

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2219

By: Shoemake

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5
6 AS INTRODUCED

7 An Act relating to children; amending 10 O.S. 2001,
8 Section 7004-1.5, which relates to the Kinship Foster
9 Care Program; requiring prorated foster care payment;
10 requiring the establishment of a kinship navigator
11 program; and providing an effective date.

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

13 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7004-1.5, is
14 amended to read as follows:

15 Section 7004-1.5 A. There is hereby established a Kinship
16 Foster Care Program in the Department of Human Services.

17 B. 1. a. When a child has been removed from the child's home
18 and is in the care and custody of the Department, the
19 Department shall attempt to place the child with a
20 person determined by the Department to have a kinship
21 relationship with the child if such placement is in
22 the best interests of the child.

23 b. In determining a kinship placement for a child who has
24 been removed from the custody of a custodial parent

1 and placed with the Department in emergency or
2 protective custody, priority shall be given by the
3 Department to the placement of such child with the
4 noncustodial parent of the child unless such placement
5 is not in the best interests of the child. If it is
6 determined by the Department that placement with the
7 noncustodial parent is not in the best interests of
8 the child, custody shall be consistent with the
9 provisions of Section 21.1 of this title. If custody
10 of the child cannot be made pursuant to the provisions
11 of Section 21.1 of this title, the reason for such
12 determination shall be specified in the agency records
13 concerning the child. In addition, such reasons shall
14 be made known to the court by the Department. A
15 child's health, safety or welfare shall be of
16 paramount concern in any placement.

17 2. The Department shall establish, in accordance with the
18 provisions of this section, eligibility standards for becoming a
19 kinship foster care family.

20 C. 1. Upon the completion of the records search to ascertain
21 if there is an Oklahoma record of criminal history for the
22 prospective kinship foster parent or any other adult residing in the
23 prospective kinship foster parent's home and subject to any other
24 standards established by the Department, a child may be placed in

1 the kinship home. A kinship foster parent shall not be entitled to
2 any payments for providing foster care until such foster parent
3 receives final approval from the Department to be a kinship foster
4 parent.

5 2. Following placement, the Oklahoma State Bureau of
6 Investigation shall complete a national criminal history records
7 search based upon submission of fingerprints for any kinship foster
8 parent and any adult residing in the home of such parent, and shall
9 make the results of the records search available to the Department
10 pursuant to the provisions of the Oklahoma Child Care Facilities
11 Licensing Act. The Director of Human Services or designee may
12 authorize an exception to the fingerprinting requirement for an
13 adult residing in the kinship foster care home who has a severe
14 physical condition which precludes such person's being
15 fingerprinted.

16 3. The Department shall maintain the confidentiality of the
17 records search results and shall use the results only for purposes
18 of determining a person's eligibility to become a kinship foster
19 parent.

20 4. It shall be unlawful, except for the purpose of determining
21 a person's eligibility for kinship foster care, for any person to
22 disclose information obtained under this subsection.

23 5. Any person violating the provisions of this subsection shall
24 be guilty of a misdemeanor.

1 D. A person related by blood, marriage, adoption and by tie or
2 bond to a child and/or to whom has been ascribed a family
3 relationship role with the child's parents or the child may be
4 eligible for approval as a kinship foster care parent.

5 E. The Department shall determine whether the person is able to
6 effectively care for the foster child by:

7 1. Reviewing personal and professional references;

8 2. Observing during a visit to the home of the kinship foster
9 care family; and

10 3. Interviewing the kinship foster care parent.

11 F. ~~When the kinship foster parent is finally approved by the~~
12 ~~Department, in~~ In accordance with rules promulgated by the
13 Commission for Human Services regarding foster care services, the
14 kinship foster care family shall be eligible to receive payment for
15 the full foster care rate for the care of the child and any other
16 benefits that might be available to foster parents, whether monetary
17 or in services. Upon final approval as a foster care home by the
18 Department, the kinship foster parent shall receive a prorated
19 foster care payment calculated from the date the child was placed in
20 the home to the date of final approval. If a child is placed with a
21 kinship foster parent prior to the home's final approval as a foster
22 care home, the Department shall immediately refer such child and
23 family for assistance through the Temporary Assistance for Needy
24 Families Program.

1 G. 1. The Department and the kinship foster care parent shall
2 develop a plan for the care of the child, which shall be
3 periodically reviewed and updated.

4 2. The kinship foster parent shall cooperate with any
5 activities specified in the case plan for the child including, but
6 not limited to, counseling, therapy, court sessions, visits with the
7 child's parents or other family members, and training.

8 H. The Department of Human Services, in conjunction with the
9 Oklahoma State Department of Health, the Department of Mental Health
10 and Substance Abuse Services and the State Department of Education,
11 shall establish a comprehensive, statewide kinship navigator program
12 for the purpose of helping caregivers access any benefits and
13 services for which they may be eligible. The Department of Human
14 Services shall ensure that each kinship foster parent is aware of
15 the navigator program and understands how to obtain assistance
16 through the program.

17 I. The Commission for Human Services shall promulgate rules
18 necessary to carry out the provisions of this section pursuant to
19 the Administrative Procedures Act.

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

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