

1 ENGROSSED HOUSE
2 BILL NO. 3201

By: Denney, Pittman and
McAffrey of the House

3 and

4 Aldridge of the Senate
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7 An Act relating to children; amending 10 O.S. 2001,
8 Section 7004-1.1, which relates to duties and powers
9 of the Oklahoma Department of Human Services;
10 requiring the photographing and fingerprinting of
11 children in custody of the Department; specifying
12 time for retention of records; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7004-1.1, is
16 amended to read as follows:

17 Section 7004-1.1 A. In addition to the other powers and duties
18 prescribed by law, the Department of Human Services shall have the
19 power and duty to:

20 1. Provide for the temporary care and treatment of children
21 taken into protective or emergency custody pursuant to the
22 provisions of Article III of the Oklahoma Children's Code, and
23 placed in the Department's custody by an order of the juvenile
24 court.

1 In providing for the temporary care and treatment of an alleged
2 deprived child placed in the Department's custody, the Department
3 shall:

- 4 a. place such children in a children's shelter, a foster
5 home or a relative's home. In determining any
6 placement for a child who has been removed from the
7 custody of a custodial parent and placed with the
8 Department in emergency or protective custody,
9 priority shall be given by the Department to the
10 placement of such child with the noncustodial parent
11 of the child unless such placement is not in the best
12 interests of the child. If it is determined by the
13 Department that placement with the noncustodial parent
14 is not in the best interests of the child, custody
15 shall be consistent with the provisions of Section
16 21.1 of this title. If custody of the child cannot be
17 made pursuant to the provisions of Section 21.1 of
18 this title, the reason for such determination shall be
19 specified in the agency records concerning the child.
20 In addition, such reasons shall be made known to the
21 court by the Department,
- 22 b. if ordered by the court, provide supervision of
23 children alleged to be deprived who are placed by the
24 court in the custody of a parent, relative or other

1 responsible person. Such supervision shall, in
2 accordance with standards established by rules
3 promulgated by the Commission for Human Services,
4 consist of periodic visitation with the child, the
5 child's custodian, and such other persons as may be
6 necessary to assess the safety of the child and to
7 offer voluntary services. Such supervision shall not
8 exceed the period allowed for the filing of a petition
9 or, if a petition is filed, the period authorized by
10 the court,

11 c. admit an alleged deprived child in the Department's
12 emergency custody to a hospital or mental health
13 facility as provided in Section 5-507 of Title 43A of
14 the Oklahoma Statutes and shall, if such child is
15 found by the court to be a child in need of mental
16 health treatment, place the child, as provided in
17 paragraph 2 of subsection D of Section 5-512 of Title
18 43A of the Oklahoma Statutes,

19 d. provide such outpatient mental health care and
20 treatment as may be necessary to preserve the health
21 and safety of an alleged deprived child in emergency
22 custody and as prescribed by a qualified mental health
23 professional. Each child placed in the Department's
24 emergency custody shall receive, as soon as

1 practicable, educational instruction through
2 enrollment in a public school or an alternative
3 program consistent with the needs and abilities of the
4 child,

5 e. provide or prescribe treatment services for the family
6 of an alleged deprived child placed in the
7 Department's emergency custody if such services are
8 voluntarily requested and the family is otherwise
9 eligible under application law and rules promulgated
10 by the Commission for the services offered, and

11 f. provide for each child placed in the Department's
12 emergency custody to receive, as soon as practicable
13 after the filing of the petition, an initial health
14 screening to identify any health problems that require
15 immediate treatment, to diagnose infections and
16 communicable diseases and to evaluate injuries or
17 other signs of neglect or abuse. The Department shall
18 provide such medical care as is necessary to preserve
19 the child's health and protect the health of others in
20 contact with the child;

21 2. Provide for the care and treatment of an adjudicated
22 deprived child placed in the Department's custody by an order of the
23 juvenile court. In providing for the care and treatment of an
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1 adjudicated deprived child placed in the Department's custody, the
2 Department:

