

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 HOUSE BILL NO. 2028

By: Steele

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to children; amending 10 O.S. 2001, Section 15, which relates to  
9 support of stepchildren; deleting obsolete language; amending 10 O.S. 2001,  
10 Section 21.1, as last amended by Section 1, Chapter 94, O.S.L. 2007 (10 O.S.  
11 Supp. 2008, Section 21.1), which relates to custody or guardianship; deleting  
12 legislative intent; deleting stated conditions for when a court may deny custody  
13 to a noncustodial parent; prohibiting certain contributions from being considered  
14 in satisfaction of support obligation; providing for custody to be awarded to a  
15 parent unless a nonparent proves certain circumstances; prohibiting modification  
16 of custody except in certain circumstances; amending 10 O.S. 2001, Section  
17 22.1, which relates to foster care by grandparents or other relatives; modifying  
18 agency designation; amending 10 O.S. 2001, Section 22.2, which relates to the  
19 Investing in Stronger Oklahoma Families Act; modifying agency designation;  
20 amending 10 O.S. 2001, Section 24, which relates to the Oklahoma Indigent  
21 Defense System; modifying statutory references; amending 10 O.S. 2001,  
22 Section 24.1, which relates to volunteer attorneys for indigent children; deleting  
23 obsolete language; amending 10 O.S. 2001, Section 170.1 which relates to  
24 authorization to consent to medical or dental care; clarifying language;  
amending 10 O.S. 2001, Section 1211, as amended by Section 3, Chapter 415,  
O.S.L. 2004 (10 O.S. Supp. 2008, Section 1211), which relates to juvenile law  
and issues training; limiting certain training requirements to certain persons;  
modifying certain training requirements; requiring each judicial district to  
develop rules; specifying time limit; amending 10 O.S. 2001, Sections 7001-1.1,  
7001-1.2 and 7001-1.3, as last amended by Section 1, Chapter 258, O.S.L. 2006  
(10 O.S. Supp. 2008, Section 7001-1.3), which relate to the Oklahoma  
Children's Code; modifying legislative intent; modifying definitions; amending  
10 O.S. 2001, Sections 7002-1.1, as amended by Section 1, Chapter 69, O.S.L.  
2005, 7002-1.2, 7002-2.1, 7002-2.2 and 7002-3.1 (10 O.S. Supp. 2008, Section  
7002-1.1), which relate to jurisdiction; expanding scope of circumstances in  
which a court may assume jurisdiction; eliminating certain person from  
jurisdiction; authorizing a court to assume jurisdiction and take certain action in  
an emergency; providing for an automatic stay of certain action in certain  
circumstance; stating that certain orders in a deprived proceeding control over

1 any conflicting order; specifying certain procedure; specifying procedures for  
2 venue; providing for transfer of venue in certain circumstance; limiting transfer;  
3 specifying residence; stating procedure for transfer; giving the court discretion  
4 in appointing a guardian ad litem in certain circumstances; authorizing the court  
5 to appoint a certain guardian ad litem in certain circumstance; specifying  
6 procedure for appointment of guardian ad litem or guardian; deleting certain  
7 persons authorized to bring a civil action in certain circumstances; amending 10  
8 O.S. 2001, Section 7003-1.1, which relates to assessment and investigations;  
9 modifying procedures and responsibilities after referral; eliminating requirement  
10 of certain statement in certain circumstance; amending 10 O.S. 2001, Sections  
11 7003-2.1, as last amended by Section 5, Chapter 3, O.S.L. 2003, 7003-2.4, as  
12 last amended by Section 2, Chapter 293, O.S.L. 2008 and 7003-2.5 (10 O.S.  
13 Supp. 2008, Sections 7003-2.1 and 7003-2.4), which relate to protective  
14 custody; modifying circumstances in which a child may be taken into custody;  
15 requiring certain information to be in certain application; providing for a child to  
16 be taken into custody from a hospital in certain circumstance; deleting  
17 legislative intent; modifying determinations to be made in order; providing for  
18 certain alternative placements; deleting requirement for placement protocol for  
19 at-risk infants; providing immunity from liability for certain persons  
20 transporting a child; providing for certain presumption; providing for certain  
21 designation in certain circumstance; authorizing the Department to provide  
22 certain notice for emergency custody hearing; modifying certain content of  
23 notice; deleting provisions relating to the emergency custody hearing; deleting  
24 certain required form; deleting certain time limitation; deleting certain notice;  
deleting certain order; providing immunity from liability for health care  
providers in certain circumstances; amending 10 O.S. 2001, Sections 7003-3.1,  
as amended by Section 17, Chapter 327, O.S.L. 2002, 7003-3.3, 7003-3.4, 7003-  
3.5, 7003-3.6 and 7003-3.7, as last amended by Section 1, Chapter 268, O.S.L.  
2007 (10 O.S. Supp. 2008, Sections 7003-3.1 and 7003-3.7), which relate to  
adjudication; specifying certain relief to be requested in petition; deleting certain  
required statements in petition; deleting certain provisions relating to  
termination of parental rights; specifying procedure for amendments; providing  
for a postadjudication petition in certain circumstances; providing limitation;  
specifying procedures when issuing a summons; modifying certain required  
content; providing for certain waiver of service; modifying certain notice  
proceedings and content; authorizing court-appointed counsel in certain  
circumstance; deleting certain time limitation; deleting provision authorizing  
access to certain information by attorney; providing reimbursement for certain  
travel; deleting limitation on certain application; deleting requirements for court-  
appointed special advocates; amending 10 O.S. 2001, Sections 7003-4.1, as  
amended by Section 4, Chapter 205, O.S.L. 2006, 7003-4.2, 7003-4.3, 7003-4.4,  
7003-4.5, 7003-4.6 and 7003-4.7, as amended by Section 1, Chapter 237, O.S.L.  
2002 (10 O.S. Supp. 2008, Sections 7003-4.1 and 7003-4.7), which relate to  
adjudicative hearings; authorizing certain proceedings to be held via  
teleconference; eliminating certain condition for certain testimony; modifying  
procedures relating to oral statements; requiring certain procedure for the taking

