

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2219

By: Shoemake

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to children; amending 10 O.S. 2001,
9 Section 7004-1.5, which relates to the Kinship Foster
10 Care Program; requiring the establishment of a
11 kinship navigator program; and providing an effective
12 date.

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

14 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7004-1.5, is
15 amended to read as follows:

16 Section 7004-1.5 A. There is hereby established a Kinship
17 Foster Care Program in the Department of Human Services.

18 B. 1. a. When a child has been removed from the child's home
19 and is in the care and custody of the Department, the
20 Department shall attempt to place the child with a
21 person determined by the Department to have a kinship
22 relationship with the child if such placement is in
23 the best interests of the child.

24 b. In determining a kinship placement for a child who has
been removed from the custody of a custodial parent

1 and placed with the Department in emergency or
2 protective custody, priority shall be given by the
3 Department to the placement of such child with the
4 noncustodial parent of the child unless such placement
5 is not in the best interests of the child. If it is
6 determined by the Department that placement with the
7 noncustodial parent is not in the best interests of
8 the child, custody shall be consistent with the
9 provisions of Section 21.1 of this title. If custody
10 of the child cannot be made pursuant to the provisions
11 of Section 21.1 of this title, the reason for such
12 determination shall be specified in the agency records
13 concerning the child. In addition, such reasons shall
14 be made known to the court by the Department. A
15 child's health, safety or welfare shall be of
16 paramount concern in any placement.

17 2. The Department shall establish, in accordance with the
18 provisions of this section, eligibility standards for becoming a
19 kinship foster care family.

20 C. 1. Upon the completion of the records search to ascertain
21 if there is an Oklahoma record of criminal history for the
22 prospective kinship foster parent or any other adult residing in the
23 prospective kinship foster parent's home and subject to any other
24 standards established by the Department, a child may be placed in

1 the kinship home. A kinship foster parent shall not be entitled to
2 any payments for providing foster care until such foster parent
3 receives final approval from the Department to be a kinship foster
4 parent.

5 2. Following placement, the Oklahoma State Bureau of
6 Investigation shall complete a national criminal history records
7 search based upon submission of fingerprints for any kinship foster
8 parent and any adult residing in the home of such parent, and shall
9 make the results of the records search available to the Department
10 pursuant to the provisions of the Oklahoma Child Care Facilities
11 Licensing Act. The Director of Human Services or designee may
12 authorize an exception to the fingerprinting requirement for an
13 adult residing in the kinship foster care home who has a severe
14 physical condition which precludes such person's being
15 fingerprinted.

16 3. The Department shall maintain the confidentiality of the
17 records search results and shall use the results only for purposes
18 of determining a person's eligibility to become a kinship foster
19 parent.

20 4. It shall be unlawful, except for the purpose of determining
21 a person's eligibility for kinship foster care, for any person to
22 disclose information obtained under this subsection.

23 5. Any person violating the provisions of this subsection shall
24 be guilty of a misdemeanor.

1 D. A person related by blood, marriage, adoption and by tie or
2 bond to a child and/or to whom has been ascribed a family
3 relationship role with the child's parents or the child may be
4 eligible for approval as a kinship foster care parent.

5 E. The Department shall determine whether the person is able to
6 effectively care for the foster child by:

- 7 1. Reviewing personal and professional references;
- 8 2. Observing during a visit to the home of the kinship foster
9 care family; and
- 10 3. Interviewing the kinship foster care parent.

11 F. When the kinship foster parent is finally approved by the
12 Department, in accordance with rules promulgated by the Commission
13 for Human Services regarding foster care services, the kinship
14 foster care family shall be eligible to receive payment for the full
15 foster care rate for the care of the child and any other benefits
16 that might be available to foster parents, whether monetary or in
17 services. If a child is placed with a kinship foster parent prior
18 to the home's final approval as a foster care home, the Department
19 shall immediately refer such child and family for assistance through
20 the Temporary Assistance for Needy Families Program.

21 G. 1. The Department and the kinship foster care parent shall
22 develop a plan for the care of the child, which shall be
23 periodically reviewed and updated.

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1 2. The kinship foster parent shall cooperate with any
2 activities specified in the case plan for the child including, but
3 not limited to, counseling, therapy, court sessions, visits with the
4 child's parents or other family members, and training.

5 H. The Department of Human Services, in conjunction with the
6 Oklahoma State Department of Health, the Department of Mental Health
7 and Substance Abuse Services and the State Department of Education,
8 shall establish a comprehensive, statewide kinship navigator program
9 for the purpose of helping caregivers access any benefits and
10 services for which they may be eligible. The Department of Human
11 Services shall ensure that each kinship foster parent is aware of
12 the navigator program and understands how to obtain assistance
13 through the program.

14 I. The Commission for Human Services shall promulgate rules
15 necessary to carry out the provisions of this section pursuant to
16 the Administrative Procedures Act.

17 SECTION 2. This act shall become effective November 1, 2008.

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