
10 facilitate the permanent placement of the child. The plan shall  
11 focus on clearly defined objectives and shall provide the most  
12 efficient path to quick reunification or permanent placement. To  
13 the extent possible, the plan shall contain outcome based evaluation  
14 criteria that measure success in the reunification or permanent  
15 placement process.

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

21 L. The parents, any foster parents of the child, the child's  
22 attorney and the guardian ad litem of the child, if any, shall be

1 each provided a copy of the treatment and service plan approved by  
2 the court.

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

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

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

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

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

4 1. a. The court may place the child under supervision by the  
5 Department of Human Services in the child's own home,  
6 or in the custody of a suitable person elsewhere. If  
7 a child has been removed from the custodial parent of  
8 the child and the court, in the best interests of the  
9 child, is unable to release the child to the custodial  
10 parent, the court shall give priority for placement of  
11 the child with the noncustodial parent of the child  
12 unless such placement would not be in the child's best  
13 interests. If the court cannot place the child with  
14 the noncustodial parent, custody shall be consistent  
15 with the provisions of Section 21.1 of this title. If  
16 custody of the child cannot be made pursuant to the  
17 provisions of Section 21.1 of this title, the reason  
18 for such determination shall be documented in the  
19 court record. The court may require the parent or  
20 other person to comply with such conditions as the  
21 court may require and to give security by bond, with  
22 surety or sureties approved by the court, for  
23 compliance with such order.

1           b.    If it is consistent with the welfare of the child, the  
2                    child shall be returned to the child's parent, legal  
3                    guardian or custodian.  Provided, that if it appears  
4                    to the court that the conduct of the parent, legal  
5                    guardian, custodian, or that a stepparent or other  
6                    adult person living in the home has contributed to  
7                    such deprivation, the court may issue a written order  
8                    specifying conduct to be followed by such parent,  
9                    legal guardian, custodian, stepparent or other adult  
10                  person living in the home with respect to such child.  
11                  The conduct specified shall be such as would  
12                  reasonably prevent the child from becoming or  
13                  continuing to be deprived.

14           c.    The order placing the child under supervision by the  
15                    Department in the child's own home shall remain in  
16                    effect for a period of not more than one (1) year, to  
17                    be specified by the court, and the order may be  
18                    extended or renewed by the court.

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

22           3.    The court may place the child in the custody of a private  
23                  institution or agency, including any institution established and

1 operated by the county, authorized to care for children or to place  
2 them in family homes. In placing a child in a private institution  
3 or agency, the court shall select one that is licensed by the  
4 Department or any other state department supervising or licensing  
5 private institutions and agencies; or, if such institution or agency  
6 is in another state, by the analogous department of that state.  
7 Whenever the court shall place a child in any institution or agency,  
8 it shall transmit with the order of commitment a summary of its  
9 information concerning the child, and such institution or agency  
10 shall give to the court such information concerning the child as the  
11 court may at any time require.

12 4. The court may order the child to receive counseling or other  
13 community-based services as necessary.

14 5. The court may place the child in the custody of the  
15 Department.

16 6. If the child has been placed outside the home, and it  
17 appears to the court that the parent, legal guardian, custodian,  
18 stepparent, or other adult person living in the home has contributed  
19 to the deprivation of the child, the court may order that the  
20 parent, legal guardian, custodian, stepparent, or other adult living  
21 in the home be made subject to any treatment or placement plan  
22 prescribed by the Department or other person or agency receiving  
23 custody of the child.

1           7.    a.    The court may order a child's permanent care and  
2                            custody transferred to another person, subject to  
3                            residual parental rights and responsibilities and  
4                            subject to such orders of the court as deemed  
5                            necessary for the health, safety or welfare of the  
6                            child pursuant to the provisions of this paragraph,  
7                            upon the written consent of both parents of the child  
8                            or upon the consent of one parent only if:  
9                            (1)   the other parent is deceased,  
10                           (2)   the other parent has been determined by a court  
11                                 of law to be incompetent or incapacitated,  
12                           (3)   the other parent's whereabouts or identity is  
13                                 unknown. This fact shall be attested to by an  
14                                 affidavit of the consenting parent,  
15                           (4)   the other parent who is eighteen (18) years of  
16                                 age or older, has signed a statement consenting  
17                                 to the transfer, executed before a notary public,  
18                           (5)   the parental rights of the other parent has been  
19                                 terminated,  
20                           (6)   the other parent has been or is found by the  
21                                 court of law to be unfit or unable to exercise  
22                                 parental rights and responsibilities for the

1 child based upon situations enumerated in Section  
2 7006-1.1 of this title,

3 (7) is or has been subject to the registration  
4 requirements of the Oklahoma Sex Offenders  
5 Registration Act or any similar act in any other  
6 state, or