1 of testimony of a child when facilities are available; providing for certain recess;  
2 specifying standard of proof; requiring certain persons to register with the court  
3 when a child has been adjudicated deprived; modifying circumstances in which  
4 reasonable efforts are not required to return child home; specifying time for  
5 permanency hearing; modifying procedures and circumstances for filing for  
6 termination of parental rights; amending 10 O.S. 2001, Sections 7003-5.2, 7003-  
7 5.3, as last amended by Section 2, Chapter 258, O.S.L. 2006, 7003-5.4, 7003-  
8 5.4a, 7003-5.5, as amended by Section 3, Chapter 258, O.S.L. 2006, 7003-5.5a,  
9 as amended by Section 1, Chapter 452, O.S.L. 2004, 7003-5.6, as last amended  
10 by Section 2, Chapter 196, O.S.L. 2007, 7003-5.6a, 7003-5.6b, 7003-5.6d, as  
11 last amended by Section 3, Chapter 196, O.S.L. 2007, 7003-5.6e, as last  
12 amended by Section 4, Chapter 452, O.S.L. 2004, 7003-5.6f and 7003-5.6h, as  
13 amended by Section 1, Chapter 75, O.S.L. 2005 (10 O.S. Supp. 2008, Sections  
14 7003-5.3, 7003-5.5, 7003-5.5a, 7003-5.6, 7003-5.6d, 7003-5.6e and 7003-5.6h),  
15 which relate to dispositional hearings and orders; deleting certain provisions  
16 relating to medical care; specifying time frame for individualized service plan;  
17 providing for evidentiary hearing in certain circumstance; specifying content of  
18 individualized service plan; specifying certain information to be provided to a  
19 court; deleting certain requirements for disease screenings; modifying definition;  
20 requiring a showing of good cause before delaying dispositional hearing;  
21 specifying procedures for hearing; modifying procedures for trial home  
22 reunification; specifying content of certain written report; modifying procedures  
23 for permanency hearing; providing for memorialization of hearing; specifying  
24 plans authorized to be ordered by court; modifying procedures relating to  
written agreements with birth relatives in certain adoptions; specifying steps to  
preserve sibling contact; providing for postadoption agreements; modifying  
considerations in adoption determination; amending 10 O.S. 2001, Sections  
7003-6.2, as last amended by Section 2, Chapter 268, O.S.L. 2007, Section  
7003-6.2A, as amended by Section 6, Chapter 205, O.S.L. 2006, 7003-6.3 and  
7003-6.4 (10 O.S. Supp. 2008, Section 7003-6.2 and 7003-6.2A), which relate to  
modification and appeals of decrees or orders; deleting certain procedures  
during an appeal; providing for decision by court to be made on a priority basis;  
defining certain term; amending 10 O.S. 2001, Section 7003-7.1, as amended by  
Section 19, Chapter 327, O.S.L. 2002 (10 O.S. Supp. 2008, Section 7003-7.1),  
which relates to persons or agencies receiving custody; specifying applicable  
persons; deleting requirement for certain form; modifying procedures for  
medical care; amending 10 O.S. 2001, Sections 7003-8.1, as last amended by  
Section 1, Chapter 27, O.S.L. 2008, 7003-8.2, 7003-8.3, 7003-8.4, 7003-8.5,  
7003-8.6, 7003-8.7, as amended by Section 1, Chapter 198, O.S.L. 2004, and  
Section 2, Chapter 198, O.S.L. 2004, as last amended by Section 1, Chapter 99,  
O.S.L. 2008 (10 O.S. Supp. 2008, Sections 7003-8.1, 7003-8.7 and 7003-8.8),  
which relate to provisions affecting court proceedings and custody; modifying  
considerations when placing child with foster parent; modifying definition;  
modifying certain population count for appointment of referees; providing for  
reasonable compensation to be fixed by judge; specifying procedures for  
referees; specifying that the Oklahoma Child Support Services handle certain

1 matters; amending 10 O.S. 2001, Sections 7004-1.1, 7004-1.3, 7004-1.5, 7004-  
2 1.6, 7004-1.7 and Section 7, Chapter 205, O.S.L. 2006, as amended by Section  
3 4, Chapter 159, O.S.L. 2008 (10 O.S. Supp. 2008, Section 7004-1.8), which  
4 relate to powers and duties of the Department of Human Services; modifying  
5 procedures; specifying procedures for travel; providing for annual report on  
6 progress of certain program; amending 10 O.S. 2001, Section 7004-2.1, which  
7 relates to grants and contracts for community-based services and care for  
8 deprived children; clarifying language; amending 10 O.S. 2001, Section 7004-  
9 3.1, 7004-3.2, as amended by Section 20, Chapter 327, O.S.L. 2002, 7004-3.4,  
10 as amended by Section 6, Chapter 445, O.S.L. 2002 and 7004-3.5 (10 O.S.  
11 Supp. 2008, Sections 7004-3.2 and 7004-3.4), which relate to children's shelters  
12 and youth services shelter facilities; deleting specific requirements for certain  
13 rules and policies; providing for use of physical force; amending 10 O.S. 2001,  
14 Sections 7005-1.1, 7005-1.2, 7005-1.3, as amended by Section 1, Chapter 153,  
15 O.S.L. 2005, 7005-1.6 and Section 4, Chapter 351, O.S.L. 2007, as amended by  
16 Section 3, Chapter 293, O.S.L. 2008 (10 O.S. Supp. 2008, Sections 7005-1.3 and  
17 7005-1.9), which relate to children's records; making the provision of certain  
18 forms discretionary; modifying definitions; providing for the production of  
19 safety-analysis records; authorizing the establishment of certain fees; specifying  
20 certain disclosure is not prohibited; authorizing the redaction of certain names  
21 before disclosure of certain records; amending 10 O.S. 2001, Sections 7006-1.1,  
22 7006-1.2 and 7006-1.3, which relate to the termination of parental rights;  
23 clarifying procedures for termination; eliminating notice that termination does  
24 not terminate duty to support child; providing for the vacation of an order to  
terminate parental rights; amending 10 O.S. 2001, Section 7103, Section 15,  
Chapter 205, O.S.L. 2006, and 10 O.S. 2001, Sections 7105, as amended by  
Section 2, Chapter 184, O.S.L. 2005, 7105.1, 7106, as amended by Section 16,  
Chapter 205, O.S.L. 2006, 7107, 7108, as amended by Section 1, Chapter 435,  
O.S.L. 2004, 7109, 7110, as last amended by Section 5, Chapter 258, O.S.L.  
2006, 7110.1, as amended by Section 3, Chapter 487, O.S.L. 2002, 7110.2, as  
last amended by Section 6, Chapter 258, O.S.L. 2006, 7111, 7113 and 7115.1  
(10 O.S. Supp. 2008, Sections 7104.1, 7105, 7106, 7108, 7110, 7110.1 and  
7110.2), which relate to the Oklahoma Child Abuse Reporting and Prevention  
Act; expanding duty to all persons; expanding scope of persons authorized to  
conduct certain investigation; eliminating priority basis investigations; providing  
for the documentation of whether certain persons have accessed services after  
specific amount of time; providing requirements to protect certain confidential  
information; requiring certain statement in notice; modifying council  
designation; amending 10 O.S. 2001, Sections 7202, 7204, 7204.1, 7205, 7206,  
as amended by Section 3, Chapter 159, O.S.L. 2008, 7206.1, 7207, 7208, as  
amended by Section 7, Chapter 445, O.S.L. 2002, 7209, as last amended by  
Section 1, Chapter 159, O.S.L. 2008, 7210, 7211, 7212, 7213, 7214, 7218 and  
7221, as amended by Section 2, Chapter 159, O.S.L. 2008 (10 O.S. Supp. 2008,  
Sections 7206, 7208, 7209 and 7221), which relate to the Oklahoma Foster Care  
and Out-of-Home Placement Act; deleting legislative intent; deleting provisions  
relating to delinquent children; specifying circumstance in which the preference

