

1 Facilities Licensing Act and the Oklahoma Foster Care
2 and Out-of-Home Placement Act, and
3 c. a check of any child abuse registry maintained by a
4 state in which the prospective foster parent or any
5 adult living in the home of the prospective foster
6 parent has resided in the preceding five (5) years.
7 Provided, however, the state agencies may place a child in the home
8 of a foster parent, pending completion of the national criminal
9 history records search, if the foster parent and every adult
10 residing in the home of the foster parent have resided in this state
11 for at least five (5) years immediately preceding placement. The
12 director of such state agency or designee may authorize an exception
13 to the fingerprinting requirement for any person residing in the
14 home who has a severe physical condition which precludes such person
15 from being fingerprinted.

16 2. a. The Department of Human Services shall be the lead
17 agency for disseminating fingerprint cards to courts
18 and child-placing agencies for obtaining and
19 requesting a national criminal history records search
20 based upon submission of fingerprints from the
21 Oklahoma State Bureau of Investigation. The
22 Department of Juvenile Justice may directly request
23 national criminal history records searches as defined

1 by Section 150.9 of Title 74 of the Oklahoma Statutes
2 from the Oklahoma State Bureau of Investigation for
3 the purpose of obtaining the national criminal history
4 of any individual for which such a search is required
5 pursuant to this section.

6 b. Courts and child-placing agencies may request the
7 Department of Human Services to obtain from the
8 Oklahoma State Bureau of Investigation a national
9 criminal history records search based upon submission
10 of fingerprints for foster parents and other persons
11 requiring such search pursuant to the Oklahoma Child
12 Care Facilities Licensing Act and the Oklahoma Foster
13 Care and Out-of-Home Placement Act. Any fees charged
14 by the Oklahoma State Bureau of Investigation or the
15 Federal Bureau of Investigation for such searches
16 shall be paid by the requesting entity.

17 c. Either the Department of Human Services or the Office
18 of Juvenile Affairs, whichever is applicable, shall
19 contract with the Oklahoma State Bureau of
20 Investigation to obtain national criminal history
21 records searches based upon submission of
22 fingerprints.

1 3. The Department of Human Services, pursuant to Section 7003-
2 5.3 of this title, and the Department of Juvenile Justice, pursuant
3 to Section 7303-5.2 of this title, shall conduct an assessment of
4 each child in its custody which shall be designed to establish an
5 appropriate treatment and service plan for the child.

6 B. 1. A child-placing agency shall not place a child who is in
7 the custody of the agency in out-of-home placement until completion
8 of a foster parent eligibility assessment or a national criminal
9 history records search based upon submission of fingerprints has
10 been completed for each individual residing in the home in which the
11 child will be placed, as required pursuant to the Oklahoma Child
12 Care Facilities Licensing Act or the Oklahoma Foster Care and Out-
13 of-Home Placement Act, and a check of any child abuse registry
14 maintained by a state in which the prospective foster parent or any
15 adult living in the home of the prospective foster parent has
16 resided in the past five (5) years; provided, however, the child-
17 placing agency may place a child in a foster family home pending
18 completion of the national criminal history records search if the
19 foster parent and every adult residing in the home have resided in
20 this state for at least five (5) years immediately preceding the
21 placement.

1 2. In addition, a satisfactory assessment of the out-of-home
2 placement shall be conducted by the child-placing agency prior to
3 foster placement.

4 C. 1. Whenever a court awards custody of a child to an
5 individual or a child-placing agency other than the Department of
6 Human Services or the Department of Juvenile Justice, for placement
7 of the child, the court shall:

8 a. require that when custody is placed with an
9 individual, a foster family eligibility assessment be
10 conducted for the foster parents prior to placement of
11 the child, and

12 b. require that if custody is awarded to a child-placing
13 agency, a foster family eligibility assessment be
14 conducted as required by the Oklahoma Child Care
15 Facilities Licensing Act.

16 2. A child-placing agency other than the Department of Human
17 Services or the Office of Juvenile Affairs shall, within thirty (30)
18 days of placement, provide for an assessment of the child for the
19 purpose of establishing an appropriate treatment and service plan
20 for the child. The court shall require the treatment and service
21 plan to be completed in substantially the same form and with the
22 same content as required by the Oklahoma Children's Code for a

1 deprived child or as required by the Juvenile Justice Code for a
2 delinquent child or a child in need of supervision.

3 3. The child shall receive a complete medical examination
4 within thirty (30) days of initial placement unless a medical
5 examination was conducted on the child upon the removal of the child
6 and the court finds no need for an additional examination.

7 4. The child may receive such further diagnosis and evaluation
8 as necessary as determined by the court to preserve the physical and
9 mental well-being of the child.