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

10 b. Prior to the entry of an order transferring the  
11 permanent care and custody of a child, the court shall  
12 receive an investigation and report regarding the  
13 background and home of the prospective custodian.  
14 Such investigation and report of the prospective  
15 custodian shall be made pursuant to the requirements  
16 of the Oklahoma Adoption Code. The Department of  
17 Human Services shall only be required by the court to  
18 make the home study and report as specified by this  
19 paragraph in the following circumstances:

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

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

3 c. Upon the entry of an order providing for the transfer  
4 of the permanent care and custody of a child, the  
5 order shall remain in full force and effect until:

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

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

8 (3) the parent who consented to the transfer of the  
9 permanent care and custody of the child petitions  
10 the court for the recovery of the child and the  
11 court finds after evidentiary hearing:

12 (a) the child has been abused or neglected while  
13 in the care and custody of the custodian,  
14 and

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

18 (4) the district attorney, attorney for the child, or  
19 custodian petitions the court for modification of  
20 the order transferring permanent care and custody  
21 and the court finds after evidentiary hearing  
22 that it is in the best interests of the child for  
23 the order to be modified and the custody of the

1 child be given to another person, pursuant to the  
2 Oklahoma Guardianship and Conservatorship Act or  
3 the Oklahoma Children's Code,

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

7 (6) the child is adopted.

8 d. An order providing for the transfer of the permanent  
9 care and custody of a child:

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

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

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

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

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

- 13 (1) protection,
- 14 (2) education,
- 15 (3) care and control,
- 16 (4) custody, and
- 17 (5) decision making.

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

20 c. The petition for kinship guardianship shall allege  
21 that:

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

- 1 (2) more than twelve (12) months have passed since  
2 the date of the dispositional order placing such  
3 child in the legal custody of the Department,  
4 (3) the parents of the child are presently and for  
5 the foreseeable future unable to provide proper  
6 and adequate care for the child,  
7 (4) the prospective kinship guardian consents to the  
8 appointment,  
9 (5) the child has resided with the kinship foster  
10 parent and there exists a loving and emotional  
11 tie between the child and the kinship foster  
12 parent, and  
13 (6) it would be in the best interests of the child  
14 for the petition to be granted.
- 15 d. Notice of the petition and a copy of the petition  
16 shall be served upon the parties, the Department, and  
17 the guardian ad litem of the child, if any.
- 18 e. Prior to the entry of an order appointing a kinship  
19 guardian, the court shall receive the most recent  
20 report regarding the background and home of the  
21 prospective kinship guardian.
- 22 f. If the court finds that the elements of the petition  
23 have been proven based on clear and convincing

1 evidence, or upon the consent of all parties, the  
2 court shall grant the petition.

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

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

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

14 (2) the child is married or legally emancipated,

15 (3) the court finds after evidentiary hearing:

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

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

22 (4) the district attorney, an attorney for the child,  
23 or the kinship guardian petitions the court for

1 modification of the order transferring permanent  
2 care and custody to a kinship guardian and the  
3 court finds after evidentiary hearing that it is  
4 in the best interests of the child for the order  
5 to be modified and the custody of the child be  
6 given to another person, pursuant to the Oklahoma  
7 Guardianship and Conservatorship Act or the  
8 Oklahoma Children's Code,

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

12 (6) the child is adopted.

13 i. An order appointing a kinship guardian shall:

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

21 (2) not require periodic reviews by the court  
22 thereafter if the parties agree with the assent  
23 of the court that such reviews are not necessary

1 to serve the best interests of the child, unless  
2 periodic reviews are otherwise required by the  
3 court, and

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

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

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

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

1 E. 1. Except as otherwise provided in subsection F of this  
2 section, in any dispositional order removing a child from the home  
3 of the child, the court shall make a determination as to whether, in  
4 accordance with the best interests of the child:

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

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

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

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

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

1 G. 1. If it is consistent with the welfare of the child, in  
2 cases where the child has been adjudicated to be deprived due to  
3 repeated absence from school, the court may order counseling and  
4 treatment for the child and the parents of the child to be provided  
5 by the local school district, the county, the Department or a  
6 private individual or entity.

7 2. Prior to final disposition, the court shall require that it  
8 be shown by the appropriate school district that a child found to be  
9 truant has been evaluated for literacy, learning disabilities,  
10 mental retardation, and hearing and visual impairments and other  
11 impediments which could constitute an educational handicap. The  
12 results of such tests shall be made available to the court for use  
13 by the court in determining the disposition of the case.