1 of a child may be given in determining placement; providing for foster parent to  
2 give certain oral or written report to the court; specifying minimum visits by the  
3 Department with the foster child; modifying procedures for certain assessments;  
4 defining terms; providing for certain authorization for medical treatment;  
5 consolidating and clarifying provisions relating to medical treatment of a child  
6 in the custody of the Department; specifying procedures for placement  
7 preferences; specifying procedures for deprived proceedings; clarifying that  
8 courts may order alleged perpetrators out of home of child; providing for certain  
9 alternative dispute resolution; providing for certain Department immunity in  
10 certain circumstances; providing for certain use immunity for in-court  
11 testimony; specifying procedures for permanent guardianship; providing  
12 procedures for the transfer and transport of a child; prohibiting the filing of  
13 social records in the court record; consolidating court-appointed special  
14 advocate training requirements and court procedures; repealing 10 O.S. 2001,  
15 Section 4, which relates to support and education; repealing 10 O.S. 2001,  
16 Section 5.1, which relates to the death of a custodial parent; repealing 10 O.S.  
17 2001, Section 5A, which relates to visitation rights between siblings; repealing  
18 10 O.S. 2001, Section 6, which relates to the custody of a child born out of  
19 wedlock; repealing 10 O.S. 2001, Section 6.5, which relates to the use of certain  
20 words in reference to children born out of wedlock; repealing 10 O.S. 2001,  
21 Section 7, which relates to allowance out of child's property for support and  
22 education; repealing 10 O.S. 2001, Section 8, which relates to parent without  
23 control over child's property; repealing 10 O.S. 2001, Section 9, which relates to  
24 abuse of parental authority; repealing 10 O.S. 2001, Section 10, which relates to  
cessation of parental authority; repealing 10 O.S. 2001, Section 11, which  
relates to public action for support of deceased parent's child; repealing 10 O.S.  
2001, Section 12, which relates to maintenance of poor persons by parents;  
repealing 10 O.S. 2001, Section 14, which relates to compensation for support of  
child; repealing 10 O.S. 2001, Section 16, which relates to services and support  
after majority; repealing 10 O.S. 2001, Section 17, which relates to  
relinquishment of rights by parent; repealing 10 O.S. 2001, Section 18, which  
relates to payment of minor's wages; repealing 10 O.S. 2001, Section 21.2,  
which relates to definitions; repealing 10 O.S. 2001, Section 21.3, which relates  
to right to custody; repealing 10 O.S. 2001, Section 21.4, which relates to  
authority to surrender, assign, relinquish or otherwise transfer custody; repealing  
10 O.S. 2001, Section 21.5, as amended by Section 1, Chapter 286, O.S.L. 2006  
(10 O.S. Supp. 2008, Section 21.5), which relates to permanent custody to adult  
relative within the third degree; repealing 10 O.S. 2001, Section 21.6, which  
relates to right to authorize medical care; repealing 10 O.S. 2001, Section 23,  
which relates to the National Youth Administration; repealing Section 1,  
Chapter 141, O.S.L. 2008 (10 O.S. Supp. 2008, Section 7002-1.3), which relates  
to jurisdiction over matters necessary to finalize permanency plan; repealing 10  
O.S. 2001, Section 7003-2.2, which relates to emergency medical treatment or  
mental health care; repealing 10 O.S. 2001, Section 7003-2.3, which relates to  
authorization of medical or mental health treatment; repealing 10 O.S. 2001,  
Section 7003-7.2, which relates to children becoming unmanageable; repealing

1 10 O.S. 2001, Section 7004-1.2, which relates to Management Information  
2 System; repealing 10 O.S. 2001, Section 7004-1.4, which relates to mental  
3 health services for children; repealing 10 O.S. 2001, Section 7004-3.3, which  
4 relates to use of physical force; repealing 10 O.S. 2001, Section 7005-1.4, as last  
5 amended by Section 3, Chapter 351, O.S.L. 2007 (10 O.S. Supp. 2008, Section  
6 7005-1.4), which relates to disclosure of Department of Human Services records  
7 without court order; repealing 10 O.S. 2001, Section 7005-1.5, which relates to  
8 release of Department of Human Services records to Indian tribes; repealing 10  
9 O.S. 2001, Section 7005-1.7, which relates to the federal Child Abuse  
10 Prevention and Treatment Act; repealing 10 O.S. 2001, Section 7006-1.4, which  
11 relates to custody with authority to consent to adoption after termination of  
12 parental rights; repealing 10 O.S. 2001, Section 7006-1.5, which relates to action  
13 to adopt not to be combined with action to terminate parental rights; repealing  
14 10 O.S. 2001, Section 7006-1.6, which relates to deprived children in custody;  
15 repealing Section 9, Chapter 205, O.S.L. 2006, Sections 10, 11, 12 and 13,  
16 Chapter 205, O.S.L. 2006, as amended by Sections 4, 5, 6 and 7, Chapter 293,  
17 O.S.L. 2008 and Section 14, Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2008,  
18 Sections 7008-1.1, 7008-1.2, 7008-1.3, 7008-1.4, 7008-1.5 and 7008-1.6), which  
19 relate to the Oklahoma Children and Juvenile Law Reform Committee;  
20 repealing 10 O.S. 2001, Section 7101, which relates to short title for the  
21 Oklahoma Child Abuse Reporting and Prevention Act; repealing 10 O.S. 2001,  
22 Section 7102, as last amended by Section 5, Chapter 351, O.S.L. 2007 (10 O.S.  
23 Supp. 2008, Section 7102), which relates to public policy; repealing 10 O.S.  
24 2001, Section 7104, as amended by Section 1, Chapter 53, O.S.L. 2005 (10 O.S.  
Supp. 2008, Section 7104), which relates to report of criminally inflicted  
injuries; repealing 10 O.S. 2001, Sections 7201, 7202.3, 7202.4, 7203, 7203.1  
and 7203.2, which relate to foster care; providing for codification; providing for  
noncodification; providing for recodification; and declaring an emergency.