- 3 a. shall review and assess each deprived child placed in
4 its custody to determine the type of placement and
5 services consistent with the needs of the child in the
6 nearest geographic proximity to the home of the child.
7 Such review and assessment shall include an
8 investigation of the personal and family history of
9 the child and the child's environment, and any
10 necessary physical or mental examination. In making
11 such review, the Department may use any facilities,
12 public or private, which offer to aid in the
13 determination of the correct placement of the child,
- 14 b. shall develop and, upon approval by the court,
15 implement an individual treatment and service plan for
16 each deprived child placed in the Department's custody
17 in accord with the requirements of Section 7003-5.1 et
18 seq. of this title,
- 19 c. may place a deprived child in the home of the child
20 with prior approval of the court pursuant to
21 subsection B of Section 7003-7.1 of this title, in the
22 home of a relative of the child, in a foster home, in
23 a public or private children's shelter, in a group
24 home, in an independent living program, or in any

1 licensed facility established for the care of deprived
2 children. No deprived child shall be placed in an
3 institution operated by the Department,

4 d. may admit a deprived child in the Department's custody
5 to a hospital or mental health facility as provided in
6 Section 5-507 of Title 43A of the Oklahoma Statutes
7 and shall, if such child is found by the court to be a
8 child in need of mental health treatment, place the
9 child as provided in paragraph 2 of subsection D of
10 Section 5-512 of Title 43A of the Oklahoma Statutes,

11 e. may provide such outpatient mental health care and
12 treatment as may be necessary to meet the treatment
13 needs of a deprived child in the Department's custody
14 and as prescribed by a qualified mental health
15 professional, and

16 f. shall, if ordered by the court, provide supervision of
17 children adjudicated deprived who are placed by the
18 court in the custody of a parent, relative or other
19 responsible person. Such supervision shall, in
20 accordance with standards established in rules
21 promulgated by the Commission, consist of periodic
22 visitation with the child, the child's custodian, and
23 such other persons as may be necessary to determine
24 compliance with the court-approved individual

1 treatment and service plan. Such supervision shall
2 not exceed a period of six (6) months unless extended
3 by the court for good cause shown;

4 3. Transfer any child in its custody from any authorized
5 placement to another authorized placement if such transfer is
6 consistent with the treatment needs of the child or as may be
7 required in an emergency, subject to the provisions of Section 7003-
8 5.4a of this title;

9 4. In providing for the outpatient mental health care and
10 treatment of children in its custody, utilize, to the maximum extent
11 possible and appropriate, the services available through:

- 12 a. the guidance centers operated by the State Department
13 of Health,
- 14 b. the Department of Mental Health and Substance Abuse
15 Services, and
- 16 c. community-based private nonprofit agencies and
17 organizations; and

18 5. Provide, when voluntarily requested by a parent, legal
19 guardian or custodian pursuant to rules promulgated by the
20 Commission, family preservation or other services aimed at the
21 prevention of child abuse or neglect.

22 B. The Department shall:

23 1. Provide for the photographing and fingerprinting of each
24 child under its custody no later than two (2) months after the

1 Department assumes custody of the child. A child who is under the
2 custody of the Department on November 1, 2008, shall be photographed
3 and fingerprinted for the purposes of this subsection no later than
4 November 1, 2009;

5 2. Update the photograph of each child taken pursuant to
6 paragraph 1 of this subsection at least every two (2) years; and

7 3. Retain the fingerprint information and photograph of each
8 child for whom these records are taken for at least one (1) year
9 after the date that the child is no longer under the custody of the
10 Department.

11 C. The Department may participate in federal programs relating
12 to deprived children and services for such children; and apply for,
13 receive, use and administer federal funds for such purposes.

14 ~~C.~~ D. The Department shall receive interest earnings on the
15 investment by the State Treasurer of monies, to be credited to an
16 agency special account, for the benefit of and held in trust for
17 persons placed in the custody of the Department or in residence at
18 facilities maintained by the Department.

19 SECTION 2. This act shall become effective November 1, 2008.
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1 Passed the House of Representatives the 5th day of March, 2008.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2008.

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9 Presiding Officer of the Senate