14 3. No child who has been adjudicated deprived upon the basis of  
15 noncompliance with the mandatory school attendance law alone may be  
16 placed in a public or private institutional facility or be removed  
17 from the custody of the lawful parent, legal guardian or custodian  
18 of the child.

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

22 H. In any dispositional order involving a child sixteen (16)  
23 years of age or older, the court shall make a determination, where

1 appropriate, of the services needed to assist the child to make the  
2 transition from out-of-home care to independent living.

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

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

11 3. If the court terminates the rights of a parent and places  
12 the child with an individual or agency, the court may invest in such  
13 individual or agency authority to consent to the adoption of the  
14 child. Provided, that where the court places the child with the  
15 Department, it shall vest the Department with authority to place the  
16 child and, upon notice to the court that an adoption petition has  
17 been filed concerning such child, invest the Department with  
18 authority to consent to the adoption of the child, and the  
19 jurisdiction of the committing court shall terminate upon final  
20 decree of adoption.

21 J. 1. When the juvenile court assumes jurisdiction over a  
22 child pursuant to Article III of this Code, an order concerning  
23 child support or the legal custody of the child that has been

1 previously entered in any other administrative or district court  
2 proceeding shall be subject to modification by the juvenile court  
3 during the pendency of the deprived action. When the juvenile court  
4 terminates its jurisdiction over the child in the deprived action,  
5 the most recent order which determines child support or awards legal  
6 custody of the child to a parent or other person shall remain in  
7 full force and effect and shall survive the deprived action. The  
8 surviving order from the deprived action shall be docketed and filed  
9 in the administrative or district court action that was pending at  
10 the time the deprived action was commenced and shall control over  
11 any prior order concerning the child support or legal custody of the  
12 child.

13 2. If no action concerning child support or legal custody of  
14 the child is pending when the juvenile court terminates its  
15 jurisdiction over the child in the deprived action, the most recent  
16 order which determines child support or awards legal custody of the  
17 child to a parent or other person shall remain in full force and  
18 effect and shall survive the deprived action. The surviving order  
19 from the deprived action shall be used as the sole basis for opening  
20 an administrative or district court action in the same county where  
21 the deprived action was pending or in the county where the legal  
22 custodian of the child resides. The court may direct the legal  
23 custodian or the clerk of the juvenile court to transmit the

1 surviving order to the clerk of the district court of the county in  
2 which the order is to be filed along with the names and address of  
3 the parents of the child, if known. The clerk of the district court  
4 shall, immediately upon receipt, open a file without a filing fee,  
5 assign a case number and file the order.

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

14 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7510-1.5, as  
15 last amended by Section 6, Chapter 415, O.S.L. 2004 (10 O.S. Supp.  
16 2005, Section 7510-1.5), is amended to read as follows:

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

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

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

9           B. When an otherwise eligible child is determined to have a  
10 causative, preexisting condition which was not identified or known  
11 prior to the legal finalization of the adoption and which has  
12 resulted in a severe medical or psychiatric condition that requires  
13 extensive treatment, hospitalization, or institutionalization, an  
14 adoption assistance agreement may be approved by the Department  
15 after the final decree of adoption has been entered. In the event  
16 an adoption assistance agreement is approved that provides for  
17 monthly adoption assistance payments, the adoptive parents may also  
18 be entitled to receive retroactive adoption assistance payments for  
19 a period not to exceed the two (2) months prior to the date the  
20 adoption assistance agreement was approved.

21           C. Any child who met the requirements of the provisions of  
22 Sections 7510-1.2 and 7510-1.4 of this title, and was determined  
23 eligible for Oklahoma adoption assistance with respect to a prior

1 adoption, and is available for adoption because the prior adoption  
2 has been dissolved and the parental rights of the adoptive parents  
3 have been terminated or because the ~~child's~~ adoptive parents of the  
4 child have died, shall be eligible for Oklahoma adoption assistance  
5 with respect to any subsequent adoption.

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

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

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

21 4. No payment may be made to any parents with respect to any  
22 child who has attained the age of eighteen (18) years, except ~~where~~  
23 ~~the Department determines that the~~ a child has ~~a severe physical or~~

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

- 13           a. continues to attend high school or pursues General  
14                   Education Development, or  
15           b. meets the criteria for an adoption assistance  
16                   difficulty of care rate as determined by the  
17                   Department.

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

21           6. No payment may be made to adoptive parents if the Department  
22 determines that the parents are no longer legally responsible for

1 the support of the child or that the child is no longer receiving  
2 any financial support from such parents.

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

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

10 SECTION 5. It being immediately necessary for the preservation  
11 of the public peace, health and safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-4-06 - DO PASS,  
15 As Amended.