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

ARTICLE I – CHILDREN’S CODE

SECTION 1. AMENDATORY 10 O.S. 2001, Section 15, is amended to read as follows:

Section 15. A ~~husband~~ stepparent is not ~~bound~~ required to maintain his ~~wife's~~ or her spouse's  
children ~~by a former husband; but if he receives them into his family and supports them, it is presumed~~  
~~that he does so as a parent, and where such is the case, they are not liable to him for their support, nor~~  
~~he to them for their services~~ from a prior relationship.

1 SECTION 2. AMENDATORY 10 O.S. 2001, Section 21.1, as last amended by Section 1,  
2 Chapter 94, O.S.L. 2007 (10 O.S. Supp. 2008, Section 21.1), is amended to read as follows:

3 Section 21.1 A. ~~Except as otherwise provided by this section, custody should be awarded or a~~  
4 ~~guardian appointed in the following order of preference according to the best interests of the~~ Custody  
5 or guardianship of a child may be awarded to:

- 6 1. A parent or to both parents jointly;
- 7 2. A grandparent;
- 8 3. A person who was indicated by the wishes of a deceased parent;
- 9 4. A relative of either parent;
- 10 5. The person in whose home the child has been living in a wholesome and stable environment  
11 including but not limited to a foster parent; or
- 12 6. Any other person deemed by the court to be suitable and able to provide adequate and proper  
13 care and guidance for the child.

14 B. ~~It is the intent of the Legislature that every attempt be made to place a child with a member of~~  
15 ~~the child's family.~~

16 C. ~~In addition to subsection E of this section, when a parent having custody of a child becomes~~  
17 ~~deceased or when custody of a child is judicially removed from the parent having custody of the child,~~  
18 ~~the court may only deny the noncustodial parent custody of the child or guardianship of the child if~~ In  
19 applying subsection A of this section, a court shall award custody or guardianship of a child to a  
20 parent, unless a nonparent proves by clear and convincing evidence that:

- 21 1. ~~a. for~~ For a period of at least twelve (12) months out of the last fourteen (14) months  
22 immediately preceding the ~~determination~~ commencement of the custody or guardianship ~~action~~

1 proceeding, the noncustodial parent has willfully failed, refused, or neglected to contribute to the  
2 child's support of the child:

3 (1) a. in substantial compliance with a support provision or an order entered by a court  
4 of competent jurisdiction adjudicating the duty, amount, and manner of support,  
5 or

6 (2) b. according to ~~such parent's~~ the financial ability of the parent to contribute to the  
7 child's support of the child if no provision for support is ~~provided in a decree of~~  
8 divorce entered by a court of competent jurisdiction, or an order of modification  
9 subsequent thereto, ~~and~~

10 b. ~~the denial of custody or guardianship is in the best interest of the child.~~

11 For purposes of this paragraph, incidental or token financial contributions shall not be considered in  
12 establishing whether a parent has satisfied his or her obligation under subparagraphs a and b of this  
13 paragraph; or

14 ~~2. The noncustodial parent has abandoned the child as such term is defined by Section 7006-1.1~~  
15 ~~of this title;~~

16 ~~3. The parental rights of the noncustodial parent have been terminated;~~

17 ~~4. The noncustodial parent has been convicted of any crime against public decency and morality~~  
18 ~~pursuant to Title 21 of the Oklahoma Statutes;~~

19 ~~5. The child has been adjudicated deprived pursuant to the Oklahoma Children's Code and the~~  
20 ~~noncustodial parent has not successfully completed a service or treatment plan if required by the court;~~

21 ~~or~~

22 ~~6. The court finds it would be detrimental to the health or safety of the child for the noncustodial~~  
23 ~~parent to have custody or be appointed guardian.~~

1 D. ~~The court shall consider the preference of the child in awarding custody of the child pursuant~~  
2 ~~to Section 113 of Title 43 of the Oklahoma Statutes.~~

3 E. ~~1. In every case involving the custody of, guardianship of or visitation with a child, the court~~  
4 ~~shall determine whether any individual seeking custody or who has custody of, guardianship of or~~  
5 ~~visitation with a child:~~

6 a. is the child has been left in the physical custody of a nonparent by a parent or  
7 parents of the child for one (1) year or more, excluding parents on active duty in  
8 the military, and

9 b. the parent or parents have not maintained regular visitation or communication  
10 with the child.

11 For purposes of this paragraph, incidental or token visits or communications shall not be considered in  
12 determining whether a parent or parents have regularly maintained visitation or communication.

13 C. In applying subsection A of this section, a court shall award custody or guardianship of a  
14 child to a parent, unless the court finds that the parent is affirmatively unfit. There shall be a rebuttable  
15 presumption that a parent is affirmatively unfit if the parent:

16 1. Is or has been subject to the registration requirements of the Oklahoma Sex Offenders  
17 Registration Act or any similar act in any other state;

18 b. has;

19 2. Has been convicted of a crime listed in the Oklahoma Child Abuse Reporting and Prevention  
20 Act or in Section 582 of Title 57 of the Oklahoma Statutes;

21 e. is;

1        3. Is an alcohol-dependent person or a drug-dependent person as established by clear and  
2 convincing evidence and who can be expected in the near future to inflict or attempt to inflict serious  
3 bodily harm to himself or herself or another person as a result of such dependency;

4            ~~d.     has;~~

5        4. Has been convicted of domestic abuse within the past five (5) years;

6            ~~e.     is;~~

7        5. Is residing with a person who is or has been subject to the registration requirements of the  
8 Oklahoma Sex Offenders Registration Act or any similar act in any other state;

9            ~~f. — is;~~

10       6. Is residing with a person who has been convicted of a crime listed in the Oklahoma Child  
11 Abuse Reporting and Prevention Act or in Section 582 of Title 57 of the Oklahoma Statutes; or

12           ~~g. — is~~

13       7. Is residing with a person who has been convicted of domestic abuse within the past five (5)  
14 years.

