

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1734 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Ron Peters

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1734

By: Peters

7 PROPOSED COMMITTEE SUBSTITUTE

8
9 An Act relating to children; amending 10 O.S. 2001,
10 Sections 402 and 405, as amended by Section 4,
11 Chapter 298, O.S.L. 2008 (10 O.S. Supp. 2008, Section
12 405), which relate to the Oklahoma Child Care
13 Facilities Licensing Act, modifying definition;
14 excepting certain facilities from licensing by the
15 Department of Human Services; amending 10 O.S. 2001,
16 Section 601.3, which relates to the Oklahoma
17 Commission on Children and Youth; providing for
18 licensing of certain facilities; amending 10 O.S.
19 2001, Section 7001-1.3, as last amended by Section 1,
20 Chapter 258, O.S.L. 2006 (10 O.S. Supp. 2008, Section
21 7001-1.3), which relates to the Oklahoma Children's
22 Code; modifying definitions; amending 10 O.S. 2001,
23 Section 7003-1.1, which relates to assessment and
24 investigations; eliminating requirement of certain
statement in certain circumstance; amending 10 O.S.
2001, Section 7003-2.1, as last amended by Section 5,
Chapter 3, O.S.L. 2003 (10 O.S. Supp. 2008, Section
7003-2.1), which relates to protective custody;
amending 10 O.S. 2001, Sections 7003-5.4 and 7003-
5.5, as amended by Section 3, Chapter 258, O.S.L.
2006 (10 O.S. Supp. 2008, Section 7003-5.5), which
relate to dispositional hearings and orders; amending
10 O.S. 2001, Sections 7004-1.1 and 7004-1.3, which
relate to powers and duties of the Department of
Human Services; amending 10 O.S. 2001, Section 7004-
3.1, which relates to children's shelters and youth
services shelter facilities; amending 10 O.S. 2001,
Section 7103, which relates to the Oklahoma Child
Abuse Reporting and Prevention Act; expanding duty to
all persons; amending 10 O.S. 2001, Section 7221, as

1 amended by Section 2, Chapter 159, O.S.L. 2008 (10
2 O.S. Supp. 2008, Section 7221), which relates to the
3 Oklahoma Foster Care and Out-of-Home Placement Act;
4 creating the Children's Services Oversight Committee;
5 providing for membership; providing for vacancies;
6 providing for designation of cochairs; specifying
7 quorum; specifying administrative support; providing
8 for travel reimbursement; providing for duties;
9 requiring certain report; providing for codification;
10 and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 402, is
amended to read as follows:

Section 402. As used in the Oklahoma Child Care Facilities
Licensing Act:

1. "Child" or "minor" means any person who has not attained the
age of eighteen (18) years;

2. a. "Child care facility" means any public or private
child care residential facility, child placing agency,
foster family home, group home, child care center,
part-day child care program, family child care home,
or large family child care home providing either full-
time or part-time care for children away from their
own homes,

b. "Child care facility" shall not include those
facilities operated by the Department of Human

1 Services and licensed by the Oklahoma Commission on
2 Children and Youth pursuant to Section 601.3 of Title
3 10 of the Oklahoma Statutes;

4 3. "Child placing agency" means a child welfare agency licensed
5 to place children in foster family homes, group homes or adoptive
6 homes;

7 4. "Full-time care" means continuous care given to a child
8 beyond a minimum period of twenty-four (24) hours;

9 5. "Foster family home" means the private residence of a family
10 which provides foster care services to a child, and includes a
11 specialized foster home, a therapeutic foster family home, or a
12 kinship care home;

13 6. "Foster parent eligibility assessment" includes a criminal
14 background investigation, including, but not limited to, a national
15 criminal history records search based upon the submission of
16 fingerprints, a home assessment, and any other assessment required
17 by the Department of Human Services, the Department of Juvenile
18 Justice, or any child-placing agency pursuant to the provisions of
19 the Oklahoma Foster Care and Out-of-Home Placement Act. A foster
20 parent eligibility assessment shall be similar to the procedures
21 used by the Department of Public Safety for determining suitability
22 of an individual for employment as a highway patrol officer;

1 7. "Group home" means a home providing full-time care and
2 community-based services for more than five, but fewer than thirteen
3 children;

4 8. "Family child care home" means a family home which provides
5 care and supervision for seven or fewer children for part of the
6 twenty-four-hour day. The term "family child care home" shall not
7 include informal arrangements which parents make independently with
8 neighbors, friends, and others, or with caretakers in the child's
9 own home;

10 9. "Large family child care home" means a residential family
11 home which provides care and supervision for eight to twelve
12 children for part of the twenty-four-hour day;

13 10. "Child care center" means a facility which provides care
14 and supervision for children and which operates for more than thirty
15 (30) hours per week. The term "child care center" shall not include
16 informal arrangements which parents make independently with
17 neighbors, friends, and others, or with caretakers in the child's
18 own home;

19 11. "Part-day child care program" means a facility that
20 provides care and supervision for children and that operates for
21 more than fifteen (15) and up to thirty (30) hours per week;

22 12. "Residential child care facility" means a twenty-four-hour
23 residential facility where children live together with or are
24 supervised by adults who are not their parents or relatives;

1 13. "Department" means the Department of Human Services;

2 14. "Commission" means the Commission for Human Services, the
3 policy-making and general supervisory body of the Department; and

4 15. "Division" means the section within the Department that is
5 assigned responsibilities pursuant to the provisions of the Oklahoma
6 Child Care Facilities Licensing Act.

7 SECTION 2. AMENDATORY 10 O.S. 2001, Section 405, as
8 amended by Section 4, Chapter 298, O.S.L. 2008 (10 O.S. Supp. 2008,
9 Section 405), is amended to read as follows:

10 Section 405. A. No child care facility may be operated or
11 maintained in this state, unless licensed or temporarily authorized
12 by the Department of Human Services; provided, that a child care
13 facility operated by the Department shall not be required to be
14 licensed, but shall be bound by the standards it prescribes be
15 licensed by the Oklahoma Commission on Children and Youth in
16 accordance with Section 601.3 of Title 10 of the Oklahoma Statutes.

17 No new child care facility may be established without the prior
18 approval of the Department, which shall be granted only after the
19 Department is satisfied that the facility will meet minimum
20 standards for a license to operate.

21 B. The Department shall not grant approval for a permit, or a
22 license for a new child care facility to receive and care for
23 children until:
24

1 1. All requirements for searches of criminal history records
2 and the child care worker registry are met pursuant to subsection A
3 of Section 404.1 of this title; and

4 2. All required training including, but not limited to,
5 cardiopulmonary resuscitation (CPR), first aid, health and safety
6 training, and minimum education requirements pursuant to licensing
7 requirements have been completed for any person left alone with
8 children.

9 C. The incorporation or domestication of a corporation
10 organized for the purpose of operating a child care facility shall
11 not exempt such corporation from compliance with the provisions of
12 this act.

13 D. An application for a license shall be made on forms provided
14 by the Department and in the manner prescribed. Temporary
15 authorization may be granted to allow the Department to investigate
16 the activities and standards of care of the applicant. The
17 Department may issue a license once it is satisfied that the
18 applicant meets the requirements as provided in this act. A
19 provisional license may be issued upon satisfaction of the
20 requirements of subsection B of this section to any applicant whose
21 services are needed but which is temporarily unable to conform to
22 all the rules of the Department, as provided in Section 404 of this
23 title. All licenses shall be in force unless revoked as authorized
24 by Section 407 of this title; provided, however, a provisional

1 license may be in force for not more than one (1) year from the date
2 of issuance, unless an emergency exists which, in the discretion of
3 the Department, necessitates an extension thereof.

4 SECTION 3. AMENDATORY 10 O.S. 2001, Section 601.3, is
5 amended to read as follows:

6 Section 601.3 The Oklahoma Commission on Children and Youth is
7 hereby authorized and directed to:

8 1. Establish and maintain the Office of Planning and
9 Coordination for Services to Children and Youth;

10 2. Establish and maintain the Office of Juvenile System
11 Oversight; ~~and~~

12 3. Designate community partnership districts for services to
13 children and youth and, within the limitations of available funds,
14 whether appropriated or otherwise available, provide staff,
15 technical assistance and other assistance as necessary and
16 appropriate to the district boards; and

17 4. Establish a system of licensing for child care facilities
18 operated by the Department of Human Services.

19 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7001-1.3, as
20 last amended by Section 1, Chapter 258, O.S.L. 2006 (10 O.S. Supp.
21 2008, Section 7001-1.3), is amended to read as follows:

22 Section 7001-1.3 ~~A.~~ When used in the Oklahoma Children's Code,
23 unless the context otherwise requires:

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1 1. ~~"Abandoned infant" means a child who is twenty-four (24)~~
2 ~~months of age or younger whose parent:~~

3 a. ~~has willfully left the infant alone or in the care of~~
4 ~~another who is not the parent of the infant without~~
5 ~~identifying the infant or furnishing any means or~~
6 ~~methods of identification,~~

7 b. ~~has willfully left the infant alone or in the care of~~
8 ~~another who is not the parent of the infant and~~
9 ~~expressed a willful intent by words, actions, or~~
10 ~~omissions not to return for the infant,~~

11 c. ~~has knowingly placed or knowingly allowed the infant~~
12 ~~be placed in or remain in conditions or surroundings~~
13 ~~that posed or constituted a serious danger to the~~
14 ~~health and safety of the infant thereby demonstrating~~
15 ~~wanton disregard for the child's well-being,~~

16 d. ~~is a father, or a putative father if the infant was~~
17 ~~born out of wedlock, and:~~

18 ~~(1) if an infant is less than ninety (90) days of~~
19 ~~age, who fails to show that he has exercised~~
20 ~~proper parental rights and responsibilities with~~
21 ~~regard to the infant, including, but not limited~~
22 ~~to, contributing to the support of the mother of~~
23 ~~the infant to the extent of his financial ability~~
24 ~~during her term of pregnancy,~~

1 ~~(2) (a) if an infant is older than ninety (90) days~~
2 ~~but less than fourteen (14) months of age,~~
3 ~~who fails to show that he has exercised~~
4 ~~proper parental rights and responsibilities~~
5 ~~with regard to the infant, including, but~~
6 ~~not limited to, contributing to the support~~
7 ~~of the infant to the extent of his financial~~
8 ~~ability, which may include contributing to~~
9 ~~the support of the mother of the infant to~~
10 ~~the extent of his financial ability during~~
11 ~~her term of pregnancy.~~

12 ~~(b) Failure to contribute to the support of the~~
13 ~~mother during her term of pregnancy,~~
14 ~~pursuant to this subdivision, shall not in~~
15 ~~and of itself be grounds for termination of~~
16 ~~the parental rights of the father or~~
17 ~~putative father, or~~

18 ~~(3) (a) if the infant is fourteen (14) months of age~~
19 ~~or older, who fails to show that he has~~
20 ~~exercised proper parental rights and~~
21 ~~responsibilities with regard to the infant,~~
22 ~~including, but not limited to, contributing~~
23 ~~to the support of the infant to the extent~~
24 ~~of his financial ability.~~

1 ~~(b) Pursuant to this subdivision, failure to~~
2 ~~contribute to the support of the mother~~
3 ~~during her term of pregnancy shall not in~~
4 ~~and of itself be grounds for termination of~~
5 ~~the parental rights of the father or~~
6 ~~putative father.~~

7 ~~In any case where a father, or a putative father of an~~
8 ~~infant born out of wedlock, claims that prior to the~~
9 ~~receipt of notice of the hearing provided for in~~
10 ~~Section 7006 1.2 of this title he had been~~
11 ~~specifically denied knowledge of the infant or denied~~
12 ~~the opportunity to exercise parental rights and~~
13 ~~responsibilities with regard to the infant, such~~
14 ~~father or putative father shall prove to the~~
15 ~~satisfaction of the court that he made sufficient~~
16 ~~attempts to discover if he had fathered a child or~~
17 ~~made sufficient attempts to exercise parental rights~~
18 ~~and responsibilities with regard to the infant prior~~
19 ~~to the receipt of notice, or~~

20 ~~e. has not established and/or maintained substantial and~~
21 ~~positive relationship with the infant during the six~~
22 ~~(6) months immediately prior to out of home placement~~
23 ~~or the six (6) continuous months while in out-of-home~~
24 ~~placement, and has not made meaningful efforts to gain~~

1 ~~or regain custody of the infant, despite being given~~
2 ~~the opportunity to do so. For purposes of this~~
3 ~~section, "establish and/or maintain substantial and~~
4 ~~positive relationship" includes but is not limited to:~~
5 ~~(1) frequent and regular contact with the infant~~
6 ~~through frequent and regular visitation or~~
7 ~~frequent and regular communication to or with the~~
8 ~~infant, and~~
9 ~~(2) the exercise of parental rights and~~
10 ~~responsibilities.~~

11 ~~Incidental or token visits, communications or~~
12 ~~contributions shall not be sufficient to establish~~
13 ~~and/or maintain a substantial and positive~~
14 ~~relationship with the infant~~ "Abandonment" means:

- 15 a. the willful intent by words, actions, or omissions not
16 to return for a child, or
17 b. the failure to maintain a significant parental
18 relationship with a child through visitation or
19 communication in which incidental or token visits or
20 communication are not considered significant, or
21 c. the failure to respond to notice of deprived
22 proceedings;

23 2. "Abuse" means harm or threatened harm or failure to protect
24 from harm or threatened harm to the health, safety, or welfare of a

1 child by a person responsible for the child's health, safety, or
2 welfare, including but not limited to nonaccidental physical or
3 mental injury, sexual abuse, or sexual exploitation. Provided,
4 however, that nothing contained in this act shall prohibit any
5 parent, teacher, or other person from using ordinary force as a
6 means of discipline including, but not limited to, spanking,
7 switching, or paddling.

8 a. "Harm or threatened harm to the health or safety of a
9 child" means any real or threatened physical, mental,
10 or emotional injury or damage to the body or mind that
11 is not accidental including but not limited to sexual
12 abuse, sexual exploitation, neglect, or dependency.

13 b. "Sexual abuse" includes but is not limited to rape,
14 incest, and lewd or indecent acts or proposals made to
15 a child, as defined by law, by a person responsible
16 for the health, safety, or welfare of the child.

