

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3082

By: Dorman

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5
6 AS INTRODUCED

7 An Act relating to children; amending 10 O.S. 2001,
8 Section 22.1, which relates to grandparent care of
9 grandchildren; expanding care assistance program; and
10 providing an effective date.

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

12 SECTION 1. AMENDATORY 10 O.S. 2001, Section 22.1, is
13 amended to read as follows:

14 Section 22.1 A. 1. The Oklahoma Legislature recognizes that:

- 15 a. children who have been abused, who are dependent or
16 neglected, or whose parents, for whatever reason, may
17 be unable or unwilling to provide care for their
18 children, are best served when they can be cared for
19 by grandparents or other suitable relatives instead of
20 placing those children in foster care with the State
21 of Oklahoma, and
22 b. while grandparents or other relatives are often
23 willing to provide for the care of children who can no
24 longer remain with their parents, there may exist

1 financial obstacles to the provision of such care, or
2 there may be a need for other services to enable the
3 children to remain with their grandparents or other
4 relatives in order to prevent those children's entry
5 into the foster care system.

6 2. It is the intent of the Oklahoma Legislature in enacting
7 this section to:

- 8 a. recognize family relationships in which a grandparent
9 or other relative within the third degree of
10 relationship to the child is the head of a household
11 that includes a child otherwise at risk of foster care
12 placement by the Department of Human Services,
- 13 b. enhance family preservation and stability by
14 recognizing that most children in placements with
15 grandparents and other relatives within the third
16 degree of relationship to the child do not need
17 intensive supervision of the placement by the courts
18 or by the Department of Human Services,
- 19 c. provide additional placement options and incentives
20 that will achieve permanency and stability for many
21 children who are otherwise at risk of foster care
22 placement by the Department of Human Services because
23 of abuse, abandonment, or neglect, but who may
24 successfully be able to reside in the care of

1 relatives within the third degree of relationship to
2 the child, and

3 d. reserve the limited casework and supervisory resources
4 of the Department of Human Services and the courts
5 expended to care for children in state custody for
6 those cases in which children do not have the option
7 for safe, stable care within their immediate family.

8 B. The Department of Human Services shall establish and operate
9 a relative support program pursuant to eligibility guidelines
10 established in this section and by rules of the Department
11 promulgated thereto which will divert children from the foster care
12 program operated by the Department of Human Services. The relative
13 support program shall provide assistance to relatives within the
14 third degree of relationship to a child who are caring for the child
15 on a full-time basis, regardless of whether there is a court order
16 granting custody of the child to the relative.

17 C. Grandparents or other ~~such~~ relatives who qualify for and
18 participate in the relative support program are not required to be
19 certified as foster parents or to meet the foster care requirements
20 but shall be capable of providing a physically safe environment and
21 a stable, supportive home for the children under their care.

22 D. Upon request by grandparents or other relatives who are
23 caring for a child on a full-time basis, the Department shall
24 ~~complete a needs assessment on such grandparents or other relatives~~

1 ~~to determine the appropriate services and support needed by the~~
2 ~~child and the grandparents or other such relatives.~~

3 ~~E. Within available funding specified by this section, the~~
4 ~~relative support program may provide grandparents or other suitable~~
5 ~~relatives with:~~

6 ~~1. Case management services;~~

7 ~~2. Monthly stipends or other financial assistance, family~~
8 ~~support and preservation services;~~

9 ~~3. Flexible funds to enable the grandparents or other relatives~~
10 ~~to meet unusual or crisis expenditures, including but not limited~~
11 ~~to, making housing deposits, utility deposits, or to purchase beds,~~
12 ~~clothing and food;~~

13 ~~4. Subsidized child care and after school care;~~

14 ~~5. Respite care;~~

15 ~~6. Transportation;~~

16 ~~7. Counseling;~~

17 ~~8. Support groups;~~

18 ~~9. Assistance in accessing parental child support payments;~~

19 ~~10. Aid in accessing food stamps, Social Security and other~~
20 ~~public benefits;~~

21 ~~11. Information about legal options for relative caregivers;~~

22 ~~12. Assistance for establishing a relative guardianship or~~
23 ~~relative custodianship for the child;~~

24 ~~13. Available volunteer attorney services;~~

1 ~~14. Mediation/family group conferencing, and~~

2 ~~15. Community based services and state or federal programs~~
3 ~~available to the child and relatives to support the child's safety,~~
4 ~~growth and health development.~~

