

THE HOUSE OF REPRESENTATIVES
Wednesday, February 20, 2008

House Bill No. 2958

HOUSE BILL NO. 2958 - By: TIBBS, SHUMATE AND PITTMAN of the House and WILLIAMSON of the Senate.

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

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

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

4 Section 7003-8.1 A. In placing a child in the custody of an individual or in the
5 custody of a private agency or institution, the court shall, and the Department of Human
6 Services shall, if at all possible, select a person or an agency or institution governed by
7 persons of the same religious faith as that of the parents of the child, or in case of a
8 difference in the religious faith of the parents, then of the religious faith of the child, or,
9 if the religious faith of the child is not ascertainable, then of the faith of either of the
10 parents.

11 B. Except as otherwise provided by this section or by law, it shall be left to the
12 discretion of the judge to place the custody of children where their total needs will best be

1 served. If an individual meets the minimum required age for placement purposes, the
2 age of an otherwise eligible individual shall not be a reason for denying the individual
3 placement or custody of a child.

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

10 D. A prospective foster or adoptive parent shall not be an approved placement for a
11 child if the prospective foster or adoptive parent or any other person residing in the home
12 of the prospective foster or adoptive parent has been convicted of any of the following
13 felony offenses:

- 14 1. Within the five-year period preceding the application date, physical assault,
15 battery or a drug-related offense;
- 16 2. Child abuse or neglect;
- 17 3. Domestic abuse;
- 18 4. A crime against a child, including, but not limited to, child pornography; and
- 19 5. A crime involving violence, including, but not limited to, rape, sexual assault or
20 homicide, but excluding those crimes specified in paragraph 1 of this subsection.

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

4 2. In addition, prior to placing a child in the custody of an individual, the court
5 shall inquire as to whether the individual has been previously convicted of any other
6 felony or a relevant misdemeanor or has any felony or relevant misdemeanor charges
7 pending.

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

12 4. For purposes of this subsection the terms:

- 13 a. “relevant misdemeanor” may include, but shall not be limited to,
14 assault and battery, alcohol- or drug-related offenses, crimes involving
15 domestic abuse and other offenses deemed relevant by the court, and
16 b. “individual” shall not include a parent, legal guardian, or custodian of
17 the child.

18 F. The provisions of this section shall not apply in any paternity or domestic
19 relations case, unless otherwise ordered by the court.

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

21 COMMITTEE REPORT BY: COMMITTEE ON HUMAN SERVICES, dated 02-19-08 -
22 DO PASS, As Coauthored.