17 c. "Sexual exploitation" includes but is not limited to
18 allowing, permitting, or encouraging a child to engage
19 in prostitution, as defined by law, by a person
20 responsible for the health, safety, or welfare of a
21 child, or allowing, permitting, encouraging, or
22 engaging in the lewd, obscene, or pornographic, as
23 defined by law, photographing, filming, or depicting

1 of a child in those acts by a person responsible for
2 the health, safety, and welfare of the child;

3 3. "Adjudication" means a finding by the court that the
4 allegations in a petition alleging that a child is deprived are
5 supported by a preponderance of the evidence;

6 4. "Adjudicatory hearing" means a hearing to determine whether
7 the allegations of a petition pursuant to the provisions of Part 3
8 of Article III of this Code are supported by the evidence and
9 whether a child should be adjudged to be a ward of the court as
10 provided by Sections 7003-4.1 through 7003-4.7 of this title;

11 ~~3. 5. "Assessment" means a systematic process utilized by the~~
12 ~~Department of Human Services to respond to reports of alleged child~~
13 ~~abuse or neglect which, according to priority guidelines established~~
14 ~~by the Department, do not constitute a serious and immediate threat~~
15 ~~to a child's health, safety or welfare. The assessment includes,~~
16 ~~but is not limited to, the following elements:~~

- 17 a. ~~an evaluation of the child's safety, and~~
18 b. ~~a determination regarding the family's need for~~
19 ~~services the same as the term "safety analysis" as~~
20 ~~defined in this section;~~

21 ~~4. 6. "Behavioral health" means mental health, substance abuse,~~
22 ~~or co-occurring mental health and substance abuse diagnoses, and the~~
23 ~~continuum of mental health, substance abuse, or co-occurring mental~~
24 ~~health and substance abuse treatment;~~

1 7. "Child" means any unmarried person under eighteen (18) years
2 of age ~~except any person convicted of a crime specified in Section~~
3 ~~7306-1.1 of this title or any person who has been certified as an~~
4 ~~adult pursuant to Section 7303-4.3 of this title and convicted of a~~
5 ~~felony;~~

6 ~~5.~~ ~~"Minor in need of treatment" means a child in need of mental~~
7 ~~health or substance abuse treatment as defined by the Inpatient~~
8 ~~Mental Health and Substance Abuse Treatment of Minors Act;~~

9 ~~6.~~ 8. "Child with a disability" means any child who has a
10 physical or mental impairment which substantially limits one or more
11 of the major life activities of the child, or who is regarded as
12 having such an impairment by a competent medical professional;

13 ~~7.~~ 9. "Child-placing agency" means a private agency licensed to
14 place children in foster family homes, group homes, adoptive homes,
15 transitional or independent living programs, or family child care
16 homes or other out-of-home placements; and which approves and
17 monitors such placements and facilities in accordance with the
18 licensing requirements established by the Oklahoma Child Care
19 Facilities Licensing Act;

20 ~~8.~~ ~~"Chronic abuse or chronic neglect of a child" means a~~
21 ~~pattern of physical or sexual abuse or neglect which is repeated or~~
22 ~~continuing;~~

23 ~~9.~~ 10. "Commission" means the Commission for Human Services;
24

1 11. "Community-based services" or "community-based programs"
2 means services or programs which maintain community participation or
3 supervision in their planning, operation, and evaluation.
4 Community-based services and programs may include, but are not
5 limited to, emergency shelter, crisis intervention, group work, case
6 supervision, job placement, recruitment and training of volunteers,
7 consultation, medical, educational, home-based services, vocational,
8 social, preventive and psychological guidance, training, counseling,
9 early intervention and diversionary substance abuse treatment,
10 sexual abuse treatment, transitional living, independent living, and
11 other related services and programs;

12 ~~10.~~ 12. "Concurrent permanency planning" means, when indicated,
13 the implementation of two plans for a child entering foster care.
14 One plan focuses on reuniting the parent and child; the other seeks
15 to find a permanent out-of-home placement for the child with both
16 plans being pursued simultaneously;

17 13. "Court-appointed special advocate" or "CASA" means a
18 responsible adult volunteer who has been trained and is supervised
19 by a court-appointed special advocate program recognized by the
20 court, and ~~who has volunteered to be available for appointment when~~
21 appointed by the court ~~to serve,~~ serves as an officer of the court
22 in the capacity as a guardian ad litem, ~~pursuant to the provisions~~
23 ~~of Section 7003-3.7 of this title, to represent the best interests~~
24 ~~of any deprived child or child alleged to be deprived over whom the~~

1 ~~district court exercises jurisdiction, until discharged by the~~
2 ~~court;~~

3 ~~11.~~ 14. "Court-appointed special advocate program" means an
4 organized program, administered by either an independent, not-for-
5 profit corporation, a dependent project of an independent, not-for-
6 profit corporation or a unit of local government, which recruits,
7 screens, trains, assigns, supervises and supports volunteers to be
8 available for appointment by the court as guardians ad litem, ~~to~~
9 ~~represent the best interests of a deprived child or a child alleged~~
10 ~~to be deprived in a case for which a deprived petition has been~~
11 ~~filed;~~

12 ~~12.~~ 15. "Custodian" means an individual other than a parent,
13 legal guardian or Indian custodian, to whom legal custody of the
14 child has been awarded by the court. As used in this title, the
15 term "custodian" shall not mean the Department of Human Services;

16 16. "Day treatment" means a nonresidential program which
17 provides intensive services to a child who resides in the child's
18 own home, the home of a relative, group home, a foster home or
19 residential child care facility. Day treatment programs include,
20 but are not limited to, educational services;

21 ~~13.~~ 17. "Department" means the Department of Human Services;

22 ~~14.~~ 18. "Dependency" means a child who is homeless or without
23 proper care or guardianship through no fault of his or her parent,
24 legal guardian, or custodian;

1 19. "Deprived child" means a child:

2 a. who is for any reason destitute, homeless, or
3 abandoned,

4 b. who does not have the proper parental care or
5 guardianship ~~or whose home is an unfit place for the~~
6 ~~child by reason of neglect, abuse, cruelty, or~~
7 ~~depravity on the part of the child's parents, legal~~
8 ~~guardian, or other person responsible for the child's~~
9 ~~health or welfare,~~

10 c. who has been abused, neglected, or is dependent,

11 d. whose home is an unfit place for the child by reason
12 of depravity on the part of the parent or legal
13 guardian of the child, or other person responsible for
14 the health or welfare of the child,

15 e. who is a child in need of special care and treatment
16 because of the child's physical or mental condition,
17 and the child's parents, legal guardian, or other
18 custodian is unable or willfully fails to provide such
19 special care and treatment. As used in this
20 paragraph, a child in need of special care and
21 treatment includes, but is not limited to, a child who
22 at birth tests positive for alcohol or a controlled
23 dangerous substance and who, pursuant to a drug or
24 alcohol screen of the child and an assessment of the

1 parent, is determined to be at risk ~~for future~~
2 ~~exposure to such substances~~ of harm or threatened harm
3 to the health or safety of a child,

4 ~~d.~~ f. who is a child with a disability deprived of the
5 nutrition necessary to sustain life or of the medical
6 treatment necessary to remedy or relieve a life-
7 threatening medical condition in order to cause or
8 allow the death of the child if such nutrition or
9 medical treatment is generally provided to similarly
10 situated children without a disability or children
11 with disabilities; provided that no medical treatment
12 shall be necessary if, in the reasonable medical
13 judgment of the attending physician, such treatment
14 would be futile in saving the life of the child,

15 ~~e.~~ g. who ~~is~~, due to improper parental care and
16 guardianship, is absent from school as specified in
17 Section 10-106 of Title 70 of the Oklahoma Statutes,
18 if the child ~~is~~ subject to compulsory school
19 attendance,

20 ~~f.~~ h. whose parent, legal guardian or custodian for good
21 cause desires to be relieved of custody, ~~or~~

22 ~~g.~~ i. who has been born to a parent whose parental rights to
23 another child have been involuntarily terminated by
24 the court and the conditions which led to the making

1 of the finding, which resulted in the termination of
2 the parental rights of the parent to the other child,
3 have not been corrected, or

4 j. whose parent, legal guardian, or custodian has
5 subjected another child to abuse or neglect or has
6 allowed another child to be subjected to abuse or
7 neglect and is currently a respondent in a deprived
8 proceeding.

9 Nothing in the Oklahoma Children's Code shall be construed to
10 mean a child is deprived for the sole reason the parent, legal
11 guardian, or person having custody or control of a child, in good
12 faith, selects and depends upon spiritual means alone through
13 prayer, in accordance with the tenets and practice of a recognized
14 church or religious denomination, for the treatment or cure of
15 disease or remedial care of such child.

16 Nothing contained in this paragraph shall prevent a court from
17 immediately assuming custody of a child and ordering whatever action
18 may be necessary, including medical treatment, to protect the
19 child's health or welfare-

20 ~~The phrase "dependent and neglected" shall be deemed to mean~~
21 ~~deprived;~~

22 ~~15. 20.~~ "Dispositional hearing" means a hearing ~~to determine~~
23 ~~the order of disposition which should be made with respect to a~~

1 ~~child adjudged to be a ward of the~~ by the court as provided by
2 Section 7003-5.1 of this title;

3 ~~16.~~ 21. "Emergency custody" means the custody of a child prior
4 to adjudication of the child following issuance of an order of the
5 district court pursuant to Section 7003-2.1 of this title or
6 following issuance of an order of the district court pursuant to an
7 emergency custody hearing, as specified by Section 7003-2.4 of this
8 title;

9 ~~17.~~ 22. "Facility" means a place, an institution, a building or
10 part thereof, a set of buildings, or an area whether or not
11 enclosing a building or set of buildings used for the lawful custody
12 and treatment of children;

13 ~~18.~~ 23. "Foster care" or "foster care services" means
14 continuous twenty-four-hour care and supportive services provided
15 for a child in foster placement including, but not limited to, the
16 care, supervision, guidance, and rearing of a foster child by the
17 foster parent;

18 ~~19.~~ ~~"Foster child" means a child placed in foster placement;~~

19 ~~20.~~ ~~"Foster family" means all persons living in a foster family~~
20 ~~home, other than a foster child;~~

21 ~~21.~~ 24. "Foster family home" means the private residence of a
22 foster family which provides foster care services to a child. Such
23 term shall include a nonkinship foster family home, a specialized

24

1 foster home, a therapeutic foster family home, or the home of a
2 relative or other kinship care home;

3 ~~22. "Foster parent" means any individual maintaining a foster~~
4 ~~family home, who is responsible for the care, supervision, guidance~~
5 ~~and rearing of and other foster care services provided to a foster~~
6 ~~child;~~

7 ~~23. "Foster placement" means a child placing agency or foster~~
8 ~~family home providing foster care services;~~

9 ~~24.~~ 25. "Foster parent eligibility assessment" includes a
10 criminal background investigation including, but not limited to, a
11 national criminal history records search based upon the submission
12 of fingerprints, home assessments, and any other assessment required
13 by the Department of Human Services, the Office of Juvenile Affairs,
14 or any child-placing agency pursuant to the provisions of the
15 Oklahoma Child Care Facilities Licensing Act;

16 26. "Guardian ad litem" means a person appointed by the court
17 to protect the best interests of a child pursuant to the provisions
18 of Section 7003-3.7 of this title in a particular case before the
19 court having those duties and responsibilities as set forth in that
20 section. The term "guardian ad litem" shall refer to a court-
21 appointed special advocate as well as to any other person appointed
22 pursuant to the provisions of Section 7003-3.7 of this title to
23 serve as a guardian ad litem;

24

1 ~~25.~~ 27. "Guardian ad litem of the estate of the child" means a
2 person appointed by the court to protect the property interests of a
3 child pursuant to Section 7003-3.7 of this title;

4 28. "Group home" means a residential facility housing no more
5 than twelve children with a program which emphasizes family-style
6 living in a homelike environment. Such group home may also offer a
7 program within the community to meet the specialized treatment needs
8 of its residents licensed by the Department to provide full-time
9 care and community-based services for more than five but fewer than
10 thirteen children;

11 ~~26.~~ 29. "Harm or threatened harm to the health or safety of a
12 child" means any real or threatened physical, mental, or emotional
13 injury or damage to the body or mind that is not accidental
14 including, but not limited to, sexual abuse, sexual exploitation,
15 neglect, or dependency;

16 30. "Heinous and shocking abuse" includes, but is not limited
17 to, aggravated physical abuse that results in serious bodily,
18 mental, or emotional injury. "Serious bodily injury" means injury
19 that involves:

- 20 a. a substantial risk of death,
- 21 b. extreme physical pain,
- 22 c. protracted disfigurement,
- 23 d. a loss or impairment of the function of a body member,
- 24 organ, or mental faculty,

- e. an injury to an internal or external organ or the body,
- f. a bone fracture,
- g. sexual abuse or sexual exploitation,
- h. chronic abuse including, but not limited to, physical, emotional, or sexual abuse, or sexual exploitation which is repeated or continuing,
- i. torture that includes, but is not limited to, inflicting, participating in or assisting in inflicting intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child or for the purpose of satisfying the craven, cruel, or prurient desires of the perpetrator or another person, or
- j. any other similar aggravated circumstance;

31. "Heinous and shocking neglect" includes, but is not limited

to:

- a. chronic neglect that includes, but is not limited to, a persistent pattern of family functioning in which the caregiver has not met or sustained the basic needs of a child which results in harm to the child,
- b. neglect that has resulted in a diagnosis of the child as a failure to thrive,

1 c. an act or failure to act by a parent that results in
2 the death or near death of a child or sibling, serious
3 physical or emotional harm, sexual abuse, sexual
4 exploitation, or presents an imminent risk of serious
5 harm to a child, or

6 d. any other similar aggravating circumstance;

7 32. "Independent living program" means a program specifically
8 designed to assist a child to enhance those skills and abilities
9 necessary for successful adult living. An independent living
10 program may include, but shall not be limited to, such features as
11 minimal direct staff supervision, and the provision of supportive
12 services to assist children with activities necessary for finding an
13 appropriate place of residence, completing an education or
14 vocational training, obtaining employment, or obtaining other
15 similar services;

16 ~~27.~~ 33. "Individualized service plan" means a document written
17 pursuant to Section 7003-5.3 of this title that has the same meaning
18 as "service plan" or "treatment plan" where those terms are used in
19 the Oklahoma Children's Code;

20 34. "Infant" means a child who is twelve (12) months of age or
21 younger;

22 35. "Institution" means a residential facility offering care
23 and treatment for more than twenty residents;

1 ~~28.~~ 36. "Investigation" means ~~an approach utilized by the~~
2 ~~Department to respond to reports of alleged child abuse or neglect~~
3 ~~which, according to priority guidelines established by the~~
4 ~~Department, constitute a serious and immediate threat to a child's~~
5 ~~health or safety. An investigation includes, but is not limited to,~~
6 ~~the following elements:~~

7 a. ~~an evaluation of the child's safety,~~

8 b. ~~a determination whether or not child abuse or neglect~~
9 ~~occurred, and~~

10 c. ~~a determination regarding the family's need for~~
11 ~~prevention and intervention related services the same~~
12 ~~as the term "safety analysis" as defined in this~~
13 ~~section;~~

14 ~~29.~~ 37. "Kinship care" means full-time care of a child by a
15 kinship relation;

16 ~~30.~~ 38. "Kinship guardianship" means a ~~judicially created~~
17 ~~relationship between a child and a kinship relation of the child~~
18 ~~established pursuant to the provisions of Section 7003 5.5 of this~~
19 ~~title permanent guardianship as defined in this section;~~

20 ~~31.~~ 39. "Kinship relation" or "kinship relationship" means
21 relatives, stepparents, or other responsible adults who have a bond
22 or tie with a child and/or to whom has been ascribed a family
23 relationship role with the child's parents or the child; provided,
24

1 however, in cases where the Indian Child Welfare Act applies, the
2 definitions contained in 25 U.S.C., Section 1903 shall control;

3 ~~32.~~ 40. "Mental health facility" means a mental health or
4 substance abuse treatment facility as defined by the Inpatient
5 Mental Health and Substance Abuse Treatment of Minors Act;

6 ~~33.~~ 41. "Minor" means the same as the term "child" as defined
7 in this section;

8 42. "Multidisciplinary child abuse team" means any team
9 established pursuant to Section 7110 of this title of three or more
10 persons who are trained in the prevention, identification,
11 investigation, prosecution, and treatment of physical and sexual
12 child abuse and who are qualified to facilitate a broad range of
13 prevention and intervention-related services and services related to
14 child abuse. For purposes of this definition, "freestanding" means
15 a team not used by a child advocacy center for its accreditation;

16 ~~34.~~ 43. "Near death" means a child is in serious or critical
17 condition, as certified by a physician, as a result of abuse or
18 neglect;

19 ~~35.~~ 44. "Neglect" means ~~neglect as such term is defined by the~~
20 ~~Oklahoma Child Abuse Reporting and Prevention Act~~ any of the
21 following:

22 a. the failure or omission to provide any of the
23 following:

24

- (1) adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, or appropriate education,
- (2) medical, dental, or behavioral health care,
- (3) supervision or appropriate caretakers, or
- (4) special care made necessary by the physical or mental condition of the child,

b. the failure or omission to protect a child from exposure to any of the following:

- (1) the use, possession, sale, or manufacture of illegal drugs,
- (2) illegal activities, or
- (3) sexual acts or materials that are not age-appropriate, and

c. abandonment.