5 ~~F. Children living with grandparents or other relatives within~~
6 ~~the third degree of relationship to the child who are receiving~~
7 ~~assistance pursuant to this section shall be eligible for Medicaid~~
8 ~~coverage.~~

9 ~~G. Subject to availability of funding, and as may be permitted~~
10 ~~by federal law or regulations governing the Department of Human~~
11 ~~Services' block grant for Temporary Assistance for Needy Families~~
12 ~~(TANF), the Department of Human Services is specifically authorized~~
13 ~~to provide funding assistance from such block grant or other~~
14 ~~available funds for the development and operation of the relative~~
15 ~~support program by providing available funds which are not otherwise~~
16 ~~committed to or necessary for the provision of the Statewide~~
17 ~~Temporary Assistance Responsibility System. In addition, the~~
18 ~~Department may use any other state, federal or private funds~~
19 ~~available to the Department for such purposes to implement the~~
20 ~~provisions of this section.~~

21 ~~H. 1. In order to qualify for the receipt of any monthly~~
22 ~~stipend, the grandparent or other relative shall meet any~~
23 ~~eligibility criteria determined by the Department of Human Services.~~

1 ~~2. Within limits of available funding, monthly stipends may be~~
2 ~~paid to grandparents or other relatives with the third degree of~~
3 ~~relationship to the child who have physical full-time custody of a~~
4 ~~child who would be unable to serve in that capacity without a~~
5 ~~monthly stipend because of inadequate financial resources, thus~~
6 ~~exposing the child to the trauma of potential placement in a shelter~~
7 ~~or in foster care placement by the Department of Human Services.~~
8 ~~The statewide average monthly rate for children in the legal custody~~
9 ~~of grandparents or other relatives who are not certified as foster~~
10 ~~homes shall not exceed the cost of providing foster care.~~

11 ~~I. Additional assistance may be made available to qualified~~
12 ~~grandparents or other relatives within the third degree of~~
13 ~~relationship and children, based upon specific needs of the~~
14 ~~grandparent or other relative of the child and the specific needs of~~
15 ~~the child. Such assistance shall also be subject to available~~
16 ~~funding pay the full foster care rate for the care of the child and~~
17 ~~any other benefits that might be available to foster parents,~~
18 ~~whether monetary or in services.~~

19 ~~J. E.~~ The relative support program established by the
20 Department pursuant to this section may receive referrals from
21 district courts of this state, from social service or child advocate
22 agencies, from any other agency of this state, or other states or
23 federal programs. In addition, the relative support program may be
24 accessed directly by the grandparents or other relatives of the

1 affected children by application made to the Department of Human
2 Services.

3 ~~K.~~ F. The Department of Human Services may provide any services
4 necessary to effectuate the purposes of this section by contract
5 with any person or with any public or private entity.

6 ~~L.~~ G. The provisions of this section shall also be available to
7 a legal guardian of a child who is within the fifth degree of
8 relation to the child.

9 ~~M.~~ H. The Department of Human Services shall, pursuant to the
10 provisions of the Administrative Procedures Act, promulgate any
11 rules necessary to implement the provisions of this section.

12 ~~N.~~ I. As a part of the relative support program, the Department
13 shall develop, publish, and distribute an informational brochure for
14 grandparents and other relatives who provide full-time care for
15 children. The information provided under the program authorized by
16 this section may include, but is not limited to, the following:

- 17 1. The benefits available to children and grandparents or other
18 relatives pursuant to this section providing full-time care;
- 19 2. The procedures to access the relative support program;
- 20 3. A list of support groups and resources located throughout
21 the state;
- 22 4. Such other information deemed necessary by the Department;

23 and

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1 5. The brochure may be distributed through municipal and
2 district courts, hospitals, public health nurses, child protective
3 services, medical professional offices, county health departments,
4 elementary and secondary schools, senior citizens centers, public
5 libraries, local, city, county and state offices and community
6 action agencies selected by the Department.

7 ~~Θ.~~ J. The Department of Human Services shall submit a report of
8 the outcomes associated with the relative support program
9 established pursuant to this section to the Speaker of the Oklahoma
10 House of Representatives and the President Pro Tempore of the State
11 Senate on or before January 15, 2002.

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

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14 51-2-9200 SAB 12/17/07

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