15       ~~2. There shall be a rebuttable presumption that it is not in the best interests of the child to have~~  
16 ~~custody, or guardianship granted to:~~

17           ~~a.     a person who is or has been subject to the registration requirements of the~~

18                            ~~Oklahoma Sex Offenders Registration Act or any similar act in any other state,~~

19           ~~b.     a person who has been convicted of a crime listed in the Oklahoma Child Abuse~~

20                            ~~Reporting and Prevention Act or in Section 582 of Title 57 of the Oklahoma~~

21                            ~~Statutes,~~

22           ~~e.     an alcohol-dependent person or a drug-dependent person as established by clear~~

23                            ~~and convincing evidence and who can be expected in the near future to inflict or~~

1 attempt to inflict serious bodily harm to himself or herself or another person as a  
2 result of such dependency;

3 d. a person who has been convicted of domestic abuse within the past five (5) years;

4 e. a person who is residing with an individual who is or has been subject to the  
5 registration requirements of the Oklahoma Sex Offenders Registration Act or any  
6 similar act in any other state;

7 f. a person who is residing with a person who has been previously convicted of a  
8 crime listed in the Oklahoma Child Abuse Reporting and Prevention Act or in  
9 Section 582 of Title 57 of the Oklahoma Statutes; or

10 g. a person who is residing with a person who has been convicted of domestic abuse  
11 within the past five (5) years.

12 3. ~~Custody of, guardianship of, or any visitation with a child shall not be granted to any person if~~  
13 ~~it is established that the custody, guardianship or visitation will likely expose the child to a foreseeable~~  
14 ~~risk of material harm.~~

15 F. ~~Except as otherwise provided by the Oklahoma Child Supervised Visitation Program, court-~~  
16 ~~ordered supervised visitation shall be governed by the Oklahoma Child Supervised Visitation Program.~~

17 G. For purposes of this section:

18 1. ~~"Alcohol dependent person" has the same meaning as such term is defined in Section 3-403~~  
19 ~~of Title 43A of the Oklahoma Statutes;~~

20 2. ~~"Domestic abuse" has the same meaning as such term is defined in Section 60.1 of Title 22 of~~  
21 ~~the Oklahoma Statutes;~~

22 3. ~~"Drug dependent person" has the same meaning as such term is defined in Section 3-403 of~~  
23 ~~Title 43A of the Oklahoma Statutes; and~~

1       4. ~~"Supervised visitation" means a program established pursuant to Section 110.1a of Title 43 of~~  
2 ~~the Oklahoma Statutes~~

3       D. Subject to subsection E of this section, a custody determination made in accordance with  
4 subsections B and C of this section shall not be modified unless the person seeking the modification  
5 proves that:

6       1. Since the making of the order sought to be modified, there has been a permanent, material,  
7 and substantial change of conditions that directly affects the best interests of the child; and

8       2. That as a result of such change of circumstances, the child would be substantially better off  
9 with regard to its temporal, mental, and moral welfare if custody were modified.

10       E. If the custody determination made in accordance with subsections B and C indicates that  
11 custody is temporary, the determination may be modified upon a showing that the conditions which led  
12 to the custody or guardianship determination no longer exist.

13       SECTION 3. AMENDATORY 10 O.S. 2001, Section 22.1, is amended to read as follows:

14       Section 22.1 A. ~~4.~~ The Oklahoma Legislature recognizes that:

15           a. ~~children~~

16       1. Children who have been abused, who are dependent or neglected, or whose parents, for  
17 whatever reason, may be unable or unwilling to provide care for their children, are best served when  
18 they can be cared for by grandparents or other suitable relatives instead of placing those children in  
19 foster care with the State of Oklahoma; and

20           b. ~~while~~

21       2. While grandparents or other relatives are often willing to provide for the care of children who  
22 can no longer remain with their parents, there may exist financial obstacles to the provision of such  
23 care, or there may be a need for other services to enable the children to remain with their grandparents  
24

1 or other relatives in order to prevent ~~those children's~~ the entry of those children into the foster care  
2 system.

3 ~~2. B.~~ It is the intent of the Oklahoma Legislature in enacting this section to:

4 a. ~~recognize~~

5 1. Recognize family relationships in which a grandparent or other relative within the third  
6 degree of relationship to the child is the head of a household that includes a child otherwise at risk of  
7 foster care placement by the Department of Human Services;

8 b. ~~enhance;~~

9 2. Enhance family preservation and stability by recognizing that most children in placements  
10 with grandparents and other relatives within the third degree of relationship to the child do not need  
11 intensive supervision of the placement by the courts or by the Department ~~of Human Services,~~

12 c. ~~provide;~~

13 3. Provide additional placement options and incentives that will achieve permanency and  
14 stability for many children who are otherwise at risk of foster care placement by the Department ~~of~~  
15 ~~Human Services~~ because of abuse, abandonment, or neglect, but who may successfully be able to  
16 reside in the care of relatives within the third degree of relationship to the child; and

17 d. ~~reserve~~

18 4. Reserve the limited casework and supervisory resources of the Department ~~of Human~~  
19 ~~Services~~ and the courts expended to care for children in state custody for those cases in which children  
20 do not have the option for safe, stable care within their immediate family.

21 ~~B. C.~~ The Department of Human Services shall establish and operate a relative support program  
22 pursuant to eligibility guidelines established in this section and by rules of the Department  
23 promulgated thereto which will divert children from the foster care program operated by the  
24

1 Department of Human Services. The relative support program shall provide assistance to relatives  
2 within the third degree of relationship to a child who are caring for the child on a full-time basis,  
3 regardless of whether there is a court order granting custody of the child to the relative.

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

8 ~~D.~~ E. Upon request by grandparents or other relatives who are caring for a child on a full-time  
9 basis, the Department shall complete a needs assessment on such grandparents or other relatives to  
10 determine the appropriate services and support needed by the child and the grandparents or other such  
11 relatives.

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

- 14 1. Case management services;
- 15 2. Monthly stipends or other financial assistance, family support and preservation services;
- 16 3. Flexible funds to enable the grandparents or other relatives to meet unusual or crisis  
17 expenditures, including but not limited to, making housing deposits, utility deposits, or to purchase  
18 beds, clothing and food;
- 19 4. Subsidized child care and after school care;
- 20 5. Respite care;
- 21 6. Transportation;
- 22 7. Counseling;
- 23 8. Support groups;
- 24

- 1 9. Assistance in accessing parental child support payments;
- 2 10. Aid in accessing food stamps, Social Security and other public benefits;
- 3 11. Information about legal options for relative caregivers;
- 4 12. Assistance for establishing a relative guardianship or relative custodianship for the child;
- 5 13. Available volunteer attorney services;
- 6 14. Mediation/family group conferencing; and
- 7 15. Community-based services and state or federal programs available to the child and relatives
- 8 to support the child's safety, growth and health development.

9 ~~F. G.~~ F. G. Children living with grandparents or other relatives within the third degree of relationship  
10 to the child who are receiving assistance pursuant to this section shall be eligible for Medicaid  
11 coverage.