Nothing in this paragraph shall be construed to mean a child is abused or neglected for the sole reason the parent, legal guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child. Nothing contained in this paragraph shall prevent a court from immediately assuming custody of a child, pursuant to the Oklahoma Children's Code, and ordering whatever

1 action may be necessary, including medical treatment, to protect the
2 child's health or welfare;

3 ~~36. "Out of home placement" means a placement, other than a~~
4 ~~placement in the home of the parent, legal guardian or custodian~~
5 ~~from whose custody the court has removed the child;~~

6 ~~37. 45. "Permanency hearing" means a hearing by the court to~~
7 ~~determine whether a child is to be returned to the child's home or~~
8 ~~whether other permanent placement will be sought within a specific~~
9 ~~time frame for the child pursuant to Section 7003-5.6d of this~~
10 ~~title;~~

11 ~~38. 46. "Permanent custody" means a the court-ordered custody~~
12 ~~of an adjudicated deprived child whose parent's parental rights have~~
13 ~~been terminated when a parent-child relationship no longer exists~~
14 ~~due to termination of parental rights or due to the death of a~~
15 ~~parent or parents;~~

16 ~~39. 47. "Permanent guardianship" means a judicially created~~
17 ~~relationship between a child, a kinship relation of the child, or~~
18 ~~other adult established pursuant to the provisions of the Oklahoma~~
19 ~~Children's Code;~~

20 ~~48. "Person responsible for a child's health, safety, or~~
21 ~~welfare" includes a parent; a legal guardian; custodian; a foster~~
22 ~~parent; a person eighteen (18) years of age or older with whom the~~
23 ~~child's parent cohabitates or any other adult residing in the home~~
24 ~~of the child; an agent or employee of a public or private~~

1 residential home, institution, facility or day treatment program as
2 defined in Section 175.20 of ~~this title~~ Title 10 of the Oklahoma
3 Statutes; or an owner, operator, or employee of a child care
4 facility as defined by Section 402 of ~~this title~~ Title 10 of the
5 Oklahoma Statutes;

6 ~~40.~~ 49. "Protective custody" means custody of a child taken
7 ~~pursuant to Section 7003-2.1 of this title~~ by a law enforcement
8 officer or designated employee of the court without a court order;

9 ~~41.~~ a.

10 50. "Putative father" means ~~the~~ an alleged father ~~of a child~~;

11 ~~(1) born out of wedlock, or~~

12 ~~(2) whose mother was married to another person at the~~
13 ~~time of the birth of such child or within ten~~
14 ~~(10) months prior to the birth of the child.~~

15 ~~b. "Putative father" includes, but is not limited to:~~

16 ~~(1) a man who has acknowledged or claims paternity of~~
17 ~~the child,~~

18 ~~(2) a man named as the father by the mother of the~~
19 ~~child, or~~

20 ~~(3) any man alleged to have engaged in sexual~~
21 ~~intercourse with the mother during a possible~~
22 ~~time of conception~~ as that term is defined in
23 Section 7700-1-2 of Title 10 of the Oklahoma
24 Statutes;

1 ~~42.~~ 51. "Relative" means a grandparent, great-grandparent,
2 brother or sister of whole or half blood, aunt, uncle or any other
3 person related to the child ~~within the third degree of~~
4 ~~consanguinity;~~

5 ~~43.~~ 52. "Residential child care ~~center~~ facility" means a
6 ~~twenty four hours a day~~ twenty-four-hour residential ~~group care~~
7 facility at ~~which a specified number of children, normally~~
8 ~~unrelated, reside with adults other than their parents~~ where
9 children live together with or are supervised by adults who are not
10 their parents or relatives;

11 ~~44.~~ "Reasonable efforts" means ~~the reasonable exercise of~~
12 ~~diligence and care, with regard to a child who is in out of home~~
13 ~~placement, or who is at imminent risk of being harmed, to:~~

- 14 a. ~~refer to, arrange for, or develop reasonable~~
15 ~~supportive and rehabilitative services for the family~~
16 ~~of such child that are required both to prevent~~
17 ~~unnecessary placement of the child outside of the~~
18 ~~child's home and to foster, whenever appropriate, the~~
19 ~~safe reunification of such child with the child's~~
20 ~~family, or~~
- 21 b. ~~place a child who cannot be returned home into a~~
22 ~~permanent placement;~~

1 45. a. ~~"Residual parental rights and responsibilities" means~~
2 ~~those rights and responsibilities that remain with the~~
3 ~~parent.~~

4 ~~(1) after transfer of legal custody of the child,~~
5 ~~other than in connection with an action for~~
6 ~~termination of parental rights, a relinquishment~~
7 ~~of parental rights, a consent to termination of~~
8 ~~parental rights or an adoption, or~~

9 ~~(2) when a guardianship or kinship guardianship is~~
10 ~~established for the child.~~

11 b. ~~Residual parental rights and responsibilities may be~~
12 ~~limited or restricted as determined by the court, and~~
13 ~~include, but are not limited to:~~

14 ~~(1) the right of visitation,~~

15 ~~(2) the right to consent to adoption,~~

16 ~~(3) the responsibility for support of and costs of~~
17 ~~medical care for the child,~~

18 ~~(4) the right to determine the religious faith of the~~
19 ~~child, and~~

20 ~~(5) the right to consent to termination of parental~~
21 ~~rights and the right to permanently relinquish~~
22 ~~parental rights.~~

23 c. ~~Residual parental rights and responsibilities shall~~
24 ~~not include the right to consent to the marriage of a~~

1 ~~minor pursuant to the provisions of Section 3 of Title~~
2 ~~43 of the Oklahoma Statutes;~~

3 ~~46. "Responsible adult" for purposes of the release of a child~~
4 ~~from protective custody, means a stepparent, foster parent, a~~
5 ~~relative of the child who is eighteen (18) years of age or older, or~~
6 ~~any person having an obligation and authority to care for or~~
7 ~~safeguard the child in another person's absence who is eighteen (18)~~
8 ~~years of age or older;~~

9 ~~47.~~ 53. "Review hearing" means a hearing by the court pursuant
10 to Section 7003-5.6a of this title;

11 54. "Risk" means the likelihood that there would be a
12 subsequent incident of child abuse or neglect;

13 55. "Safety" means the threat of serious harm by child abuse or
14 neglect in the very near future;

15 56. "Safety analysis" means action taken by the Department in
16 response to a report of alleged child abuse or neglect that will
17 include an assessment or investigation based upon degree of risk to
18 a child.

19 a. "Assessment" means a written response to a report of
20 alleged child abuse or neglect where, following a risk
21 analysis, the Department determines there is a low to
22 moderate safety risk or no safety risk to the child
23 and a referral to community services is appropriate.

1 b. "Investigation" means a written response to a report
2 of alleged child abuse or neglect that constitutes a
3 serious and immediate threat to the health or safety
4 of a child which, following a risk analysis, results
5 in one of the following findings:

6 (1) "Substantiated - Court intervention recommended"
7 means a report that is determined by a child
8 protective services worker, after an
9 investigation and based upon some credible
10 evidence, to constitute child abuse or neglect
11 which is of such a nature that the Department
12 finds that the health, safety, or welfare of the
13 child is threatened,

14 (2) "Substantiated - Services recommended" means a
15 report that is determined by a child protective
16 services worker, after an investigation and based
17 upon some credible evidence, to constitute child
18 abuse or neglect which is of such a nature that
19 the Department recommends prevention and
20 intervention-related services for the parents or
21 persons responsible for the care of the child or
22 children, but for which initial court
23 intervention is not required,

1 (3) "Unsubstantiated - Services recommended" means a
2 report in which a child protective services
3 worker, after an investigation, determines there
4 is insufficient evidence to fully determine
5 whether child abuse or neglect has occurred, but
6 one in which the Department determines that the
7 child and the family of the child could benefit
8 from receiving child abuse and neglect prevention
9 and intervention-related services, and

10 (4) "Ruled out" means a report in which a child
11 protective services worker, after an
12 investigation, determines that no child abuse or
13 neglect has occurred;

14 57. "Secure facility" means a facility which is designed and
15 operated to ensure that all entrances and exits from the facility
16 are subject to the exclusive control of the staff of the facility,
17 whether or not the juvenile being detained has freedom of movement
18 within the perimeter of the facility, or a facility which relies on
19 locked rooms and buildings, fences, or physical restraint in order
20 to control behavior of its residents;

21 ~~48. "Serious bodily injury" means a bodily injury that~~
22 ~~involves:~~

- 23 ~~a. substantial risk of death,~~
- 24 ~~b. extreme physical pain,~~

1 e. ~~protracted and obvious disfigurement, or~~

2 d. ~~protracted loss or impairment of the function of a~~
3 ~~bodily member, organ or mental faculty;~~

4 ~~49. "Serious danger to the health and safety" means that~~
5 ~~without the intervention of another person or agency, a child would~~
6 ~~likely or in all probability sustain severe or permanent disability~~
7 ~~or injury, illness, or death;~~

8 ~~50.~~ 58. "Sibling" means a biologically or legally related
9 brother or sister of a child;

10 ~~51.~~ 59. "Specialized foster care" means foster care provided to
11 a child in a ~~specialized~~ foster home or agency-contracted home
12 which:

13 a. has been certified by the Developmental Disabilities

14 Services Division of the Department of Human Services,

15 b. is monitored by the Division, and

16 c. is funded through the Home- and Community-Based Waiver
17 Services Program administered by the Division;

18 ~~52.~~ 60. "Temporary custody" means court-ordered custody of an
19 adjudicated deprived child;

20 ~~53.~~ 61. "Therapeutic foster family home" means a foster family
21 home which provides specific treatment services, pursuant to a
22 therapeutic foster care contract, which are designed to remedy
23 social and behavioral problems of a foster child residing in the
24 home;

1 ~~54. "Torture" means to inflict:~~

2 ~~a. intense emotional or psychological anguish to or~~
3 ~~suffering by a child, or~~

4 ~~b. physical pain for the purpose of coercing or~~
5 ~~terrorizing a child;~~

6 ~~55. "Training school" means an institution maintained by the~~
7 ~~state exclusively for the care, education, training, treatment, and~~
8 ~~rehabilitation of juvenile delinquents;~~

9 ~~56.~~ 62. "Transitional living program" means a residential
10 program that may be attached to an existing facility or operated
11 solely for the purpose of assisting children to develop the skills
12 and abilities necessary for successful adult living. The program
13 may include, but shall not be limited to, reduced staff supervision,
14 vocational training, educational services, employment and employment
15 training, and other appropriate independent living skills training
16 as a part of the transitional living program;

17 ~~57.~~ 63. "Treatment and service plan" means a document written
18 pursuant to Section 7003-5.3 of this title; and

19 ~~58.~~ 64. "Voluntary foster care placement" means the temporary
20 placement of a child by the parent, legal guardian or custodian of
21 the child in foster care pursuant to a signed placement agreement
22 between the Department or a child-placing agency and the child's
23 parent, legal guardian or custodian.

1 ~~B. Unless the context otherwise requires, the terms defined in~~
2 ~~the Oklahoma Child Abuse Reporting and Prevention Act and the~~
3 ~~Oklahoma Foster Care and Out-of-Home Placement Act shall have the~~
4 ~~same meaning when used in the Oklahoma Children's Code.~~

5 SECTION 5. AMENDATORY 10 O.S. 2001, Section 7003-1.1, is
6 amended to read as follows:

7 Section 7003-1.1 A. 1. Upon ~~notification or~~ receipt of a
8 report that a child may be ~~deprived or whenever the county office~~
9 ~~determines that there are reasonable grounds to believe that a child~~
10 ~~may be deprived~~ abused or neglected, the Department of Human
11 Services shall conduct an assessment or investigation in accordance
12 with priority guidelines established by the Department.

13 2. ~~Notification or receipt of a report that a child may be a~~
14 ~~victim of abuse or neglect, and any investigation or assessment made~~
15 ~~as a result of such notification or report, shall be subject to and~~
16 ~~conducted pursuant to the provisions of the Oklahoma Child Abuse~~
17 ~~Reporting and Prevention Act.~~

18 3. The Department shall forward a report of its assessment or
19 investigation and findings to the any district attorney's office
20 which may have jurisdiction to file a petition.

21 B. 1. If, after upon receipt of a report alleging abuse or
22 neglect or during the assessment or investigation, the Department
23 determines that:

1 a. ~~an~~ the alleged abuse or neglect of a child was
2 perpetrated by perpetrator is someone other than a
3 person responsible for the child's health, safety, or
4 welfare, and

5 b. ~~an~~ the alleged abuse or neglect of a the child does
6 not appear to be attributable to failure on the part
7 of a person responsible for the child's health,
8 safety, or welfare to provide protection for the
9 child,

10 the Department shall immediately ~~verbally notify an~~ make a referral,
11 either verbally or in writing, to the appropriate local law
12 enforcement agency for the purpose of conducting a possible criminal
13 investigation. ~~The verbal notification to the local law enforcement~~
14 ~~agency shall be followed by a written referral transmitted no later~~
15 ~~than the close of the next business day.~~

16 2. ~~The Department shall determine whether the alleged~~
17 ~~perpetrator is a parent of any child or is otherwise a person~~
18 ~~responsible for the child's health, safety or welfare. If the~~
19 ~~alleged perpetrator is determined to be a parent of a child or is~~
20 ~~otherwise a person responsible for the child's health, safety or~~
21 ~~welfare, such determination shall constitute reasonable grounds to~~
22 ~~conduct an assessment or investigation regarding such child pursuant~~
23 ~~to subsection A of this section.~~

1 ~~3. After making the referral to the law enforcement agency, the~~
2 ~~Department shall not be responsible for further investigation of the~~
3 ~~case unless:~~

- 4 ~~a. notice is received from the law enforcement agency as~~
5 ~~provided by subsection C of this section,~~
- 6 ~~b. the alleged perpetrator is a person responsible for~~
7 ~~the child's health, safety or welfare, or~~
- 8 ~~c. the appropriate law enforcement agency requests the~~
9 ~~Department, in writing, to participate in the~~
10 ~~investigation. If funds and personnel are available,~~
11 ~~as determined by the Director of Human Services, the~~
12 ~~Department may assist in the investigation of physical~~
13 ~~or sexual abuse of a child perpetrated by a person~~
14 ~~other than the parent or person responsible for the~~
15 ~~health, safety or welfare of the child.~~

16 ~~4. The Commission for Human Services shall promulgate rules for~~
17 ~~the implementation of the provisions of this subsection. Such rules~~
18 ~~shall include, but not be limited to, provision for adequate and~~
19 ~~appropriate assessment or investigation by the Department prior to~~
20 ~~notification of a local law enforcement agency~~

21 After making the referral to the law enforcement agency, the
22 Department shall not be responsible for further investigation
23 unless:

- 1 a. the Department has reason to believe the alleged
2 perpetrator is a parent of another child, not the
3 subject of the criminal investigation, or is otherwise
4 a person responsible for the health, safety, or
5 welfare of another child,
- 6 b. notice is received from a law enforcement agency that
7 it has determined the alleged perpetrator is a parent
8 of or a person responsible for the health, safety, or
9 welfare of another child not the subject of the
10 criminal investigation, or
- 11 c. the appropriate law enforcement agency requests the
12 Department, in writing, to participate in the
13 investigation. If funds and personnel are available,
14 as determined by the Director of the Department or a
15 designee, the Department may assist law enforcement in
16 interviewing children alleged to be victims of
17 physical or sexual abuse.

