

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2044

6 By: Brown

7 COMMITTEE SUBSTITUTE

8 An Act relating to children; providing for short  
9 title; amending 10 O.S. 2001, Section 7003-4.7, as  
10 amended by Section 1, Chapter 237, O.S.L. 2002 (10  
11 O.S. Supp. 2006, Section 7003-4.7), which relates to  
12 petition for termination of parental rights; adding  
13 consideration for termination; providing for  
14 noncodification; and providing an effective date.

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

16 SECTION 1. NEW LAW A new section of law not to be  
17 codified in the Oklahoma Statutes reads as follows:

18 This act shall be known and may be cited as "Linzy's Law".

19 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7003-4.7, as  
20 amended by Section 1, Chapter 237, O.S.L. 2002 (10 O.S. Supp. 2006,  
21 Section 7003-4.7), is amended to read as follows:

22 Section 7003-4.7 A. The district attorney shall file a  
23 petition for termination of the parent-child relationship and  
24 parental rights with respect to a child or shall join in the

1 petition, if filed by the ~~child's~~ attorney of the child, in any of  
2 the following circumstances:

3 1. Prior to the end of the fifteenth month when a child has  
4 been placed in foster care by the Department of Human Services for  
5 fifteen (15) of the most recent twenty-two (22) months. For  
6 purposes of this paragraph, a child shall be considered to have  
7 entered foster care on the earlier of:

- 8 a. the date of adjudication as a deprived child, or
- 9 b. the date that is sixty (60) days after the date on  
10 which the child is removed from the home;

11 2. Prior to the end of the fifteenth month when a child has  
12 been placed in foster care by the Department of Juvenile Justice or  
13 in a child-care institution, as defined in Section 472(c)(2) of the  
14 Social Security Act, by the Department of Juvenile Justice for  
15 fifteen (15) of the most recent twenty-two (22) months. For  
16 purposes of this paragraph, a child shall be considered to have  
17 entered foster care on the earlier of:

- 18 a. the date of disposition as a delinquent, or
- 19 b. the date that is sixty (60) days after the date on  
20 which the child is removed from the home;

21 3. By the end of the twelfth month when a child has been placed  
22 in foster care by the Department of Human Services and the parent of  
23 the child has failed to comply with any requirements of an alcohol  
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1 or drug treatment program as required by the individual treatment  
2 and service plan pursuant to Section 7003-5.3 of this title;

3 4. No later than sixty (60) days after a child has been  
4 judicially determined to be an abandoned infant;

5 ~~4.~~ 5. No later than sixty (60) days after a court has  
6 determined that reasonable efforts to reunite are not required due  
7 to a felony conviction of a parent who has:

8 a. committed the murder of any child or has aided or  
9 abetted, attempted, conspired in, or solicited the  
10 commission of the murder of any child,

11 b. committed voluntary manslaughter of another child of  
12 the parent, or has aided or abetted, attempted,  
13 conspired in, or solicited the commission of voluntary  
14 manslaughter of another child of the parent, or

15 c. committed a felony assault that has resulted in  
16 serious bodily injury to the child or to another child  
17 of the parent.

18 B. If any of the following conditions exist, the district  
19 attorney is not required to file a petition as provided in  
20 subsection A of this section for a deprived child:

21 1. At the option of the Department of Human Services or by  
22 order of the court, the child is properly being cared for by a  
23 relative;

24

1           2. The Department of Human Services has documented in the  
2 child's case plan that is provided or available to the court a  
3 compelling reason for determining that filing the petition would not  
4 be in the best interests of the child; or

5           3. The state has not provided to the family of the child,  
6 consistent with the time period in the state case plan, such  
7 services as the state deems necessary for the safe return of the  
8 child to the child's home, if reasonable efforts are required to be  
9 made with respect to the child.

10           C. If any of the following conditions exist, the district  
11 attorney is not required to file a petition as provided in  
12 subsection A of this section for a delinquent child:

13           1. At the option of the Department of Juvenile Justice or by  
14 order of the court, the child is properly being cared for by a  
15 relative; or

16           2. The Department of Juvenile Justice has documented in the  
17 child's case plan that is provided or available to the court a  
18 compelling reason for determining that filing the petition would not  
19 be in the best interests of the child.

20           SECTION 3. This act shall become effective November 1, 2007.

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