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

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

22 2. Within limits of available funding, monthly stipends may be paid to grandparents or other  
23 relatives with the third degree of relationship to the child who have physical full-time custody of a  
24

1 child who would be unable to serve in that capacity without a monthly stipend because of inadequate  
2 financial resources, thus exposing the child to the trauma of potential placement in a shelter or in foster  
3 care placement by the Department of Human Services. The statewide average monthly rate for  
4 children in the legal custody of grandparents or other relatives who are not certified as foster homes  
5 shall not exceed the cost of providing foster care.

6 ~~I.~~ J. Additional assistance may be made available to qualified grandparents or other relatives  
7 within the third degree of relationship and children, based upon specific needs of the grandparent or  
8 other relative of the child and the specific needs of the child. Such assistance shall also be subject to  
9 available funding.

10 ~~J.~~ K. The relative support program established by the Department pursuant to this section may  
11 receive referrals from district courts of this state, from social service or child advocate agencies, from  
12 any other agency of this state, or other states or federal programs. In addition, the relative support  
13 program may be accessed directly by the grandparents or other relatives of the affected children by  
14 application made to the Department of Human Services.

15 ~~K.~~ L. The Department of Human Services may provide any services necessary to effectuate the  
16 purposes of this section by contract with any person or with any public or private entity.

17 ~~L.~~ M. The provisions of this section shall also be available to a legal guardian of a child who is  
18 within the fifth degree of relation to the child.

19 ~~M.~~ N. The Department of Human Services shall, pursuant to the provisions of the  
20 Administrative Procedures Act, promulgate any rules necessary to implement the provisions of this  
21 section.

22 ~~N.~~ O. As a part of the relative support program, the Department shall develop, publish, and  
23 distribute an informational brochure for grandparents and other relatives who provide full-time care for  
24

1 children. The information provided under the program authorized by this section may include, but is  
2 not limited to, the following:

- 3 1. The benefits available to children and grandparents or other relatives pursuant to this section  
4 providing full-time care;
- 5 2. The procedures to access the relative support program;
- 6 3. A list of support groups and resources located throughout the state;
- 7 4. Such other information deemed necessary by the Department; and
- 8 5. The brochure may be distributed through municipal and district courts, hospitals, public  
9 health nurses, child protective services, medical professional offices, county health departments,  
10 elementary and secondary schools, senior citizens centers, public libraries, local, city, county and state  
11 offices and community action agencies selected by the Department.

12 ~~O. P.~~ The Department of Human Services shall submit a report of the outcomes associated with  
13 the relative support program established pursuant to this section to the Speaker of the Oklahoma House  
14 of Representatives and the President Pro Tempore of the State Senate on or before January 15, 2002.

15 SECTION 4. AMENDATORY 10 O.S. 2001, Section 22.2, is amended to read as follows:

16 Section 22.2 A. This section shall be known and may be cited as the “Investing in Stronger  
17 Oklahoma Families Act”.

18 B. It is the intent of the Oklahoma Legislature in enacting the Investing in Stronger Oklahoma  
19 Families Act to provide assistance to guardians of children, adoptive parents and other “created  
20 families”, to assist such guardians, adoptive parents and families to assume permanent custody of  
21 children in need of safe and permanent homes, and to enhance family preservation and the stability of  
22 these homes.

1 C. For purposes of implementing the Investing in Stronger Oklahoma Families Act, the  
2 Department of Human Services shall collaborate with appropriate local, state and federal agencies and  
3 private entities to develop by December 31, 2001, a comprehensive strategic state plan for investing in  
4 stronger families.

5 D. The comprehensive strategic state plan shall:

6 1. Set a goal to annually increase the number of programs for “created families” which will  
7 increase safe and permanent homes for children who are not in the custody of the Department but  
8 unable to reside with their biological parents and encourage and preserve the adoption or guardianship  
9 of and other legal custody arrangements for such children;

10 2. Develop and implement a statewide public awareness campaign which will inform  
11 preadoptive homes, adoptive homes and other persons desiring to obtain guardianship or other legal  
12 custody of a child, of the programs, grants and other assistance available to them;

13 3. Identify public and private resources, both within the agencies subject to the provisions of this  
14 section and within the state and within the communities;

15 4. Provide for coordination and collaboration among related efforts and programs;

16 5. Provide for contracts or agreements with public and private entities for utilization of  
17 identifiable financial resources from federal, state, local and private resources and coordinate those  
18 resources to fund-related services; and

19 6. Apply for grants and matching monies to assist in the implementation of the Investing in  
20 Stronger Oklahoma Families Act including, but not limited to, funds derived from the “Respect Life -  
21 Support Adoption” license plates.

22 E. As part of the development and implementation of the comprehensive strategic plan, the  
23 Department shall, as funds are available and using existing available state resources, develop an  
24

1 information database consisting of data on existing programs serving families who have taken on the  
2 responsibility of providing children with safe and permanent homes. In developing the information  
3 database, the Department shall coordinate with the Children's Coordinated Data System developed by  
4 the Oklahoma Commission on Children and Youth.

5 F. The Legislature hereby encourages the establishment of family resource assistance that links  
6 federal, state and local resources and programs and that creates collaborative and interorganizational  
7 partnerships between state governmental agencies and private and nonprofit entities and attorneys.

8 Such agencies and private and nonprofit entities shall include, but not be limited to:

- 9 1. The Department of Human Services;
- 10 2. The State Department of Education;
- 11 3. The Oklahoma Department of Career and Technology Education;
- 12 4. The Oklahoma Department of Commerce;
- 13 5. The Oklahoma Employment Security Commission;
- 14 6. The Oklahoma Health Care Authority;
- 15 7. The State Department of Health;
- 16 8. The Commission on Children and Youth;
- 17 9. The State Department of Mental Health and Substance Abuse Services;
- 18 10. The Oklahoma Department of Corrections;
- 19 11. The Oklahoma State Regents for Higher Education;
- 20 12. Community action agencies;
- 21 13. Local and municipal groups;
- 22 14. Substate planning groups;
- 23 15. Religious and charitable organizations;
- 24

1 16. Private child placement entities;

2 17. Public or private foundations; and

3 18. Representatives of the courts and attorneys who practice in adoption.

4 G. The Department shall enter into collaborative and interorganizational partnerships as  
5 necessary to provide assistance to guardians, adoptive parents and other “created families”.

6 H. Within available funding specified by this section, the Department may provide created  
7 families with:

8 1. Case management services;

9 2. Flexible funds to enable the relatives, guardians, adoptive parents and other created families  
10 to meet unusual or crisis expenditures, including but not limited to, making housing deposits, utility  
11 deposits, or purchasing beds, clothing and food;

12 3. Child care and after school care;

13 4. Respite care;

14 5. Transportation;

15 6. Counseling;

16 7. Support groups;

17 8. Assistance in accessing parental child support payments;

18 9. Aid in accessing food stamps, Social Security and other public benefits;

19 10. Assistance for establishing a guardianship, adopting or obtaining custody of the child;

20 11. Available volunteer attorney services;

21 12. Mediation/family group conferencing; and

22 13. Community-based services and state or federal programs serving guardians of children,  
23 adoptive families and other created families.  
24

1 I. The Department of Human Services may provide any services necessary to effectuate the  
2 purposes of this section by contract with any person or with any public or private entity.