18 C. 1. Any law enforcement agency receiving a referral as
19 provided in this section shall provide the Department ~~of Human~~
20 ~~Services' local child welfare office~~ with a copy of the report of
21 ~~its~~ any investigation resulting from a referral from the Department
22 ~~or shall provide a written statement as to why a criminal~~
23 ~~investigation was not conducted.~~

1 2. ~~a.~~ Whenever, in the course of any criminal investigation, a
2 law enforcement agency determines that there is cause to believe
3 that a child may be ~~or is alleged to be~~ abused, or neglected ~~or~~
4 ~~deprived~~ by reason of the acts ~~or,~~ omissions, or failures on the
5 part of a person responsible for the health, safety, or welfare of
6 the child ~~or the failure on the part of a person responsible for the~~
7 ~~child's health, safety or welfare to provide protection for the~~
8 ~~child,~~ the law enforcement agency shall immediately verbally contact
9 the ~~local child welfare office~~ Department for the purpose of an
10 investigation ~~by that office.~~

11 ~~b.~~ ~~The verbal notification to the local child welfare~~
12 ~~office shall be followed by a written referral to the~~
13 ~~Department of Human Services no later than the close~~
14 ~~of the next business day.~~

15 SECTION 6. AMENDATORY 10 O.S. 2001, Section 7003-2.1, as
16 last amended by Section 5, Chapter 3, O.S.L. 2003 (10 O.S. Supp.
17 2008, Section 7003-2.1), is amended to read as follows:

18 Section 7003-2.1 A. Pursuant to the provisions of this
19 section, a child may be taken into custody prior to the filing of a
20 petition:

21 1. By a peace officer or employee of the court, without a court
22 order if ~~the child's surroundings are such as to endanger the~~
23 ~~welfare of the child or if continuation of the child in the child's~~
24 ~~home is contrary to the health, safety or welfare of the child~~ after

1 consultation with the Department of Human Services the Department
2 determines that:

- 3 a. there is an imminent threat of safety to the child due
4 to abuse or neglect,
- 5 b. reasonable efforts cannot be made to prevent removal,
6 and
- 7 c. if removal is necessary, that there are no relatives
8 or kinship emergency placements available for the safe
9 placement of children; or

10 2. By an order of the district court issued upon the
11 application of the office of the district attorney. ~~The court shall~~
12 ~~include in the order a specific determination that continuation of~~
13 ~~the child in the child's home is contrary to the health, safety or~~
14 ~~welfare of the child.~~ The application presented by the district
15 attorney may be supported by a sworn affidavit which may be based
16 upon information and belief. The application shall state facts
17 sufficient to demonstrate to the court that there is an imminent
18 threat of safety to the child due to abuse or neglect and a
19 continuation of the child in the home or with the caretaker of the
20 child is contrary to the child's welfare and there is reasonable
21 suspicion to believe that:

- 22 a. the child is in need of immediate protection due to
23 abandonment, abuse, or neglect, or is in

24

1 b. the circumstances or surroundings ~~that~~ of the child
2 are such as to endanger the welfare of that
3 continuation in the child's home or in the care or
4 custody of the parent, legal guardian, or custodian
5 would present an imminent danger to the child.

6 The application and order may be verbal and upon being advised by
7 the district attorney of the verbal order, law enforcement shall act
8 on such order. If verbal, the district attorney shall submit a
9 written application ~~shall be submitted~~ and proposed order to the
10 district court within one (1) judicial day from the issuance of the
11 verbal order. Upon approval, the application and order shall be
12 filed with the court clerk.

13 ~~a.~~ B. When a determination of risk is made by the Department,
14 and there is not an imminent threat of safety to the child, the
15 Department shall move for a court supervised in-home placement. The
16 Department shall provide the services necessary to maintain the in-
17 home care and remedy the circumstances leading to the risk
18 determination; and

19 C. When an order issued by the district court pursuant to ~~this~~
20 paragraph subsection A of this section places the child in the
21 emergency custody of the Department of Human Services pending
22 further hearing specified by Section 7003-2.4 of this title, an
23 employee of the Department may execute such order and physically
24 take the child into custody in the following limited circumstance:

1 ~~(1) the~~

2 1. The child is located in an educational a hospital, school,
3 or day care facility;

4 ~~(2) it is determined that assumption of the child's~~
5 ~~custody from such facility is necessary to~~
6 ~~protect the child from risk of endangerment,;~~ and

7 ~~(3) 2. It is believed that~~ assumption of the ~~child's~~ custody of
8 the child from the facility can occur without a ~~breach of the peace,~~
9 ~~otherwise~~ risk to the child or the employee of the Department.

10 Otherwise, the ~~child~~ order shall be executed and the child taken
11 into custody by a peace officer or employee of the court.

12 ~~b. It is the intent of the Legislature that emergency~~
13 ~~custody of a child pursuant to a court order shall not~~
14 ~~occur at an educational or day care facility unless it~~
15 ~~is determined necessary to avoid endangerment to the~~
16 ~~child. The Department shall establish specific~~
17 ~~policies when an employee of the Department may take a~~
18 ~~child into emergency custody pursuant to a court order~~
19 ~~at an educational or day care facility;~~

20 ~~3. C.~~ By order of the district court when the child is in need
21 of medical or ~~mental~~ behavioral health treatment in order to protect
22 the ~~child's~~ health, safety, or welfare of the child and the ~~child's~~
23 parent, legal guardian, or custodian ~~or other person having custody~~
24 ~~or control~~ of the child is unwilling or unavailable to consent to

1 such medical or ~~mental~~ behavioral health treatment or other action
2 ~~pursuant to this article. The,~~ the court shall specifically include
3 in the emergency order authorization for such medical or ~~mental~~
4 behavioral health evaluation or treatment as it deems necessary.
5 ~~The court shall include in the order a specific determination that~~
6 ~~continuation of the child in the child's home is contrary to the~~
7 ~~health, safety or welfare of the child; and~~

8 ~~4. Pursuant to the provisions of Section 7115.1 of this title.~~

9 ~~B.~~ D. The court shall not enter an emergency custody order
10 removing a child from the home of the child unless the court makes a
11 determination:

12 1. That continuation in the home of the child is contrary to
13 the welfare of the child and there is an imminent threat of safety
14 to the child due to abuse or neglect; and

15 2. Whether reasonable efforts have been made to prevent the
16 removal of the child from the child's home; or

17 3. An absence of efforts to prevent the removal of the child
18 from the home of the child is reasonable because the removal is due
19 to an emergency and is for the purpose of providing for the welfare
20 of the child.

21 E. Whenever a child is taken into custody pursuant to
22 ~~subsection A~~ of this section:

23 1. The child may be taken to a children's shelter located
24 within the county where protective or emergency custody is assumed

1 or, if there is no children's shelter within the county, to a
2 children's shelter designated by the court, ~~provided that the~~
3 ~~placement of an infant who appears to be or has been determined to~~
4 ~~have a medical condition or illness that falls within the placement~~
5 ~~protocol for at risk infants established pursuant to subsection D of~~
6 ~~this section shall be taken to a location as provided in the~~
7 ~~placement protocol;~~

8 2. Except as otherwise provided by subsection E F of this
9 section, the child may be taken before a judge of the district court
10 or the court may be contacted verbally for the purpose of obtaining
11 an order for emergency custody. The court may place the child in
12 the emergency custody of the Department ~~of Human Services~~ or some
13 other suitable person or entity pending further hearing specified by
14 Section 7003-2.4 of this title. ~~The Department may place the child~~
15 ~~in a kinship foster care home, another foster home or other suitable~~
16 ~~placement that is determined by the Department to meet the needs of~~
17 ~~the child, provided that the placement of an infant who appears to~~
18 ~~be or has been determined to have a medical condition or illness~~
19 ~~that falls within the placement protocol for at risk infants~~
20 ~~established pursuant to subsection D of this section shall be taken~~
21 ~~to a location as provided in the placement protocol;~~

22 3. The child may be taken directly to or retained in a health
23 care facility for medical treatment, when it ~~reasonably appears to~~
24 ~~the peace officer or court employee that~~ the child is in need of

1 emergency medical treatment to maintain the child's health, or as
2 otherwise directed by the court; or

3 4. The child may be taken directly to or retained in a ~~mental~~
4 behavioral health ~~or substance abuse~~ treatment facility for
5 evaluation or inpatient treatment, in accordance with the provisions
6 of the Inpatient Mental Health and Substance Abuse Treatment of
7 Minors Act, when ~~it reasonably appears to the peace officer or court~~
8 ~~employee that~~ the child is in need of ~~emergency mental~~ behavioral
9 health care to preserve the child's health, or as otherwise directed
10 by the court; and

11 5. Except as otherwise provided by subsection ~~C~~ F of this
12 section, the district court of the county where the ~~emergency~~
13 custody is assumed shall be immediately notified, verbally or in
14 writing, that the child has been taken into custody. If
15 notification is verbal, written notification shall be sent to the
16 district court within one (1) judicial day of such verbal
17 notification.

18 ~~C.~~ F. The court may provide, in an order issued pursuant to
19 this section ~~or by a standing order or rule~~, for the disposition of
20 children taken into ~~emergency~~ custody and notification of the
21 assumption of such custody. Such order ~~or rule~~ shall be consistent
22 with the provisions of subsection ~~B~~ E of this section, but may also:

23 1. Designate a licensed child care facility, other than a
24 children's shelter appropriate for the temporary care of deprived

1 children, if an emergency foster home is unavailable and if such the
2 facility is willing to provide care, ~~provided that the placement of~~
3 ~~an infant who appears to be or has been determined to have a medical~~
4 ~~condition or illness that falls within the placement protocol for~~
5 ~~at risk infants established pursuant to subsection D of this section~~
6 ~~shall be taken to a location as provided in the placement protocol;~~
7 and

8 2. Authorize the release of a child from custody in accord with
9 such criteria or under such conditions as the court specifies or the
10 placement of a child with ~~such~~ responsible persons, as the court may
11 designate, ~~and~~ who are willing to provide care for the child pending
12 further proceedings, ~~and~~

13 3. ~~Require such notice to the court concerning the assumption~~
14 ~~of custody and the disposition of children taken into custody as the~~
15 ~~court may direct.~~

16 ~~D.~~ 1. The Department of Human Services shall ~~establish by rule~~
17 ~~a placement protocol for at risk infants~~ use a safety assessment
18 protocol and risk assessment protocol when conducting an assessment
19 or investigation of an allegation of abuse or neglect.

20 2. ~~Factors for determining at risk infants include, but are not~~
21 ~~limited to:~~

- 22 a. ~~premature infants,~~
- 23 b. ~~history of respiratory distress,~~
- 24 c. ~~oxygen dependency,~~

- 1 d. ~~diagnosis requiring special care beyond routine infant~~
2 ~~care,~~
3 e. ~~infants under six (6) weeks of age, and~~
4 f. ~~medical conditions or illnesses of the infants that~~
5 ~~without protocol placements may result in increased~~
6 ~~episodes of illness, prolonged hospitalization and~~
7 ~~increased cost for care.~~

8 3. ~~Appropriate placement pursuant to this subsection of at risk~~
9 ~~infants shall include, but not be limited to, foster care, approved~~
10 ~~kinship foster care and health care facilities. A children's~~
11 ~~shelter shall not be deemed to be an appropriate placement for at-~~
12 ~~risk infants unless the shelter meets the placement protocol.~~

13 4. ~~If the at risk infant is in a hospital setting, the infant~~
14 ~~may be placed in another appropriate placement pursuant to this~~
15 ~~subsection, only upon the release of the infant from the hospital by~~
16 ~~the infant's primary physician.~~

17 E. G. No child taken into custody pursuant to this section
18 shall be confined in any jail, adult lockup, or adult or juvenile
19 detention facility. ~~No child shall be transported or detained in a~~
20 ~~secure facility in association with delinquent, criminal, vicious,~~
21 ~~or dissolute persons.~~

22 H. Any peace officer, employee of the court, court-appointed
23 special advocate, employee of the Department, and any other person
24 acting under the direction of the court, who in good faith

1 transports any child, shall be immune from civil or criminal
2 liability that may result by reason of such act. For purposes of
3 any proceedings, civil or criminal, the good faith of any such
4 person shall be presumed.

5 I. A parent or person responsible for the child who is arrested
6 on a charge or warrant other than child abuse or neglect or an act
7 of child endangerment may designate another person to take physical
8 custody of the child. Upon this request, the peace officer may
9 release the child to the physical custody of the designated person.

10 SECTION 7. AMENDATORY 10 O.S. 2001, Section 7003-5.4, is
11 amended to read as follows:

12 Section 7003-5.4 A. The court shall ensure that the following
13 information accompanies any deprived child placed outside the
14 child's home as soon as the information becomes available:

- 15 1. Demographic information;
- 16 2. Strengths, needs and general behavior of the child;
- 17 3. Circumstances which necessitated placement;
- 18 4. Type of custody and previous placement;
- 19 5. Pertinent family information including, but not limited to,
20 the names of family members who are and who are not, by court order,
21 allowed to visit the child and the child's relationship to the
22 family which may affect placement;

23

24

1 6. Known and important life experiences and relationships which
2 may significantly affect the child's feelings, behavior, attitudes
3 or adjustment;

4 7. Whether the child has third-party insurance coverage which
5 may be available to the child;

6 8. Education history to include present grade placement, last
7 school attended, and special strengths and weaknesses.—~~The~~
8 ~~Department of Human Services shall also assist the foster parents in~~
9 ~~getting the foster child's school records and gaining school~~
10 ~~admission;~~ and

11 9. Known or available medical history including, but not
12 limited to:

- 13 a. allergies,
- 14 b. immunizations,
- 15 c. childhood diseases,
- 16 d. physical handicaps,
- 17 e. psycho-social information, and
- 18 f. the name of the child's last doctor, if known.

19 B. When the Department ~~of Human Services~~ places a child in out-
20 of-home care, the Department shall provide the placement providers
21 with sufficient medical information to enable the placement
22 providers to care for the child safely and appropriately. Such
23 medical information shall include, but not be limited to:

- 24 1. Any medical or psychological conditions;

1 2. Diseases, illnesses, accidents, allergies, and congenital
2 defects;

3 3. The child's Medicaid card or information on any other third-
4 party insurer, if any; and

5 4. Immunization history.

6 C. ~~1. When the Department places a child in out of home care,~~
7 ~~the placement providers may request the Department to provide~~
8 ~~contagious or infectious screening examinations or tests on the~~
9 ~~child and provide the results to such placement providers.~~

10 ~~2. The Department shall provide for the examinations or tests~~
11 ~~on the child in accordance with rules promulgated by the Commission~~
12 ~~for Human Services and based on the Centers for Disease Control~~
13 ~~guidelines for time and frequency of testing, and shall, for a~~
14 ~~child, regardless of age, in the Department's emergency or temporary~~
15 ~~custody, obtain the parental consent or, if parental consent cannot~~
16 ~~be obtained due to refusal or inability to locate, the Department~~
17 ~~shall have the authority to give consent for such examinations or~~
18 ~~tests and the release of such results to the placement providers.~~
19 ~~Any parental consent received by the Department, pursuant to the~~
20 ~~provisions of this section, shall also apply to any future~~
21 ~~examinations or tests and release of such results as deemed~~
22 ~~necessary by the Department upon the request of the placement~~
23 ~~providers. The Department has the authority to consent to the~~

24

1 ~~examinations or tests and the release of such test results for a~~
2 ~~child, regardless of age, in the Department's permanent custody.~~

3 ~~3. The Department may also designate other persons who may~~
4 ~~request the performance of such examinations or tests on the child,~~
5 ~~including, but not limited to, Department employees, direct~~
6 ~~caregivers and physicians.~~

7 ~~D. The Department or child placing agency throughout the~~
8 ~~child's placement shall inform the foster parent of any costs and~~
9 ~~expenses related to providing foster care services for the child for~~
10 ~~which the foster parent may be eligible for reimbursement. The~~
11 ~~Department of Human Services shall establish a Passport Program for~~
12 ~~children in the custody of the Department. The Program shall~~
13 ~~provide for a Passport, which shall be a compilation of the~~
14 ~~significant information provided for in subsections A and B of this~~
15 ~~section for each child, in particular, education and physical and~~
16 ~~behavioral health records. The Passport shall accompany each child~~
17 ~~to wherever the child resides so long as the child is in the custody~~
18 ~~of the Department. The Department shall:~~

19 ~~1. Work with public and private partners to gain access to the~~
20 ~~information listed in subsections A and B of this section;~~

21 ~~2. Provide for a secure database in which to store the~~
22 ~~information; and~~

23 ~~3. Consult with the Oklahoma Health Care Authority to convert~~
24 ~~Medicaid claims data in a usable format and to add it from other~~

1 data sources to provide a more comprehensive picture of history and
2 needs to foster families.

