

1 ENGROSSED HOUSE
2 BILL NO. 2958

By: Tibbs, Shumate and Pittman
of the House

3 and

4 Williamson of the Senate
5
6

7 An Act relating to children; amending 10 O.S. 2001,
8 Section 7003-8.1, as amended by Section 4, Chapter
9 196, O.S.L. 2007 (10 O.S. Supp. 2007, Section 7003-
10 8.1), which relates to placement of children;
11 prohibiting consideration of the age of an individual
12 when placing a child under certain circumstances; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7003-8.1, as
16 amended by Section 4, Chapter 196, O.S.L. 2007 (10 O.S. Supp. 2007,
17 Section 7003-8.1), is amended to read as follows:

18 Section 7003-8.1 A. In placing a child in the custody of an
19 individual or in the custody of a private agency or institution, the
20 court shall, and the Department of Human Services shall, if at all
21 possible, select a person or an agency or institution governed by
22 persons of the same religious faith as that of the parents of the
23 child, or in case of a difference in the religious faith of the
24 parents, then of the religious faith of the child, or, if the

1 religious faith of the child is not ascertainable, then of the faith
2 of either of the parents.

3 B. Except as otherwise provided by this section or by law, it
4 shall be left to the discretion of the judge to place the custody of
5 children where their total needs will best be served. If an
6 individual meets the minimum required age for placement purposes,
7 the age of an otherwise eligible individual shall not be a reason
8 for denying the individual placement or custody of a child.

9 C. If the child is removed from the custody of the child's
10 parent, the court or the Department of Human Services, as
11 applicable, shall immediately consider concurrent permanency
12 planning, so that permanency may occur at the earliest opportunity.
13 Identification of appropriate in-state and out-of-state placements
14 should be made so that if reunification fails or is delayed, the
15 placement made is the best available placement to provide permanency
16 for the child.

17 D. A prospective foster or adoptive parent shall not be an
18 approved placement for a child if the prospective foster or adoptive
19 parent or any other person residing in the home of the prospective
20 foster or adoptive parent has been convicted of any of the following
21 felony offenses:

22 1. Within the five-year period preceding the application date,
23 physical assault, battery or a drug-related offense;

24 2. Child abuse or neglect;

1 3. Domestic abuse;

2 4. A crime against a child, including, but not limited to,
3 child pornography; and

4 5. A crime involving violence, including, but not limited to,
5 rape, sexual assault or homicide, but excluding those crimes
6 specified in paragraph 1 of this subsection.

7 E. 1. Under no circumstances shall a child be placed in the
8 custody of an individual subject to the Oklahoma Sex Offenders
9 Registration Act or an individual who is married to or living with
10 an individual subject to the Oklahoma Sex Offenders Registration
11 Act.

12 2. In addition, prior to placing a child in the custody of an
13 individual, the court shall inquire as to whether the individual has
14 been previously convicted of any other felony or a relevant
15 misdemeanor or has any felony or relevant misdemeanor charges
16 pending.

17 3. Prior to the custody order being entered, the individual
18 seeking custody shall respond by certified affidavit or through
19 sworn testimony to the court and shall provide an Oklahoma criminal
20 history record obtained pursuant to Section 150.9 of Title 74 of the
21 Oklahoma Statutes.

22 4. For purposes of this subsection the terms:

23 a. "relevant misdemeanor" may include, but shall not be
24 limited to, assault and battery, alcohol- or drug-