3 J. The Department of ~~Human Services~~ shall, pursuant to the provisions of the Administrative  
4 Procedures Act, promulgate any rules necessary to implement the provisions of this section.

5 K. For purposes of the Investing in Stronger Oklahoma Families Act, the Department shall, from  
6 funds available, develop, publish, and distribute an informational brochure for guardians, adoptive  
7 parents and other created families who provide full-time care for children. The information provided  
8 under the program authorized by this section may include, but is not limited to, the following:

- 9 1. The benefits that may be available to children and created families pursuant to this section  
10 providing full-time care;
- 11 2. The procedures to access the created families program;
- 12 3. A list of support groups and resources located throughout the state; and
- 13 4. Such other information deemed necessary by the Department.

14 SECTION 5. AMENDATORY 10 O.S. 2001, Section 24, is amended to read as follows:

15 Section 24. A. 1. When it appears to the court that a minor or the ~~minor's~~ parent or legal  
16 guardian of the minor desires counsel but is indigent and cannot for that reason employ counsel, the  
17 court shall appoint counsel.

18 2. In any case in which it appears to the court that there is a conflict of interest between a parent  
19 or legal guardian and a child so that one attorney could not properly represent both, the court may  
20 appoint counsel, in addition to counsel already employed by a parent or guardian or appointed by the  
21 court to represent the minor or parent or legal guardian; provided, that in all counties having county  
22 indigent defenders, the county indigent defenders assume the duties of representation in proceedings  
23 such as above.  
24

1 3. In no case shall the court appoint counsel to represent a grandparent or other relative of a  
2 minor, unless the grandparent or other relative is the duly appointed legal guardian of the minor or the  
3 court finds:

- 4 a. that the grandparent or other relative is functioning as the guardian or relative  
5 custodian of the minor pursuant to ~~Section 21.3 or 21.4 of this title~~ the Oklahoma  
6 Children's Code, or
- 7 b. that the appointment of counsel for the grandparent or other relative is in the best  
8 interests of the child.

9 4. The provisions of this subsection shall be for proceedings other than those provided pursuant  
10 to the Oklahoma Children's Code.

11 B. In all cases of juvenile delinquency proceedings and appeals, adult certification proceedings  
12 and appeals, reverse certification proceedings and appeals, youthful offender proceedings and appeals  
13 and any other proceedings and appeals pursuant to the Oklahoma Juvenile Code, except mental health  
14 proceedings and appeals and in-need-of-supervision proceedings and appeals, other than in counties  
15 where the county indigent defenders are appointed, the court shall, where counsel is appointed and  
16 assigned, allow and direct to be paid by the Oklahoma Indigent Defense System, a reasonable and just  
17 compensation to the attorney or attorneys for such services as they may render. In all other cases  
18 pursuant to this title and in juvenile mental health proceedings and appeals and in-need-of-supervision  
19 proceedings and appeals, except in counties where county indigent defenders are appointed, the court  
20 shall, if counsel is appointed and assigned, allow and direct to be paid from the local court fund, a  
21 reasonable and just compensation to the attorney or attorneys for such services as they may render;  
22 provided that any attorney appointed pursuant to this subsection shall not be paid a sum in excess of  
23 One Hundred Dollars (\$100.00) for services rendered in preliminary proceedings, and such  
24

1 compensation shall not exceed Five Hundred Dollars (\$500.00) for services rendered during trial and  
2 not to exceed One Hundred Dollars (\$100.00) for services rendered at each subsequent postdisposition  
3 hearing.

4 SECTION 6. AMENDATORY 10 O.S. 2001, Section 24.1, is amended to read as follows:

5 Section 24.1 ~~A.~~ Effective July 1, 1996, ~~except as provided in subsection B of this section,~~ the  
6 duties and responsibilities for legal representation to indigent children who are subject to any  
7 proceeding or appeal provided for in the Oklahoma Children's Code, mental health proceeding and  
8 appeal, guardianship proceeding and appeal, private termination of parental rights proceeding and  
9 appeal, family law proceeding and appeal addressing custody or visitation and appeal, civil case in  
10 which the child is a defendant, criminal proceeding for a crime in which the child was a victim, and in-  
11 need-of-supervision proceeding shall no longer be provided by the Indigent Defense System, but shall  
12 be provided by volunteer attorneys appointed by the court pursuant to subsection ~~H~~ K of Section  
13 1355.8 of Title 22 of the Oklahoma Statutes.

14 ~~B. The Indigent Defense System shall complete all cases provided for in subsection A of this~~  
15 ~~section and appeals for all such cases for which the System has been appointed prior to July 1, 1996, as~~  
16 ~~follows:~~

17 ~~1. For providing counsel at the district court level through the disposition hearing if a hearing~~  
18 ~~has not been held as of July 1, 1996, or through the next significant proceeding scheduled on or after~~  
19 ~~July 1, 1996, if a disposition hearing has already been held; and~~

20 ~~2. For any pending nondelinquency appeal for which the System was appointed on or prior to~~  
21 ~~June 30, 1996, until a decision and mandate are issued by the appropriate appellate court.~~

22 SECTION 7. AMENDATORY 10 O.S. 2001, Section 170.1, is amended to read as follows:  
23  
24

1 Section 170.1 A. 1. Either parent or the court-appointed legal guardian ~~or the legal custodian~~  
2 ~~appointed by the court~~ of a minor child may authorize, in writing, any adult person into whose care the  
3 minor has been entrusted to consent to any:

- 4 a. x-ray examination,
- 5 b. anesthetic,
- 6 c. medical or surgical diagnosis or treatment,
- 7 d. hospital care, or
- 8 e. immunization, blood tests, examinations, Guidance Services, and Early  
9 Intervention Services provided by a city or county Department of Health,

10 to be rendered to said minor under the general or special supervision and upon the advice of a  
11 physician and surgeon licensed under the laws of the State of Oklahoma, or to consent to an x-ray  
12 examination, anesthetic, dental or surgical diagnosis or treatment and hospital care to be rendered to  
13 said minor by a dentist licensed under the laws of the State of Oklahoma.