3 SECTION 8. AMENDATORY 10 O.S. 2001, Section 7003-5.5, as
4 amended by Section 3, Chapter 258, O.S.L. 2006 (10 O.S. Supp. 2008,
5 Section 7003-5.5), is amended to read as follows:

6 Section 7003-5.5 A. 1. When a child has been adjudicated
7 deprived pursuant to the provisions of Section 7003-4.5 of this
8 title, ~~the court~~ a dispositional hearing may enter ~~a dispositional~~
9 ~~order~~ be held on the same day as the adjudication hearing, but in
10 any event ~~the court shall hold a dispositional hearing and enter~~
11 ~~such order within~~ the hearing shall be held and an order entered no
12 later than forty (40) calendar days of such adjudication unless the
13 ~~court finds on the record that the best interests of the child will~~
14 ~~be served by granting a~~ thereafter. The dispositional hearing shall
15 not be delayed absent a showing of good cause and a finding by the
16 court that the best interests of the child will be served by
17 granting the delay. The court shall set forth the reasons why a
18 delay is necessary and shall schedule the hearing at the earliest
19 possible time following the delay.

20 2. ~~If the court grants a delay, the court shall state why the~~
21 ~~delay is necessary and shall state the minimum amount of time needed~~
22 ~~to resolve any such reasons for the delay. The court shall schedule~~
23 ~~the dispositional hearing at the earliest possible time following~~
24 ~~the delay~~ During the hearing all evidence, including oral and

1 written reports, relevant to the determination of the disposition
2 best serving the health, safety, and welfare of the child may be
3 received by the court and may be relied upon to the extent of its
4 probative value even though not otherwise competent in the hearing
5 on the petition. The parties shall be afforded a reasonable
6 opportunity to examine the written reports prepared for the court's
7 consideration prior to the dispositional hearing and to controvert
8 them. The hearing may be informal and hearsay may be relied upon.

9 3. Any order concerning child support, visitation, or the legal
10 custody of the child entered in any other administrative or district
11 court proceeding shall be subject to modification by the juvenile
12 court during the pendency of the deprived action.

13 4. The court shall determine and order the individualized
14 service plan for the parties.

15 5. At the conclusion of the dispositional hearing, the court
16 shall schedule the dates and times for periodic review and
17 permanency hearings.

18 B. 1. If the child is removed from the custody of the child's
19 parent, the court or the Department of Human Services, as
20 applicable, shall immediately consider concurrent permanency
21 planning, and, when appropriate, develop a concurrent plan so that
22 permanency may occur at the earliest opportunity. Consideration
23 should be given so that if reunification fails or is delayed, the
24

1 placement made is the best available placement to provide permanency
2 for the child.

3 2. The court shall further:

4 a. establish an initial permanency plan for the child,
5 and

6 b. determine if aggravated circumstances exist pursuant
7 to Section 7001-1.3 of this title and whether
8 reunification services are appropriate for the child
9 and the child's family.

10 3. When reunification with a parent or legal guardian is the
11 permanency plan and concurrent planning is indicated, the court
12 shall determine if efforts are being made to place the child in
13 accord with the concurrent permanency plan, including whether
14 appropriate in-state and out-of-state permanency placement options
15 have been identified and pursued.

16 4. Every effort shall be made to place the child with a
17 suitable relative of the child.

18 ~~C. The following kinds of orders of disposition may be made in~~
19 ~~respect to wards of the court pursuant to a deprived child~~
20 ~~proceeding:~~

21 ~~1. a. The court may place the child under supervision by the~~
22 ~~Department of Human Services in the child's own home,~~
23 ~~or in the custody of a suitable person elsewhere. If~~
24 ~~a child has been removed from the custodial parent of~~

1 ~~the child and the court, in the best interests of the~~
2 ~~child, is unable to release the child to the custodial~~
3 ~~parent, the court shall give priority for placement of~~
4 ~~the child with the noncustodial parent of the child~~
5 ~~unless such placement would not be in the child's best~~
6 ~~interests. If the court cannot place the child with~~
7 ~~the noncustodial parent, custody shall be consistent~~
8 ~~with the provisions of Section 21.1 of this title. If~~
9 ~~custody of the child cannot be made pursuant to the~~
10 ~~provisions of Section 21.1 of this title, the reason~~
11 ~~for such determination shall be documented in the~~
12 ~~court record. The court may require the parent or~~
13 ~~other person to comply with such conditions as the~~
14 ~~court may require and to give security by bond, with~~
15 ~~surety or sureties approved by the court, for~~
16 ~~compliance with such order.~~

17 ~~b. If it is consistent with the welfare of the child, the~~
18 ~~child shall be returned to the child's parent, legal~~
19 ~~guardian or custodian. Provided, that if it appears~~
20 ~~to the court that the conduct of the parent, legal~~
21 ~~guardian, custodian, or that a stepparent or other~~
22 ~~adult person living in the home has contributed to~~
23 ~~such deprivation, the court may issue a written order~~
24 ~~specifying conduct to be followed by such parent,~~

1 ~~legal guardian, custodian, stepparent or other adult~~
2 ~~person living in the home with respect to such child.~~
3 ~~The conduct specified shall be such as would~~
4 ~~reasonably prevent the child from becoming or~~
5 ~~continuing to be deprived.~~

6 ~~e. The order placing the child under supervision by the~~
7 ~~Department in the child's own home shall remain in~~
8 ~~effect for a period of not more than one (1) year, to~~
9 ~~be specified by the court, and the order may be~~
10 ~~extended or renewed by the court.~~

11 ~~2. The court may place the child in the custody of a suitable~~
12 ~~individual subject to the conditions and restrictions specified in~~
13 ~~Section 7003-8.1 of this title.~~

14 ~~3. The court may place the child in the custody of a private~~
15 ~~institution or agency, including any institution established and~~
16 ~~operated by the county, authorized to care for children or to place~~
17 ~~them in family homes. In placing a child in a private institution~~
18 ~~or agency, the court shall select one that is licensed by the~~
19 ~~Department or any other state department supervising or licensing~~
20 ~~private institutions and agencies; or, if such institution or agency~~
21 ~~is in another state, by the analogous department of that state.~~
22 ~~Whenever the court shall place a child in any institution or agency,~~
23 ~~it shall transmit with the order of commitment a summary of its~~
24 ~~information concerning the child, and such institution or agency~~

1 ~~shall give to the court such information concerning the child as the~~
2 ~~court may at any time require.~~

3 ~~4. The court may order the child to receive counseling or other~~
4 ~~community based services as necessary.~~

5 ~~5. The court may place the child in the custody of the~~
6 ~~Department.~~

7 ~~6. If the child has been placed outside the home, and it~~
8 ~~appears to the court that the parent, legal guardian, custodian,~~
9 ~~stepparent, or other adult person living in the home has contributed~~
10 ~~to the deprivation of the child, the court may order that the~~
11 ~~parent, legal guardian, custodian, stepparent, or other adult living~~
12 ~~in the home be made subject to any treatment or placement plan~~
13 ~~prescribed by the Department or other person or agency receiving~~
14 ~~custody of the child.~~

15 ~~7. a. The court may order a child's permanent care and~~
16 ~~custody transferred to another person, subject to~~
17 ~~residual parental rights and responsibilities and~~
18 ~~subject to such orders of the court as deemed~~
19 ~~necessary for the health, safety or welfare of the~~
20 ~~child pursuant to the provisions of this paragraph,~~
21 ~~upon the written consent of both parents of the child~~
22 ~~or upon the consent of one parent only if:~~
23 ~~(1) the other parent is deceased,~~

24

- 1 ~~(2) the other parent has been determined by a court~~
2 ~~of law to be incompetent or incapacitated,~~
- 3 ~~(3) the other parent's whereabouts or identity is~~
4 ~~unknown. This fact shall be attested to by an~~
5 ~~affidavit of the consenting parent,~~
- 6 ~~(4) the other parent who is eighteen (18) years of~~
7 ~~age or older, has signed a statement consenting~~
8 ~~to the transfer, executed before a notary public,~~
- 9 ~~(5) the parental rights of the other parent has been~~
10 ~~terminated,~~
- 11 ~~(6) the other parent has been or is found by the~~
12 ~~court of law to be unfit or unable to exercise~~
13 ~~parental rights and responsibilities for the~~
14 ~~child based upon situations enumerated in Section~~
15 ~~7006-1.1 of this title,~~
- 16 ~~(7) is or has been subject to the registration~~
17 ~~requirements of the Oklahoma Sex Offenders~~
18 ~~Registration Act or any similar act in any other~~
19 ~~state, or~~
- 20 ~~(8) has abandoned the child or is determined by the~~
21 ~~court to be otherwise unfit to assume custody of~~
22 ~~the child for any other reason.~~

23 ~~b. Prior to the entry of an order transferring the~~
24 ~~permanent care and custody of a child, the court shall~~

1 ~~receive an investigation and report regarding the~~
2 ~~background and home of the prospective custodian.~~
3 ~~Such investigation and report of the prospective~~
4 ~~custodian shall be made pursuant to the requirements~~
5 ~~of the Oklahoma Adoption Code. The Department of~~
6 ~~Human Services shall only be required by the court to~~
7 ~~make the home study and report as specified by this~~
8 ~~paragraph in the following circumstances:~~

9 ~~(1) the Department has previously conducted a home~~
10 ~~study on the prospective custodian within the~~
11 ~~past three (3) years, or~~

12 ~~(2) the child is in the custody or under the legal~~
13 ~~supervision of the Department.~~

14 ~~e. Upon the entry of an order providing for the transfer~~
15 ~~of the permanent care and custody of a child, the~~
16 ~~order shall remain in full force and effect until:~~

17 ~~(1) the child reaches the age of eighteen (18) years,~~

18 ~~(2) the child marries or is legally emancipated, or~~

19 ~~(3) the parent who consented to the transfer of the~~
20 ~~permanent care and custody of the child petitions~~
21 ~~the court for the recovery of the child and the~~
22 ~~court finds after evidentiary hearing:~~

1 ~~(a) the child has been abused or neglected while~~
2 ~~in the care and custody of the custodian,~~
3 ~~and~~

4 ~~(b) it is in the best interests of the child~~
5 ~~that custody of the child be returned to the~~
6 ~~parents,~~

7 ~~(4) the district attorney, attorney for the child, or~~
8 ~~custodian petitions the court for modification of~~
9 ~~the order transferring permanent care and custody~~
10 ~~and the court finds after evidentiary hearing~~
11 ~~that it is in the best interests of the child for~~
12 ~~the order to be modified and the custody of the~~
13 ~~child be given to another person, pursuant to the~~
14 ~~Oklahoma Guardianship and Conservatorship Act or~~
15 ~~the Oklahoma Children's Code,~~

16 ~~(5) the order terminates because of the death or~~
17 ~~incapacity of the custodian or the death of the~~
18 ~~child, or~~

19 ~~(6) the child is adopted.~~

20 d. ~~An order providing for the transfer of the permanent~~
21 ~~care and custody of a child:~~

22 ~~(1) shall require that the placement be reviewed~~
23 ~~within one (1) year after transfer and may~~
24 ~~require the person to whom custody is transferred~~

1 ~~to submit any records or reports the court deems~~
2 ~~necessary for purposes of such review. Such~~
3 ~~order shall not require the Department to~~
4 ~~supervise the placement during such period,~~
5 ~~(2) shall not require periodic reviews by the court~~
6 ~~thereafter if the parties agree with the assent~~
7 ~~of the court that such reviews are not necessary~~
8 ~~to serve the best interests of the child, and~~
9 ~~(3) unless periodic reviews are required pursuant to~~
10 ~~this subparagraph, the court may close the case,~~
11 ~~provided the order transferring the permanent~~
12 ~~care and custody of the child shall remain in~~
13 ~~full force and effect subject to the provisions~~
14 ~~of subparagraph b of this paragraph.~~

15 8. a. ~~When reunification of the family is not recommended or~~
16 ~~possible, as determined by the court, the court may~~
17 ~~order a child's permanent care and custody transferred~~
18 ~~to a kinship guardian subject to residual parental~~
19 ~~rights and responsibilities and subject to such orders~~
20 ~~of the court as deemed necessary for the health,~~
21 ~~safety or welfare of the child. Kinship guardianship~~
22 ~~shall include, but not be limited to, the following~~
23 ~~parental responsibilities with respect to a child:~~
24 ~~(1) protection,~~

- ~~(2) education,~~
- ~~(3) care and control,~~
- ~~(4) custody, and~~
- ~~(5) decision making.~~

b. ~~A kinship foster parent may file a petition with the court to be appointed as kinship guardian for a child.~~

c. ~~The petition for kinship guardianship shall allege that:~~

- ~~(1) the child is in the legal custody of the Department,~~
- ~~(2) more than twelve (12) months have passed since the date of the dispositional order placing such child in the legal custody of the Department,~~
- ~~(3) the parents of the child are presently and for the foreseeable future unable to provide proper and adequate care for the child,~~
- ~~(4) the prospective kinship guardian consents to the appointment,~~
- ~~(5) the child has resided with the kinship foster parent and there exists a loving and emotional tie between the child and the kinship foster parent, and~~
- ~~(6) it would be in the best interests of the child for the petition to be granted.~~

- 1 ~~d. Notice of the petition and a copy of the petition~~
2 ~~shall be served upon the parties, the Department, and~~
3 ~~the guardian ad litem of the child, if any.~~
- 4 ~~e. Prior to the entry of an order appointing a kinship~~
5 ~~guardian, the court shall receive the most recent~~
6 ~~report regarding the background and home of the~~
7 ~~prospective kinship guardian.~~
- 8 ~~f. If the court finds that the elements of the petition~~
9 ~~have been proven based on clear and convincing~~
10 ~~evidence, or upon the consent of all parties, the~~
11 ~~court shall grant the petition.~~
- 12 ~~g. An order appointing a person as a kinship guardian~~
13 ~~shall award custody of the child to the kinship~~
14 ~~guardian. A kinship guardian shall have the same~~
15 ~~authority as a parent to consent on behalf of a child,~~
16 ~~except that a kinship guardian shall not consent to~~
17 ~~the adoption or surrender of a child.~~
- 18 ~~h. Upon the entry of an order providing for the transfer~~
19 ~~of the permanent care and custody of a child to a~~
20 ~~kinship guardian, the order shall remain in full force~~
21 ~~and effect until:~~
- 22 ~~(1) the child reaches the age of eighteen (18) years,~~
23 ~~(2) the child is married or legally emancipated,~~
24 ~~(3) the court finds after evidentiary hearing:~~

1 ~~(a) the child has been abused or neglected while~~
2 ~~in the care and custody of the kinship~~
3 ~~guardian, and~~

4 ~~(b) it is in the best interests of the child~~
5 ~~that custody of the child be returned to the~~
6 ~~parents,~~