10 D. 1. When the court awards custody of a child to an
11 individual or a child-placing agency as provided by this subsection,
12 the individual or child-placing agency shall be responsible for the
13 completion of and costs of the national criminal history records
14 search based upon submission of fingerprints, the foster parent
15 eligibility assessment, the preparation of a treatment and service
16 plan, and the medical examination required by this subsection.

17 2. The Department of Human Services and the Department of
18 Juvenile Justice shall be responsible for the completion of and
19 costs of the foster parent eligibility assessment and any national
20 criminal history records search based upon submission of
21 fingerprints, preparation of a treatment and service plan, and the
22 medical examination required by this subsection only for the
23 children placed in the custody of the state agency. The state

1 agency may provide for reimbursement of such expenses, costs and
2 charges so incurred pursuant to the Oklahoma Children's Code and the
3 Juvenile Justice Code, as applicable.

4 E. 1. Upon any voluntary out-of-home placement of a child by a
5 parent into foster care with a child-placing agency, the child-
6 placing agency shall conduct an assessment of the child in its
7 custody which shall be designed to establish an appropriate plan for
8 placement of the child. Following the assessment, the child-placing
9 agency shall establish an individual treatment and service plan for
10 the child. A copy of each plan shall be provided to the child if
11 the child is twelve (12) years of age or older and to the child's
12 parent or guardian. The plan shall at a minimum:

- 13 a. be specific,
- 14 b. be in writing,
- 15 c. be prepared by the agency in conference with the
16 child's parents,
- 17 d. state appropriate deadlines,
- 18 e. state specific goals for the treatment of the child,
- 19 f. describe the conditions or circumstances causing the
20 child to be placed in foster care,
- 21 g. describe the services that are necessary to remedy and
22 that have a reasonable expectation of remedying the

1 conditions or circumstances causing the child to be
2 placed in foster care,

3 h. state to whom the services will be delivered and who
4 will deliver the services, and

5 i. prescribe the time the services are expected to begin
6 and the time within which expected results can
7 reasonably be accomplished.

8 2. The child shall receive a complete medical examination
9 within thirty (30) days of placement in foster care.

10 F. The child may receive such further diagnosis and evaluation
11 as is necessary to preserve the physical and mental well-being of
12 the child.

13 G. Subsequent to initial placement, the child placed in foster
14 placement shall have a medical examination, at periodic intervals,
15 but not less than once each year.

16 H. Prior to any proposed counseling, testing or other treatment
17 services, the court or child-placing agency shall first determine
18 that the proposed services are necessary and appropriate.

19 I. 1. If the assessment and medical examination disclose no
20 physical, mental or emotional reasons for therapeutic foster care, a
21 child voluntarily placed with a child-placing agency shall be placed
22 in a regular foster family home. If therapeutic foster care is
23 required, the child may be placed only in foster homes that are

1 certified as therapeutic foster homes pursuant to the Oklahoma Child
2 Care Facilities Licensing Act.

3 2. No child shall be eligible for any reimbursement through the
4 state Medicaid program for placement in therapeutic foster care
5 unless such placement has been reviewed and approved pursuant to
6 rules regarding medical necessity for therapeutic foster care
7 placement promulgated by the Oklahoma Health Care Authority Board.

8 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7221, is
9 amended to read as follows:

10 Section 7221. A. In order to promote the stability and healthy
11 growth of a foster child who has been placed in a foster family
12 home, it is the intent of the Legislature to limit the number of
13 times a foster child is moved within the foster family system.

14 B. If there is an allegation of abuse or neglect in a foster
15 home, an investigation of the allegation shall be conducted as
16 required in Section 7106 of Title 10 of the Oklahoma Statutes.

17 C. Required visitations for the foster child are to be made in
18 the home of the foster parent, except as provided in paragraph 2 of
19 subsection C of Section 7206 of this title. If there is good cause,
20 other than an allegation of abuse or neglect, to believe the foster
21 child needs to be interviewed alone without the foster parent
22 present, then the foster parent shall provide a location in the home

1 where the foster child can be questioned without the foster parent's
2 being present.

3 SECTION 3. AMENDATORY 10 O.S. 2001, Section 7206, is
4 amended to read as follows:

5 Section 7206. A. The Department of Human Services, the
6 Department of Juvenile Justice or any child-placing agency shall,
7 prior to any out-of-home foster placement, enter into a written
8 contract with the foster care placement provider. The contract
9 shall provide, at a minimum:

10 1. That the state agency and the child-placing agency shall
11 have access at all times to the child and to the foster placement;

12 2. A listing of any specific requirements, specific duties or
13 restrictions in providing foster care services;

14 3. That any foster child shall have access to and be accessible
15 by any court-appointed special advocate for the foster child and the
16 foster child's attorney;

