

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1899

By: Leftwich

AS INTRODUCED

An Act relating to children; amending 10 O.S. 2001, Section 7003-7.1, as amended by Section 19, Chapter 327, O.S.L. 2002 (10 O.S. Supp. 2005, Section 7003-7.1), which relates to persons or agencies receiving custody; requiring child to remain in certain custody under specified circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7003-7.1, as amended by Section 19, Chapter 327, O.S.L. 2002 (10 O.S. Supp. 2005, Section 7003-7.1), is amended to read as follows:

Section 7003-7.1 A. 1. Whenever the court transfers custody of a child as provided in this article, the person, institution, agency, or department receiving custody shall have the right to, and shall be responsible for, the care and control of the child, and shall have the duty and authority to provide food, clothing, shelter, medical care, education, and discipline for the child.

2. The court shall complete a form approved by the Oklahoma Supreme Court to verify information that has been considered prior to the custody transfer.

B. 1. Except for an emergency psychiatric admission pursuant to the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, such person, institution, agency or department may provide or arrange for the provision of an inpatient evaluation or inpatient treatment of such minor only pursuant to a court order as provided by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act. Nothing in this subsection shall be

interpreted to prohibit or preclude the provision of outpatient services, including an outpatient examination, counseling, educational, rehabilitative or other similar services to such minor, as necessary and appropriate, in the absence of a specific court order for such services.

2. The medical care, surgery and extraordinary care shall be charged to the appropriate agency where the child qualifies for the care under law, rule or administrative order or decision.

3. Nothing in this subsection shall be interpreted to:

- a. relieve a parent of the obligation to provide for the support of the child as otherwise provided by law, or
- b. limit the authority of the court to order a parent to make support payments or to make payments or reimbursements for medical care or treatment, including mental health care or treatment, to the person, institution, agency or department having custody of the child, or
- c. abrogate the right of the child to any benefits provided through public funds for which the child is otherwise eligible.

4. No person, agency or institution shall be liable in a civil suit for damages for authorizing or not authorizing surgery or extraordinary care in instances where an emergency exists, as determined by competent medical authority.

C. 1. If the child is placed in the custody of the Department of Human Services, whether in emergency, temporary or permanent custody, the Department shall determine the appropriate placement of the child. However, under no circumstances may the Department of Human Services return a child to a parent that contributed to the child being deprived due to abuse or neglect, without prior approval of the court. Any change in the placement of a child adjudicated to be deprived shall be in accord with the provisions of subsection B

of Section 7003-5.4a of this title. If a child reaches eighteen (18) years of age while in permanent custody of the Department, the Department shall retain custody for such time as the child is in high school.

2. The person, institution, agency, or Department having legal custody of a child pursuant to an order of the court shall receive notice of court proceedings regarding the child and shall be allowed to intervene upon application as a party to all court proceedings pertaining to the care and custody of the child including, but not limited to: adjudication, disposition, review of disposition, termination of parental rights and proceedings pursuant to the Inpatient Mental Health and Substance Abuse Treatment of Minors Act.

SECTION 2. This act shall become effective November 1, 2006.

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