

EHB 3201

THE STATE SENATE
Monday, March 31, 2008

ENGROSSED

House Bill No. 3201

As Amended

ENGROSSED HOUSE BILL NO. 3201 - By: Denney, Pittman and McAffrey of the House and Aldridge of the Senate.

[children - duties and powers of the Oklahoma Department of Human Services - effective date]

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

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

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

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

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

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

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

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

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

1 enrollment in a public school or an alternative
2 program consistent with the needs and abilities of the
3 child,
4 e. provide or prescribe treatment services for the family
5 of an alleged deprived child placed in the
6 Department's emergency custody if such services are
7 voluntarily requested and the family is otherwise
8 eligible under application law and rules promulgated
9 by the Commission for the services offered, and
10 f. provide for each child placed in the Department's
11 emergency custody to receive, as soon as practicable
12 after the filing of the petition, an initial health
13 screening to identify any health problems that require
14 immediate treatment, to diagnose infections and
15 communicable diseases and to evaluate injuries or
16 other signs of neglect or abuse. The Department shall
17 provide such medical care as is necessary to preserve
18 the child's health and protect the health of others in
19 contact with the child;

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

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

1 home, in an independent living program, or in any
2 licensed facility established for the care of deprived
3 children. No deprived child shall be placed in an
4 institution operated by the Department,
5 d. may admit a deprived child in the Department's custody
6 to a hospital or mental health facility as provided in
7 Section 5-507 of Title 43A of the Oklahoma Statutes
8 and shall, if such child is found by the court to be a
9 child in need of mental health treatment, place the
10 child as provided in paragraph 2 of subsection D of
11 Section 5-512 of Title 43A of the Oklahoma Statutes,
12 e. may provide such outpatient mental health care and
13 treatment as may be necessary to meet the treatment
14 needs of a deprived child in the Department's custody
15 and as prescribed by a qualified mental health
16 professional, and
17 f. shall, if ordered by the court, provide supervision of
18 children adjudicated deprived who are placed by the
19 court in the custody of a parent, relative or other
20 responsible person. Such supervision shall, in
21 accordance with standards established in rules
22 promulgated by the Commission, consist of periodic
23 visitation with the child, the child's custodian, and

1 such other persons as may be necessary to determine
2 compliance with the court-approved individual
3 treatment and service plan. Such supervision shall
4 not exceed a period of six (6) months unless extended
5 by the court for good cause shown;

6 3. Transfer any child in its custody from any authorized
7 placement to another authorized placement if such transfer is
8 consistent with the treatment needs of the child or as may be
9 required in an emergency, subject to the provisions of Section 7003-
10 5.4a of this title;

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

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

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

1 B. The Department shall:

2 1. Provide for the fingerprinting of each child under its
3 custody no later than two (2) months after the Department assumes
4 custody of the child. A child who is under the custody of the
5 Department on November 1, 2008, shall be fingerprinted for the
6 purposes of this subsection no later than November 1, 2009; and

7 2. Dispose of the fingerprint information of each child for
8 whom these records are taken within one (1) year after the date that
9 the child is no longer under the custody of the Department.

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

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN RESOURCES, dated
20 3-27-08 - DO PASS, As Amended.