7 ~~(4) the district attorney, an attorney for the child,~~
8 ~~or the kinship guardian petitions the court for~~
9 ~~modification of the order transferring permanent~~
10 ~~care and custody to a kinship guardian and the~~
11 ~~court finds after evidentiary hearing that it is~~
12 ~~in the best interests of the child for the order~~
13 ~~to be modified and the custody of the child be~~
14 ~~given to another person, pursuant to the Oklahoma~~
15 ~~Guardianship and Conservatorship Act or the~~
16 ~~Oklahoma Children's Code,~~

17 ~~(5) the order terminates because of the death or~~
18 ~~incapacity of the kinship guardian or the death~~
19 ~~of the child, or~~

20 ~~(6) the child is adopted.~~

21 ~~i. An order appointing a kinship guardian shall:~~

22 ~~(1) require that the placement be reviewed within one~~
23 ~~(1) year after transfer and may require the~~
24 ~~kinship guardian to whom custody is transferred~~

1 ~~to submit any records or reports the court deems~~
2 ~~necessary for purposes of such review. Such~~
3 ~~order shall not require the Department to~~
4 ~~supervise the placement during such period,~~
5 ~~(2) not require periodic reviews by the court~~
6 ~~thereafter if the parties agree with the assent~~
7 ~~of the court that such reviews are not necessary~~
8 ~~to serve the best interests of the child, unless~~
9 ~~periodic reviews are otherwise required by the~~
10 ~~court, and~~

11 ~~(3) unless periodic reviews are required, the court~~
12 ~~may close the case, provided the order~~
13 ~~transferring permanent care and custody to a~~
14 ~~kinship guardian shall remain in full force and~~
15 ~~effect subject to the provisions of this~~
16 ~~subparagraph.~~

17 ~~j. Except as otherwise provided by the court, the~~
18 ~~appointment of a kinship guardian shall not affect or~~
19 ~~impair the visitation rights of a parent.~~

20 ~~9. Except as otherwise provided by law, the court may dismiss~~
21 ~~the petition and terminate its jurisdiction at any time for good~~
22 ~~cause shown when doing so is in the best interests of the child.~~

23 ~~D. Any order entered pursuant to this section shall include a~~
24 ~~statement informing the child's parent that the consequences of~~

1 ~~noncompliance with the requirement of the court may include~~
2 ~~termination of the parent's rights with respect to the child or~~
3 ~~shall include a statement informing the child's legal guardian or~~
4 ~~custodian that the consequences of noncompliance with the~~
5 ~~requirement of the court may include removal of the child from the~~
6 ~~custody of the legal guardian or custodian.~~

7 ~~E. 1. Except as otherwise provided in subsection F of this~~
8 ~~section, in any dispositional order removing a child from the home~~
9 ~~of the child, the court shall make a determination as to whether, in~~
10 ~~accordance with the best interests of the child:~~

11 ~~a. reasonable efforts have been made to provide for the~~
12 ~~safe return of the child to the child's own home, or~~

13 ~~b. reasonable efforts to reunite the family are not~~
14 ~~feasible, and reasonable efforts are being made to~~
15 ~~secure an alternate permanent placement for the child.~~

16 ~~2. In determining reasonable efforts to be made with respect to~~
17 ~~a child and in making such reasonable efforts, the child's health,~~
18 ~~safety or welfare shall be the paramount concern.~~

19 ~~F. 1. At any hearing held pursuant to the provisions of this~~
20 ~~section, if the court finds that continuation of reasonable efforts~~
21 ~~to return the child home are inconsistent with the permanency plan~~
22 ~~for a child, the court shall determine whether reasonable efforts~~
23 ~~have been made to place the child in a timely manner in accordance~~

24

1 ~~with the permanency plan and to complete whatever steps are~~
2 ~~necessary to finalize the permanent placement of the child.~~

3 ~~2. Reasonable efforts to reunite the child with the child's~~
4 ~~family shall not be required however, pursuant to the provisions of~~
5 ~~Section 7003-4.6 of this title.~~

6 ~~G. 1. If it is consistent with the welfare of the child, in~~
7 ~~cases where the child has been adjudicated to be deprived due to~~
8 ~~repeated absence from school, the court may order counseling and~~
9 ~~treatment for the child and the parents of the child to be provided~~
10 ~~by the local school district, the county, the Department or a~~
11 ~~private individual or entity.~~

12 ~~2. Prior to final disposition, the court shall require that it~~
13 ~~be shown by the appropriate school district that a child found to be~~
14 ~~truant has been evaluated for literacy, learning disabilities,~~
15 ~~mental retardation, and hearing and visual impairments and other~~
16 ~~impediments which could constitute an educational handicap. The~~
17 ~~results of such tests shall be made available to the court for use~~
18 ~~by the court in determining the disposition of the case.~~

19 ~~3. No child who has been adjudicated deprived upon the basis of~~
20 ~~noncompliance with the mandatory school attendance law alone may be~~
21 ~~placed in a public or private institutional facility or be removed~~
22 ~~from the custody of the lawful parent, legal guardian or custodian~~
23 ~~of the child.~~

1 ~~4. A deprived adjudication based solely upon repeated absence~~
2 ~~from school shall not constitute a ground for termination of~~
3 ~~parental rights.~~

4 ~~H. In any dispositional order involving a child sixteen (16)~~
5 ~~years of age or older, the court shall make a determination, where~~
6 ~~appropriate, of the services needed to assist the child to make the~~
7 ~~transition from out-of-home care to independent living.~~

8 ~~I. 1. If reasonable efforts are required for the return of the~~
9 ~~child to the child's home, the court shall allow the parent of the~~
10 ~~child not less than three (3) months to correct conditions which led~~
11 ~~to the adjudication of the child as a deprived child prior to~~
12 ~~terminating the parental rights of the parent pursuant to the~~
13 ~~provisions of Section 7006-1.1 of this title.~~

14 ~~2. The court shall not terminate the rights of a parent who has~~
15 ~~not been notified that the parental rights might be terminated.~~

16 ~~3. If the court terminates the rights of a parent and places~~
17 ~~the child with an individual or agency, the court may invest in such~~
18 ~~individual or agency authority to consent to the adoption of the~~
19 ~~child. Provided, that where the court places the child with the~~
20 ~~Department, it shall vest the Department with authority to place the~~
21 ~~child and, upon notice to the court that an adoption petition has~~
22 ~~been filed concerning such child, invest the Department with~~
23 ~~authority to consent to the adoption of the child, and the~~

1 ~~jurisdiction of the committing court shall terminate upon final~~
2 ~~decree of adoption.~~

3 ~~J. 1. When the juvenile court assumes jurisdiction over a~~
4 ~~child pursuant to Article III of this Code, an order concerning~~
5 ~~child support or the legal custody of the child that has been~~
6 ~~previously entered in any other administrative or district court~~
7 ~~proceeding shall be subject to modification by the juvenile court~~
8 ~~during the pendency of the deprived action. When the juvenile court~~
9 ~~terminates its jurisdiction over the child in the deprived action,~~
10 ~~the most recent order which determines child support or awards legal~~
11 ~~custody of the child to a parent or other person shall remain in~~
12 ~~full force and effect and shall control over any prior custody or~~
13 ~~child support order entered in an administrative or district court~~
14 ~~action.~~

15 ~~2. The surviving custody or child support order from the~~
16 ~~deprived action may be docketed and filed in the prior existing or~~
17 ~~pending administrative or district court action; provided, however,~~
18 ~~if there is no administrative or district court action then in~~
19 ~~existence, the surviving order may be used as the sole basis for~~
20 ~~opening a new administrative or district court action in the same~~
21 ~~county where the deprived action was pending or in the county where~~
22 ~~the legal custodian of the child resides. When applicable, the~~
23 ~~clerk of the juvenile court shall transmit the surviving order to~~
24 ~~the clerk of the district court of the county where the order is to~~

1 ~~be filed along with the names and last known addresses of the~~
2 ~~parents of the child. The clerk of the district court shall~~
3 ~~immediately upon receipt open a file without a filing fee, assign a~~
4 ~~new case number and, when applicable, file the order and send by~~
5 ~~first class mail a copy of the order with the new or prior existing~~
6 ~~case number back to the juvenile court and to the parents of the~~
7 ~~child at their last known address. The order shall not be~~
8 ~~confidential and may be enforced or modified after being docketed~~
9 ~~and filed in the prior existing or new administrative or district~~
10 ~~court action.~~

11 SECTION 9. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 7003-5.5.1 of Title 10, unless
13 there is created a duplication in numbering, reads as follows:

14 A. The following kinds of dispositional orders may be made and
15 shall be in accordance with the safety of the child:

16 1. a. The court may place the child under protective
17 supervision by the Department in the child's own home
18 with the parent or legal guardian with whom the child
19 was residing at the time the events or conditions
20 arose that brought the child within the jurisdiction
21 of the court, subject to such conditions as the court
22 may prescribe that would reasonably prevent the child
23 from continuing to be deprived.

24

1 b. The court may place the child with the noncustodial
2 parent, if available, upon completion of a home
3 assessment, unless the court finds that the placement
4 would not be in the best interests of the child. Any
5 party with knowledge of the facts may present evidence
6 to the court regarding whether the placement is in the
7 best interests of the child. If the court places the
8 child with the parent, it may do either of the
9 following:

10 (1) order that the noncustodial parent assume sole
11 custodial responsibilities for the child. The
12 court may also order reasonable visitation and
13 the payment of child support by the child's other
14 parent. The court may then terminate its
15 jurisdiction by entering a final permanency
16 order. The final order entered determining
17 custody, visitation and child support from the
18 deprived action:

19 (a) shall remain in full force and effect and
20 shall control over any custody or child
21 support order entered in an administrative
22 or district court action initiated prior to
23 or during the pendency of the deprived
24 action until such time as it is modified by

1 a subsequent order of the district court,
2 and

3 (b) may be docketed and filed in the prior
4 existing or pending administrative or
5 district court action; provided, however, if
6 there is no administrative or district court
7 action then in existence, the surviving
8 order may be used as the sole basis for
9 opening a new administrative or district
10 court action in the same county where the
11 deprived action was pending or in the county
12 where the legal custodian of the child
13 resides. When applicable, the clerk of the
14 juvenile court shall transmit the surviving
15 order to the clerk of the district court of
16 the county where the order is to be filed
17 along with the names and last-known
18 addresses of the parents of the child. The
19 clerk of the district court shall
20 immediately upon receipt open a file without
21 a filing fee, assign a new case number and,
22 when applicable, file the order and send by
23 first-class mail a copy of the order with
24 the new or prior existing case number back

1 to the juvenile court and to the parents of
2 the child at their last-known address. The
3 order shall not be confidential and may be
4 enforced or modified after being docketed
5 and filed in the prior existing or new
6 administrative or district court action, or

7 (2) order that the noncustodial parent assume custody
8 of the child under protective supervision by the
9 Department. The court may order that:

10 (a) reunification services be provided to the
11 parent or legal guardian from whom the child
12 has been or is being removed,

13 (b) services be provided solely to the parent
14 who is assuming physical custody of the
15 child in order to allow that parent to later
16 obtain legal custody without court
17 supervision, or

18 (c) services be provided to both parents, in
19 which case the court shall determine, at a
20 subsequent review hearing, which parent, if
21 either, shall have custody of the child.

22 c. If the court orders the child into the home of a
23 father whose paternity has not been established, the
24 alleged father must cooperate in establishing

1 paternity as a condition for the child's continued
2 placement in the home of the alleged father.

3 d. If the court issues an order for protective
4 supervision of the child in the home of a parent, the
5 court may order the following:

6 (1) that a party or other person living in the home
7 vacate the child's home indefinitely or for a
8 specified period of time within forty-eight (48)
9 hours of issuing the order, and/or

10 (2) that a party, a parent, or a legal guardian of
11 the child prevent a particular person from having
12 contact with the child.

13 e. At any time during the deprived child proceedings, the
14 court may issue an order specifying the conduct to be
15 followed by any person living in the home that the
16 court determines would be in the best interests of the
17 child. The conduct specified shall be such as would
18 reasonably prevent the child from continuing to be
19 deprived.

20 f. The order placing the child under supervision by the
21 Department in the child's own home.

22 2. a. If the court is unable to place the child in the home
23 of a parent, the court shall give a preference for
24 placing temporary custody of the child with a

1 relative, subject to the best interests of the child.

2 In determining whether to place temporary custody of
3 the child with a relative, the court may consider the
4 following factors:

- 5 (1) the physical, psychological, educational,
6 medical, and emotional needs of the child,
- 7 (2) the wishes of the parent, the relative, and
8 child, if appropriate,
- 9 (3) whether placement of the siblings and half-
10 siblings can be made in the same home, if that
11 placement is found to be in the best interest of
12 each child,
- 13 (4) the background information of the relative and
14 any other person living in the home, including
15 whether any such person has a prior history of
16 violence, acts of child abuse or neglect, or any
17 other background that would render the home
18 unsuitable,
- 19 (5) the nature and duration of the relationship
20 between the child and the relative, and the
21 relative's desire to care for and to provide
22 long-term permanency for the child if
23 reunification is unsuccessful, and
- 24 (6) the ability of the relative to do the following:

- (a) provide a safe, secure, and stable environment for the child,
- (b) exercise proper and effective care and control of the child,
- (c) provide a home and the necessities of life for the child,
- (d) protect the child from his or her parents,
- (e) facilitate court-ordered reunification efforts with the parent,
- (f) facilitate visitation with the child's siblings and other relatives, and
- (g) arrange for appropriate and safe child care, if necessary.

b. If more than one appropriate relative requests preferential consideration pursuant to this section, each relative shall be evaluated under the factors enumerated in this paragraph. However, whenever a new temporary custody order regarding the child must be entered, consideration shall again be given as described in this section to relatives who have been found to be suitable and who will fulfill the permanency needs of the child.

c. If the court does not place temporary custody of the child with a relative pursuant to this subsection, the

1 court shall state for the record the reasons placement
2 with that relative was denied.

3 3. a. The court may place the child in the custody of a
4 private institution or agency, including any
5 institution established and operated by the county,
6 authorized to care for children or to place them in
7 family homes.

8 b. In placing a child in a private institution or agency,
9 the court shall select one that is licensed by the
10 Department or any other state department supervising
11 or licensing private institutions and agencies; or, if
12 such institution or agency is in another state, by the
13 analogous department of that state.

14 c. Whenever the court shall place a child in any
15 institution or agency, it shall transmit with the
16 order of commitment a summary of its information
17 concerning the child, and such institution or agency
18 shall give to the court such information concerning
19 the child as the court may at any time require.

20 4. The court may place the child in the custody of the
21 Department.

22 a. In selecting a placement for a child in its custody,
23 the Department shall make an individualized
24 determination based upon the child's best interests

1 and permanency plan regarding the following placement
2 options:

- 3 (1) a home or facility that meets the preferences
4 specified by the state and federal Indian Child
5 Welfare Act when applicable,
- 6 (2) the home of a noncustodial parent,
- 7 (3) the home of a relative approved by the
8 Department,
- 9 (4) the home of a nonrelative kinship family approved
10 by the Department,
- 11 (5) an approved foster home in which the child has
12 been previously placed,
- 13 (6) a suitable nonkinship foster family approved by
14 the Department, and
- 15 (7) a suitable licensed group home for children.

16 b. (1) Unless the child is placed with relatives or in
17 accord with the federal and state Indian Child
18 Welfare Acts, the child shall be placed, when
19 possible, in the county of residence of the
20 child's parent or legal guardian in order to
21 facilitate reunification of the family.

- 22 (2) If an appropriate placement is not available in
23 the county of residence of the parent or legal
24 guardian, the child shall be placed in an

1 appropriate home in the nearest proximity to the
2 resident county of the parent or legal guardian.