17 4. That the foster care placement provider shall comply with
18 performance standards required pursuant to the Oklahoma Foster Care
19 and Out-of-Home Placement Act, the Oklahoma Children's Code, the
20 Juvenile Justice Code, and the Oklahoma Child Care Facilities
21 Licensing Act;

22 5. Information regarding the amount of payments to be made for
23 foster care services, including but not limited to a description of

1 the process involved in receiving payments, including projected time
2 frames, information related to reimbursements for eligible costs and
3 expenses for which the foster parent may be reimbursed and any
4 information concerning the accessibility and availability of funds
5 for foster parents;

6 6. That any foster child placed with a foster care placement
7 provider shall be released to the state agency or the child-placing
8 agency whenever, in the opinion of the state agency or the child-
9 placing agency, the best interests of the deprived child require
10 such release, or the best interests of the delinquent child or the
11 child in need of supervision, consistent with the state's interest
12 in the protection of the public, require such release pursuant to
13 the Oklahoma Foster Care and Out-of-Home Placement Act; and

14 7. Such other information required by the state agency and the
15 child-placing agency.

16 B. The state agency or child-placing agency shall provide the
17 following information to the foster parent at the time of placement,
18 along with a copy of the written contract required pursuant to
19 subsection A of this section:

20 1. The names and telephone numbers of the child's case worker,
21 the foster parents' case worker, the case workers' supervisors, and
22 the contact within the state agency central office, or the name and
23 telephone number of the contact person within the child-placing

1 agency and any other medical, psychological, social or other
2 pertinent information relating to foster care;

3 2. A copy of the grievance procedure established by the state
4 agency or the child-placing agency pursuant to the Oklahoma Foster
5 Care and Out-of-Home Placement Act;

6 3. The name and telephone number of any foster parent
7 association in the county of residence of the foster parent;

8 4. For foster parents of deprived children, the name and
9 telephone number of any postadjudication review board established in
10 the county of residence of the foster parent or the nearest
11 postadjudication review board and the court having jurisdiction over
12 the child;

13 5. A copy of the statement of foster parent rights;

14 6. Information detailing the foster parents' ability to submit
15 written reports to the court, or to petition the court directly for
16 review of a decision by the state agency or the child-placing agency
17 to remove a foster child who has been placed with the foster parent,
18 in accordance with the limitations and requirements of Section 7208
19 of this title; and

20 7. A copy of the policies and procedures of the Department or
21 child-placing agency which pertain to placement operations of the
22 agency, and which may be necessary to properly inform the out-of-

1 home placement providers of the duties, rights and responsibilities
2 of the out-of-home placement providers and the Department.

3 C. 1. In addition to other requirements made pursuant to the
4 Oklahoma Child Care Facilities Licensing Act, each child-placing
5 agency shall maintain supervision of all children placed by the
6 agency in foster placement and shall maintain supervision of and
7 make regular visits to such foster placements.

8 2. The child-placing agency shall visit each foster placement
9 child no less than once every month with no less than two (2) visits
10 per quarter in the foster placement.

11 3. The child-placing agency shall prepare and maintain a
12 written report of its findings for each visit.

13 4. a. A complete written review of the placement, well-being
14 and progress of any foster child in foster care with a
15 child-placing agency shall be made by the child-
16 placing agency as required by the state agency with
17 which the child-placing agency has a contract.

18 b. If a child-placing agency is providing foster care
19 services for a child pursuant to a written agreement
20 or contract with the parents or guardian of a child,
21 the child-placing agency shall provide a copy of the
22 written review to the parents or guardian of the

1 child. The written agreement or contract shall
2 specify how often the review shall be conducted.

3 SECTION 4. AMENDATORY Section 7, Chapter 205, O.S.L.
4 2006 (10 O.S. Supp. 2007, Section 7004-1.8), is amended to read as
5 follows:

6 Section 7004-1.8 On or before January 1, 2007, the Department
7 of Human Services shall establish a performance-based incentive
8 compensation program for employees exclusively working as child
9 welfare specialists. All full-time child welfare specialists shall
10 be eligible to participate in the performance-based incentive
11 compensation program. Eligibility factors shall include, but not be
12 limited to, child welfare specialists who have met or exceeded the
13 suggested federal child welfare outcomes, received ~~above-average~~
14 "exceeds standards" employee evaluations, as defined by the Office
15 of Personnel Management, completed Department-sponsored field
16 training, and obtained an advanced higher education degree in social
17 work or closely related field. The eligibility of a child welfare
18 specialist shall not be based upon the level of seniority that has
19 been obtained by the child welfare specialist. The Oklahoma
20 Commission for Human Services shall promulgate rules as necessary to
21 implement the provisions of this section.

22 SECTION 5. This act shall become effective November 1, 2008.

23 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN RESOURCES, dated
24 2-14-08 - DO PASS, As Coauthored.