3 (3) Nothing in this section shall be construed to
4 mean that the child's placements shall correspond
5 in frequency to changes of residence by the
6 parent or legal guardian. In determining whether
7 the child should be moved, the Department shall
8 take into consideration the potential harmful
9 effects of disrupting the placement of the child
10 and the reason of the parent or legal guardian
11 for the move.

12 c. If the child is part of a sibling group, it shall be
13 presumed that placement of the entire sibling group in
14 the same placement is in the best interests of the
15 child and siblings unless the presumption is rebutted
16 by a preponderance of the evidence to the contrary.

17 5. The court may order the Department to coordinate the
18 provision of services provided by other agencies in order that the
19 court-approved permanency plan may be achieved.

20 6. a. If the court determines that reunification services
21 are appropriate for the child and a parent, the court
22 shall allow reasonable visitation with the parent or
23 legal guardian from whose custody the child was
24

1 removed, unless visitation is not in the best interest
2 of the child, taking into consideration:

- 3 (1) protection of the physical safety of the child,
- 4 (2) protection of the life of the child,
- 5 (3) protection of the child from being traumatized by
6 contact with the parent, and
- 7 (4) the child's expressed wishes.

8 b. A court may not deny visitation based solely on the
9 failure of a parent to prove that the parent has not
10 used legal or illegal substances or complied with an
11 aspect of the court-ordered individualized service
12 plan.

13 7. The court may order a permanent guardianship to be
14 established as more fully set forth in Section 1-4-709 of this
15 title.

16 8. Except as otherwise provided by law, the court may dismiss
17 the petition and terminate its jurisdiction at any time for good
18 cause shown when doing so is in the best interests of the child.

19 B. Any order entered pursuant to this section shall include:

20 1. A statement informing the child's parent that the
21 consequences of noncompliance with the requirement of the court may
22 include termination of the parent's rights with respect to the
23 child; or
24

1 2. A statement informing the child's legal guardian or
2 custodian that the consequences of noncompliance with the
3 requirement of the court may include removal of the child from the
4 custody of the legal guardian or custodian.

5 C. 1. In any dispositional order removing a child from the
6 home of the child, the court shall make a determination as to
7 whether, in accordance with the best interests and the health,
8 safety, or welfare of the child, reasonable efforts have been made
9 to provide for the safe return of the child to the child's own home.

10 2. If reasonable efforts are required for the safe return of
11 the child to the child's home, the court shall allow the parent of
12 the child not less than three (3) months to correct the conditions
13 which led to the adjudication of the child as a deprived child;
14 however, the time period for reunification services may not exceed
15 seventeen (17) months from the date that the child was initially
16 removed from the child's home, absent a finding of compelling
17 reasons to the contrary.

18 3. If the court finds that continuation of reasonable efforts
19 to return the child home are inconsistent with the permanency plan
20 for a child, the court shall determine whether reasonable efforts
21 have been made to complete the steps necessary to finalize the
22 permanent placement of the child.

23
24

1 4. Reasonable efforts to reunite the child with the child's
2 family shall not be required pursuant to the provisions of Section
3 1-4-809 of Title 10 of the Oklahoma Statutes.

4 D. In any dispositional order involving a child sixteen (16)
5 years of age or older, the court shall make a determination, where
6 appropriate, of the services needed to assist the child to make the
7 transition from out-of-home care to independent living.

8 E. In accordance with the safety or well-being of any child,
9 the court shall determine in any dispositional order whether
10 reasonable efforts have been made to:

- 11 a. place siblings, who have been removed, together in the
12 same foster care, guardianship, or adoptive placement,
13 and
- 14 b. provide for frequent visitation or other ongoing
15 interaction in the case of siblings who have been
16 removed and who are not placed together.

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

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

- 22 1. Provide for the ~~temporary~~ care and treatment of children
23 taken into protective or emergency custody pursuant to the
24 provisions of ~~Article III~~ of the Oklahoma Children's Code, and

1 placed in the Department's custody by an order of the juvenile
2 court.

3 In providing for the temporary care and treatment of an ~~alleged~~
4 ~~deprived child placed in the Department's custody,~~ such children the
5 Department shall:

- 6 a. place ~~such~~ the children in a ~~children's shelter, a~~
7 ~~foster home or a relative's home,~~ group home, or if no
8 such home is available, in a shelter or in any
9 licensed facility established for the care of
10 children. In determining any placement for a child
11 who has been removed from the custody of a custodial
12 parent and placed with the Department in emergency ~~or~~
13 ~~protective~~ custody, priority shall be given by the
14 Department to the placement of such child with the
15 noncustodial parent of the child unless such placement
16 is not in the best interests of the child. ~~If it is~~
17 ~~determined by the Department that placement with the~~
18 ~~noncustodial parent is not in the best interests of~~
19 ~~the child, custody shall be consistent with the~~
20 ~~provisions of Section 21.1 of this title. If custody~~
21 ~~of the child cannot be made pursuant to the provisions~~
22 ~~of Section 21.1 of this title, the reason for such~~
23 ~~determination shall be specified in the agency records~~

24

1 ~~concerning the child. In addition, such reasons shall~~
2 ~~be made known to the court by the Department,~~

3 b. if ordered by the court, provide supervision of
4 children alleged to be deprived who are placed by the
5 court in the custody of a parent, relative, or other
6 responsible person. Such supervision shall, be in
7 accordance with ~~standards established by rules~~
8 ~~promulgated by the Commission for Human Services,~~
9 ~~consist of periodic visitation with the child, the~~
10 ~~child's custodian, and such other persons as may be~~
11 ~~necessary to assess the safety of the child and to~~
12 ~~offer voluntary services. Such supervision Department~~
13 and shall not exceed the period allowed for the filing
14 of a petition or, if a petition is filed, the period
15 authorized by the court,

16 c. admit an alleged deprived child ~~in the Department's~~
17 ~~emergency custody~~ to a hospital or mental behavioral
18 health facility as provided in ~~Section 5-507 of Title~~
19 ~~43A of the Oklahoma Statutes and shall, if such child~~
20 ~~is found by the court to be a child in need of mental~~
21 ~~health treatment, place the child, as provided in~~
22 ~~paragraph 2 of subsection D of Section 5-512 of Title~~
23 ~~43A of the Oklahoma Statutes the Inpatient Mental~~
24 Health and Substance Abuse Treatment of Minors Act,

1 d. provide ~~such~~ outpatient ~~mental~~ behavioral health care
2 and treatment as ~~may be necessary to preserve the~~
3 ~~health and safety of an alleged deprived child in~~
4 ~~emergency custody and as prescribed by a qualified~~
5 ~~mental~~ behavioral health professional. ~~Each child~~
6 ~~placed in the Department's emergency custody shall~~
7 ~~receive,~~

8 e. provide, as soon as practicable, educational
9 instruction through enrollment in a public school or
10 an alternative program consistent with the needs and
11 abilities of the child,

12 ~~e.~~ f. provide or prescribe treatment services for the family
13 of an alleged deprived child placed in the
14 ~~Department's emergency custody~~ of the Department if
15 such services are voluntarily requested and the family
16 is otherwise eligible under ~~application~~ applicable law
17 and rules promulgated by the Commission for the
18 services offered, and

19 ~~f.~~ g. provide ~~for each child placed in the Department's~~
20 ~~emergency custody to receive, as soon as practicable~~
21 ~~after the filing of the petition, an initial health~~
22 ~~screening to identify any health problems that require~~
23 ~~immediate treatment, to diagnose infections and~~
24 ~~communicable diseases and to evaluate injuries or~~

1 ~~other signs of neglect or abuse. The Department shall~~
2 ~~provide such~~ medical care ~~as is~~ necessary to preserve
3 the child's health and ~~protect the health of others in~~
4 ~~contact with~~ the child in accordance with the
5 provisions of this Code; and

6 2. Provide for the care and treatment of an adjudicated
7 deprived child placed in the Department's temporary custody of the
8 Department by an order of the juvenile court. In providing for the
9 such care and treatment ~~of an adjudicated deprived child placed in~~
10 ~~the Department's custody,~~ the Department:

- 11 a. shall review and assess each ~~deprived child placed in~~
12 ~~its custody~~ to determine the type of placement and
13 services consistent with the needs of the child in the
14 nearest geographic proximity to the home of the child
15 as possible. ~~Such review and assessment shall include~~
16 ~~an investigation of the personal and family history of~~
17 ~~the child and the child's environment, and any~~
18 ~~necessary physical or mental examination.~~ In making
19 such the review, the Department may use any
20 facilities, public or private, which ~~offer to~~ aid in
21 the ~~determination of the correct placement of the~~
22 child assessment,
- 23 b. shall develop and, ~~upon approval by the court,~~
24 implement an ~~individual treatment and~~ individualized

1 service plan for each ~~deprived~~ child ~~placed in the~~
2 ~~Department's custody~~ in accord with the requirements
3 of Section 7003-5.1 et seq. of this title,

4 c. may ~~place~~ return a deprived child ~~in~~ to the home of
5 the ~~child~~ parent or legal guardian from whom the child
6 was removed with prior approval of the court ~~pursuant~~
7 ~~to subsection B of Section 7003-7.1 of this title,~~ or
8 place the child in the home of a ~~relative of the child~~
9 noncustodial parent, in a foster home, in a ~~public or~~
10 ~~private~~ children's shelter, in a group home, in an
11 independent living program, or in any licensed
12 facility established for the care of ~~deprived~~
13 children. ~~No deprived child shall be placed in an~~
14 ~~institution operated by the Department,~~

15 d. may admit a deprived child ~~in the Department's custody~~
16 to a hospital or ~~mental~~ behavioral health facility as
17 provided in ~~Section 5-507 of Title 43A of the Oklahoma~~
18 ~~Statutes and shall, if such child is found by the~~
19 ~~court to be a child in need of mental health~~
20 ~~treatment, place the child as provided in paragraph 2~~
21 ~~of subsection D of Section 5-512 of Title 43A of the~~
22 ~~Oklahoma Statutes~~ the Inpatient Mental Health and
23 Substance Abuse Treatment of Minors Act,

1 e. may provide ~~such~~ outpatient ~~mental~~ behavioral health
2 care and treatment ~~as may be necessary to meet the~~
3 ~~treatment needs of a deprived child in the~~
4 ~~Department's custody~~ and as prescribed by a qualified
5 ~~mental~~ behavioral health professional, and

6 f. shall, if ordered by the court, provide supervision of
7 children adjudicated deprived who are placed by the
8 court in the custody of a parent, relative, or other
9 responsible person. Such supervision shall, be in
10 accordance with ~~standards established in rules~~
11 ~~promulgated by the Commission, consist of periodic~~
12 ~~visitation with the child, the child's custodian, and~~
13 ~~such other persons as may be necessary to determine~~
14 ~~compliance with the court approved individual~~
15 ~~treatment and service plan. Such supervision shall~~
16 ~~not exceed a period of six (6) months unless extended~~
17 ~~by the court for good cause shown; Department,~~

18 g. provides medical care necessary to preserve the health
19 of the child in accordance with the provisions of
20 Article III of the Oklahoma Children's Code.

21 ~~3. Transfer any~~ B. The Department may move a child in its
22 custody from any authorized placement to another authorized
23 placement if ~~such transfer is~~ consistent with the ~~treatment~~ needs of
24

1 the child or as may be required in an emergency, subject to the
2 provisions of Section 7003-5.4a of this title;

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

6 a. ~~the guidance centers operated by the State Department
7 of Health,~~

8 b. ~~the Department of Mental Health and Substance Abuse
9 Services, and~~

10 c. ~~community based private nonprofit agencies and
11 organizations; and~~

12 ~~5. Provide, when voluntarily requested by a parent, legal
13 guardian or custodian pursuant to rules promulgated by the
14 Commission, family preservation or other services aimed at the
15 prevention of child abuse or neglect. The Department, in placing a
16 child who has reentered foster care, shall consider previous foster
17 placements as well as a kinship foster home placement if available.
18 The placement shall be consistent with the best interests of the
19 child.~~

20 C. The Department shall assure that any child who has attained
21 the minimum age for compulsory school attendance and is eligible for
22 a foster care payment under Title IV-E of the Social Security Act,
23 42 U.S.C. 670 et seq., is:

24

1 1. Enrolled in an institution which provides elementary or
2 secondary education as determined under the law of the state or
3 other jurisdiction in which the institution is located;

4 2. Instructed in elementary or secondary education in any
5 legally authorized education program;

6 3. In an independent study elementary or secondary education
7 program in accordance with the law of the state or jurisdiction in
8 which the program is located, which is administered by the local
9 school or school district; or

10 4. Incapable of attending school on a full-time basis due to a
11 documented medical condition supported by regular updates.

12 D. The Department has the authority to consent to travel for a
13 child in its custody outside the jurisdiction of the court, except
14 that court approval is required for travel outside of the United
15 States. Permission for school or organizational activities
16 requiring consent and not prohibited by Department rule may be given
17 by the foster parent.

18 E. The Department shall receive notice of all court proceedings
19 regarding any child in its custody and shall, upon application, be
20 allowed to intervene as a party for a specified purpose, to any
21 court proceedings pertaining to the care and custody of the child.

22 B- F. The Department may participate in federal programs
23 relating to ~~deprived~~ abused and neglected children and services for
24

1 such children; and apply for, receive, use and administer federal
2 funds for such purposes.

3 ~~C.~~ G. The Department shall receive interest earnings on the
4 investment by the State Treasurer of monies, to be credited to an
5 agency special account, for the benefit of and held in trust for
6 persons placed in the custody of the Department or in residence at
7 facilities maintained by the Department.

8 SECTION 11. AMENDATORY 10 O.S. 2001, Section 7004-1.3,
9 is amended to read as follows:

10 Section 7004-1.3 A. The Department of Human Services shall
11 carefully define the children and youth programs of the Department
12 as to their purpose, the population served, and performance
13 expectations. Planning for new programs and services and major
14 modifications to existing ones shall include evaluation of their
15 effect on other programs and services and communication and
16 coordination with other public and private children and youth
17 service providers in order to assure successful and cost-effective
18 implementation of the program. An evaluation component that
19 includes monitoring and evaluation of client outcomes shall be
20 incorporated into all of the Department's programs and services to
21 children and youth, whether provided directly by the agency or
22 through a contract.

23 1. All programs and services shall be designed to ensure the
24 accessibility of the program to the persons served. Provision for

1 transportation, child care and similar services necessary in order
2 to assist persons to access the services shall be made. If the
3 service is provided in an office setting, the service shall be
4 available during the evening.

5 2. Programs and services shall be targeted to the areas of the
6 state having the greatest need for them. The programs and services
7 shall be designed to meet the needs of the area in which they are
8 located. Programs and services intended for statewide
9 implementation shall be implemented first in those areas that have
10 the greatest need for them.

11 3. As a part of the Department's program planning and
12 monitoring processes, the Department shall examine its programs and
13 services to children and youth to ensure that the practices within
14 them do not operate to detriment of minority children and youth.

15 4. All child care services and facilities operated by the
16 Department shall be accredited by the National Council on
17 Accreditation, when applicable.

18 B. The Department shall develop a five-year plan for children
19 and youth services provided by the agency. The plan shall be
20 reviewed annually and modified as necessary. Agency budget
21 recommendations of the Department for services to children and youth
22 shall be based upon documented needs, and the development of budget
23 recommendations and priorities shall be closely integrated with
24 agency and interagency program planning and management.

1 C. The Department shall annually review its programs and
2 services and submit a report to the Governor, the Speaker of the
3 House of Representatives, the President Pro Tempore of the Senate,
4 and the Supreme Court of the State of Oklahoma, analyzing and
5 evaluating the effectiveness of the programs and services being
6 carried out by the Department. Such report shall include, but not
7 be limited to:

8 1. An analysis and evaluation of programs and services
9 continued, established and discontinued during the period covered by
10 the report;

11 2. A description of programs and services which should be
12 implemented;

13 3. Statutory changes necessary;

14 4. Relevant information concerning the number of children in
15 the Department's custody during the period covered by the report;
16 and

17 5. Such other information as will enable a user of the report
18 to ascertain the effectiveness of the Department's programs and
19 services.

20 SECTION 12. AMENDATORY 10 O.S. 2001, Section 7004-3.1,
21 is amended to read as follows:

22 Section 7004-3.1 A. 1. The Department of Human Services is
23 authorized to manage and operate the children's shelter located at
24 in Oklahoma City, known and designated as the Pauline Mayer

1 Children's Shelter, and the children's shelter located in Tulsa,
2 known and designated as the Laura Dester Children's Shelter. The
3 Department shall implement a plan to phase out use of the shelters
4 and in the alternative utilize kinship foster homes and emergency
5 foster homes.

6 2. The Department is authorized to manage and operate, to the
7 extent of funds available, such group homes as may be necessary to
8 provide a diversity of placement alternatives for children
9 adjudicated deprived and placed in the ~~Department's~~ custody of the
10 Department.

11 B. The Commission for Human Services shall establish and
12 maintain ~~such~~ methods of administration, including those necessary
13 to establish and maintain a merit system of personnel
14 administration, and shall prescribe ~~such~~ rules ~~as it deems~~ necessary
15 for the efficient and effective operation of the children's
16 facilities operated by the Department.

17 C. 1. The Director of the Department ~~of Human Services~~ shall
18 employ and fix the duties and compensation of a director or
19 supervisor, and ~~such~~ other personnel ~~as he deems~~ necessary, for each
20 of the children's facilities operated by the Department, ~~provided~~
21 ~~that the~~ .

22 2. The Department shall promulgate, and in its hiring and
23 employment practices, the Department shall adhere to, written
24 minimum qualifications by position for personnel working with or

1 around children in ~~said~~ such facilities. ~~Such minimum~~ Minimum
2 qualifications shall be designed to assure that:

3 a. ~~such~~ personnel possess sufficient education, training,
4 experience, and background to provide adequate and
5 safe professional care and services to ~~said~~ children, ~~and that the~~

6 b. children will not be exposed to abuse, deprivation,
7 criminal conduct, or other unwholesome conditions
8 attributable to employee incompetence or misconduct.

9
10 D. 1. It shall be the duty of the State Fire Marshal and the
11 Commissioner of Public Health to cause annual unannounced
12 inspections of children's facilities operated by the Department,
13 utilizing adequately trained and qualified inspection personnel, to
14 determine and evaluate conditions in their respective areas of
15 agency jurisdiction. ~~Such inspections~~

16 2. Inspections shall include, but not be limited to, compliance
17 with:

18 a. minimum fire, life, and health safety standards, and
19 ~~compliance with~~

20 b. minimum standards governing general sanitation of the
21 institution.

22 3. Reports of ~~such~~ inspections ~~will~~ shall be made in writing,
23 itemizing and identifying any deficiencies, and recommending
24 corrective ~~measure~~ measures, and shall be filed with the Child Care

1 Facilities Licensing Division of the Department ~~of Human Services~~,
2 the Office of Juvenile System Oversight, and the Commission on
3 Children and Youth.

4 ~~E.~~ 4. The Department ~~of Human Services~~ shall file copies of the
5 reports of the inspections and recommendations of the accrediting
6 agencies with the Office of Juvenile System Oversight.

7 ~~F.~~ E. 1. The Department may:

8 a. give assistance to local school districts in providing
9 an education to children in facilities operated by the
10 Department, ~~may~~

11 b. supplement ~~such~~ the education, ~~and may~~

12 c. provide facilities for such purposes.

13 2. It shall be the duty of the Department to assure that
14 children in the ~~aforsaid~~ facilities receive educational services
15 which will stress basic literacy skills, including, but not limited
16 to, curricula requirements, stressing reading, writing, mathematics,
17 science, and vocational-technical education.

18 SECTION 13. AMENDATORY 10 O.S. 2001, Section 7103, is
19 amended to read as follows:

20 Section 7103. A. 1. The Department of Human Services shall
21 establish a statewide hotline for the reporting of child abuse or
22 neglect within the Child and Family Services Division of the
23 Department.

24

1 2. The Department shall provide hotline-specific training
2 including, but not limited to, interviewing skills, customer service
3 skills, narrative writing, necessary computer systems, making case
4 determinations, and identifying priority/situations.

5 3. The Department is authorized to contract with third parties
6 in order to train hotline workers.

7 B. Every+

- 8 ~~a. physician or surgeon, including doctors of medicine~~
9 ~~and dentistry, licensed osteopathic physicians,~~
10 ~~residents and interns, examining, attending or~~
11 ~~treating a child under the age of eighteen (18) years,~~
12 ~~b. registered nurse examining, attending or treating such~~
13 ~~a child in the absence of a physician or surgeon,~~
14 ~~c. teacher of any child under the age of eighteen (18)~~
15 ~~years, and~~
16 ~~d. other person~~

17 having reason to believe that a child under the age of eighteen (18)
18 years is a victim of abuse or neglect, shall report the matter
19 promptly to the Department of Human Services. ~~Such~~ All reports ~~may~~
20 shall be made ~~by telephone, in writing, personally or by any other~~
21 ~~method prescribed by the Department. Any report of abuse or neglect~~
22 ~~made pursuant to this section shall be made in good faith~~ to the
23 hotline provided for in subsection A of this section. Any
24

1 allegation of abuse or neglect reported to a county office shall
2 immediately be reported to the hotline.

3 2. Every physician or surgeon, including doctors of medicine,
4 licensed osteopathic physicians, residents and interns, or any other
5 health care professional attending the birth of a child who tests
6 positive for alcohol or a controlled dangerous substance shall
7 promptly report the matter to the Department ~~of Human Services.~~

8 3. No privilege or contract shall relieve any person from the
9 requirement of reporting pursuant to this section.

10 4. The reporting obligations under this section are individual,
11 and no employer, supervisor, or administrator shall ~~impede or~~
12 ~~inhibit~~ interfere with the reporting obligations of any employee or
13 other person. ~~No employer, supervisor or administrator of any~~
14 ~~employee or other person required to provide information pursuant to~~
15 ~~this section shall discharge,~~ or in any manner discriminate or
16 retaliate against, the employee or other person who in good faith
17 ~~provides such~~ reports suspected child abuse ~~reports or information,~~
18 ~~testifies, or is about to testify~~ or neglect, or who provides
19 testimony in any proceeding involving child abuse or neglect,
20 ~~provided, that the person did not perpetrate or inflict such abuse~~
21 ~~or neglect.~~ Any employer, supervisor or administrator who
22 discharges, discriminates or retaliates against the employee or
23 other person shall be liable for damages, costs and attorney fees.
24 ~~Internal procedures to facilitate child abuse or neglect reporting~~

1 ~~and inform employers, supervisors and administrators of reported~~
2 ~~suspected child abuse or neglect may be established provided that~~
3 ~~they are not inconsistent with the provisions of this section and~~
4 ~~that such procedures shall not relieve the employee or such other~~
5 ~~person from the individual reporting obligations required by this~~
6 ~~section.~~

7 5. Every physician ~~or~~, surgeon, or health care provider making
8 a report of abuse or neglect as required by this subsection or
9 examining a child to determine the likelihood of abuse or neglect
10 and every hospital or related institution in which the child was
11 examined or treated shall provide copies of the results of the
12 examination or copies of the examination on which the report was
13 based and any other clinical notes, x-rays, photographs, and other
14 previous or current records relevant to the case to law enforcement
15 officers conducting a criminal investigation into the case and to
16 employees of the Department of Human Services conducting an
17 investigation of alleged abuse or neglect in the case.

18 B. ~~If the report is not made in writing in the first instance,~~
19 ~~it shall be reduced to writing by the Department of Human Services,~~
20 ~~in accordance with rules promulgated by the Commission for Human~~
21 ~~Services, as soon as may be after it is initially made by telephone~~
22 ~~or otherwise and shall contain the following information:~~

23
24

1 ~~1. The names and addresses of the child and the child's parents~~
2 ~~or other persons responsible for the child's health, safety or~~
3 ~~welfare;~~

4 ~~2. The child's age;~~

5 ~~3. The nature and extent of the abuse or neglect, including any~~
6 ~~evidence of previous injuries;~~

7 ~~4. If the child has tested positive for alcohol or a controlled~~
8 ~~dangerous substance; and~~

9 ~~5. Any other information that the maker of the report believes~~
10 ~~might be helpful in establishing the cause of the injuries and the~~
11 ~~identity of the person or persons responsible therefor if such~~
12 ~~information or any part thereof is known to the person making the~~
13 ~~report.~~

14 C. Any person who knowingly and willfully fails to promptly
15 report ~~any incident as provided in this section~~ suspected child
16 abuse or neglect or who interferes with the prompt reporting of
17 suspected child abuse or neglect may be reported ~~by the Department~~
18 ~~of Human Services~~ to local law enforcement for criminal
19 investigation and, upon conviction thereof, shall be guilty of a
20 misdemeanor.

21 D. 1. Any person who knowingly and willfully makes a false
22 report pursuant to the provisions of this section or a report that
23 the person knows lacks factual foundation may be reported ~~by the~~
24 ~~Department of Human Services~~ to local law enforcement for criminal

1 investigation and, upon conviction thereof, shall be guilty of a
2 misdemeanor.

3 2. If a court determines that an accusation of child abuse or
4 neglect made during a child custody proceeding is false and the
5 person making the accusation knew it to be false at the time the
6 accusation was made, the court may impose a fine, not to exceed Five
7 Thousand Dollars (\$5,000.00) and reasonable attorney fees incurred
8 in recovering the sanctions, against the person making the
9 accusation. The remedy provided by this paragraph is in addition to
10 paragraph 1 of this subsection or to any other remedy provided by
11 law.

12 E. ~~1. Nothing in this section shall be construed to mean a~~
13 ~~child is abused or neglected for the sole reason the parent, legal~~
14 ~~guardian or person having custody or control of a child, in good~~
15 ~~faith, selects and depends upon spiritual means alone through~~
16 ~~prayer, in accordance with the tenets and practice of a recognized~~
17 ~~church or religious denomination, for the treatment or cure of~~
18 ~~disease or remedial care of such child.~~

19 ~~2. Nothing contained in this subsection shall prevent a court~~
20 ~~from immediately assuming custody of a child, pursuant to the~~
21 ~~Oklahoma Children's Code, and ordering whatever action may be~~
22 ~~necessary, including medical treatment, to protect the child's~~
23 ~~health or welfare.~~

24

1 ~~F.~~ Nothing contained in this section shall be construed to
2 exempt or prohibit any person from reporting any suspected child
3 abuse or neglect pursuant to subsection A of this section.

4 SECTION 14. AMENDATORY 10 O.S. 2001, Section 7221, as
5 amended by Section 2, Chapter 159, O.S.L. 2008 (10 O.S. Supp. 2008,
6 Section 7221), is amended to read as follows:

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

11 ~~B. If there is an allegation of abuse or neglect in a foster
12 home, an investigation of the allegation shall be conducted as
13 required in Section 7106 of this title.~~

14 ~~C. The Department of Human Services or child-placing agency
15 shall visit each foster child a minimum of one time per month, with
16 no less than two visits per quarter in the foster placement.~~

17 Required visitations for the foster child are to be made in the home
18 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 whenever possible and the child shall be interviewed
22 alone without the foster parent present at least one time per
23 quarter, then the foster parent shall provide a location in the home~~

24

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

3 SECTION 15. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 7231 of Title 10, unless there
5 is created a duplication in numbering, reads as follows:

6 The Department of Human Services shall implement a plan of
7 reorganization of the offices servicing the two largest counties in
8 this state.

9 SECTION 16. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 7232 of Title 10, unless there
11 is created a duplication in numbering, reads as follows:

12 The Department of Human Services shall establish a formal
13 curriculum for the training of workers on:

- 14 1. A safety assessment protocol and risk assessment protocol
15 adopted by the Department;
- 16 2. Core areas of the Department; and
- 17 3. Job-specific areas and the application of necessary skills
18 to effectively perform the duties of the position.

19 SECTION 17. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 7233 of Title 10, unless there
21 is created a duplication in numbering, reads as follows:

22 The central office program divisions of the Department of Human
23 Services shall conduct an area-level services needs assessment, at
24 least annually and using evidence-based practices, to determine the

1 needs of families and children in each area, and the most efficient
2 way to address those needs. Based upon the assessment, the
3 Department shall increase the number and types of in-home services
4 provided to families. The Department shall allocate funding to each
5 area office for contracted services.

6 SECTION 18. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 7234 of Title 10, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The Department of Human Services shall:

10 1. Transfer the SWIFT Adoption program to the Field Operations
11 Division; and

12 2. Integrate and reassign personnel in order to decrease
13 workloads and utilize efficiencies among the programs;

14 B. 1. The Department of Human Services shall develop a process
15 to consolidate requirements for all home-based licensing within the
16 agency, across the divisions of child care, developmental
17 disabilities, and child and family services. The Department is
18 authorized to use the licensing information of persons licensed by
19 the Department to provide one service to approve such person to
20 provide another service.

21 2. The Department shall maintain limits on the number of
22 children a person is authorized to care for, however, a person shall
23 not be excluded from providing multiple services.

24

1 SECTION 19. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 7235 of Title 10, unless there
3 is created a duplication in numbering, reads as follows:

4 The Department of Human Services shall contract with the
5 district attorney's office in each county to represent the
6 Department in deprived proceedings. The Department shall maximize
7 federal funds available to fund the administrative costs to carry
8 out the provisions of this section.

9 SECTION 20. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 7236 of Title 10, unless there
11 is created a duplication in numbering, reads as follows:

12 A. There is hereby created, to continue until January 1, 2011,
13 the "Children's Services Oversight Committee".

14 B. 1. The Committee shall consist of six (6) members to be
15 appointed by the Speaker of the Oklahoma House of Representatives.

16 2. A vacancy on the Committee shall be filled by the appointing
17 authority.

18 3. Appointments to the Committee shall be made by September 1,
19 2009.

20 4. The Speaker of the Oklahoma House of Representatives shall
21 designate a chair from among the members of the Committee.

22 5. The chair shall convene the first meeting of the Committee
23 by October 1, 2009.

24

1 6. A majority of the members present at a meeting shall
2 constitute a quorum to conduct business.

3 7. The Committee shall meet at least biannually to review the
4 reports provided by the Department as required by Section 21 of this
5 act.

6 8. Members of the Committee shall receive no compensation for
7 their service, but shall receive travel reimbursement in accordance
8 with the provisions of Section 456 of Title 74 of the Oklahoma
9 Statutes.

10 9. Administrative support for the Committee including, but not
11 limited to, personnel necessary to ensure the proper performance of
12 the duties and responsibilities of the Committee shall be provided
13 by the staff of the Oklahoma House of Representatives.

14 C. The Committee shall:

15 1. Provide oversight of the implementation of recommendations
16 made pursuant to an audit of the Department of Human Services; and

17 2. Be authorized to contract with third parties for the
18 collection and assessment of follow-up information to ascertain the
19 status of implementation of the recommendations, if necessary.

20 D. The Committee shall issue a report of its findings to the
21 Legislature and Governor no later than December 1, 2011.

22 SECTION 21. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 7237 of Title 10, unless there
24 is created a duplication in numbering, reads as follows:

1 The Department of Human Services shall provide a report to the
2 Children's Services Oversight Committee at least biannually to
3 update the Committee on the status of the implementation of the
4 provisions of the audit and of this act.

5 SECTION 22. This act shall become effective November 1, 2009.

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