14 2. If any parent or other person falsely represents in writing that such parent or other person has  
15 legal custody or legal guardianship of the minor child, or if any adult falsely represents that the written  
16 authorization provided for in this subsection is valid, and a health professional provides health services  
17 or care as provided by this section in good faith upon such misrepresentation, the health professional  
18 shall incur no liability except for negligence or intentional harm.

19 B. Either parent, if both parents have legal custody, or the parent or person having legal custody  
20 or the legal guardian of a minor may authorize, in writing, pursuant to the provisions of Section 1-  
21 116.2 of Title 70 of the Oklahoma Statutes a school or county nurse or in the absence of such nurse, a  
22 school administrator or designated school employees to administer:

- 23 1. A nonprescription medicine; and
- 24

1 2. A filled prescription medicine as that term is defined by Section 353.1 of Title 59 of the  
2 Oklahoma Statutes.

3 SECTION 8. AMENDATORY 10 O.S. 2001, Section 1211, as amended by Section 3,  
4 Chapter 415, O.S.L. 2004 (10 O.S. Supp. 2008, Section 1211), is amended to read as follows:

5 Section 1211. A. 1. The Supreme Court is required to establish by rule, education and training  
6 requirements for judges, associate judges, special judges, and referees who have juvenile ~~or domestic~~  
7 docket responsibility. Rules shall include, but not be limited to, education and training relating to risk  
8 factors ~~which may identify domestic abuse and potential violence and the relationship between alcohol~~  
9 ~~or drug abuse and violence, establishing safe visitation and supervised arrangements and standards for~~  
10 ~~a child and parties involved in a court-ordered visitation~~ juvenile law, child abuse and neglect, foster  
11 care and out-of-home placement, domestic violence, behavioral health treatment, and other similar  
12 topics.

13 2. ~~The Administrative Director of the Courts shall be responsible for developing and~~  
14 ~~administering procedures and rules for such courses for judicial personnel.~~

15 ~~B.~~ All judges having juvenile ~~or domestic~~ docket responsibility shall attend at least twelve (12)  
16 hours of training per in such courses each calendar year ~~pertinent to issues relating to juvenile law,~~  
17 ~~child abuse and neglect, domestic abuse issues and other issues relating to children such as foster care~~  
18 ~~and parental divorce, establishing safe visitation and supervised visitation arrangements and such other~~  
19 ~~education and training specified by rule pursuant to this section. The Administrative Office of the~~  
20 ~~Courts shall monitor the attendance of judges having juvenile docket responsibility at such training~~  
21 relating to the topics described in paragraph 1 of this subsection.

1 ~~C. District attorneys and assistant district attorneys~~ 3. The Administrative Director of the Courts  
2 shall be responsible for developing and administering procedures and rules for such courses for judicial  
3 personnel, including monitoring the attendance of judicial personnel at such training.

4 B. 1. Any district attorney, assistant district attorney, public defender, assistant public defender,  
5 attorney employed by or under contract with the Oklahoma Indigent Defense System, court-appointed  
6 or retained attorney, or attorney employed by or under contract with a district court whose duties  
7 include juvenile docket responsibility for the juvenile court docket shall complete at least six (6) hours  
8 of education and training annually in courses in juvenile law, child abuse and neglect and other issues  
9 relating to children such as foster care and parental divorce relating to the topics described in  
10 paragraph 1 of subsection A of this section. These education and training requirements may be  
11 accomplished through a collaborative effort between the judiciary and others with juvenile docket  
12 responsibilities. The District Attorneys Council shall be responsible for developing and administering  
13 procedures and rules for such courses for district attorneys and assistant district attorneys.

14 ~~D. Any public defender, or assistant public defender, whose duties include responsibility for a~~  
15 ~~juvenile court docket shall complete education and training courses in juvenile law, child abuse and~~  
16 ~~neglect and other issues relating to children such as foster care and parental divorce. The public~~  
17 ~~defender shall be responsible for developing and administering procedures and rules for such courses.~~

18 ~~E. Any attorney employed by or under contract with the Oklahoma Indigent Defense System~~  
19 ~~whose duties include responsibility for a juvenile court docket shall complete education and training~~  
20 ~~courses in juvenile law, child abuse and neglect and other issues relating to children such as foster care~~  
21 ~~and parental divorce. The Executive Director of the Oklahoma Indigent Defense System shall be~~  
22 ~~responsible for developing and administering procedures and rules for such courses.~~

1 ~~F. Any court appointed attorney or retained attorney whose duties routinely include~~  
2 ~~responsibility for a juvenile court docket shall complete education and training courses in juvenile law,~~  
3 ~~child abuse and neglect and other issues relating to children such as foster care and parental divorce.~~  
4 ~~The chief judge of the judicial district for which a court appointed attorney serves shall be responsible~~  
5 ~~for developing and administering procedures and rules for such courses.~~

6 ~~G. Any court appointed special advocate (CASA) available for appointment pursuant to the~~  
7 ~~Oklahoma Children's Code or the Oklahoma Juvenile Code shall complete education and training~~  
8 ~~courses in juvenile law, child abuse and neglect and other issues relating to children such as foster care~~  
9 ~~and parental divorce, including, but not limited to, risk factors which may identify domestic abuse and~~  
10 ~~potential violence and the relationship between alcohol or drug abuse and violence, safe visitation and~~  
11 ~~supervised visitation arrangements and standards for a child and parties. The chief judge of the~~  
12 ~~judicial district for which a court appointed special advocate serves shall be responsible for developing~~  
13 ~~and administering procedures and rules for such courses.~~

14 ~~H. The training and education programs required by this section shall be developed and~~  
15 ~~provided by or in cooperation with the Child Abuse Training and Coordinating Council.~~

16 2. Each judicial district shall be responsible for developing and administering procedures and  
17 rules for such courses for attorneys identified in this subsection whose duties routinely include juvenile  
18 court docket responsibilities. The chief judge of each judicial district, or any designee judge with  
19 juvenile docket responsibilities, shall carry out this mandate within one (1) year of the effective date of  
20 this legislation.

21 SECTION 9. AMENDATORY 10 O.S. 2001, Section 7001-1.1, is amended to read as  
22 follows:  
23  
24

1 Section 7001-1.1 A. ~~Chapter 70~~ Sections 1-1-101 through 1-9-122 of this title shall be known  
2 and may be cited as the "Oklahoma Children's Code".

3 B. All statutes hereinafter enacted and codified in ~~Chapter 70~~ of this title shall be considered and  
4 deemed part of the Oklahoma Children's Code.

5 C. ~~Chapter, article~~ Article, chapter, and part captions are part of the Oklahoma Children's Code,  
6 but shall not be deemed to govern, limit or in any manner affect the scope, meaning or intent of the  
7 provisions of any ~~article~~ chapter or part of this Code.

8 D. The provisions of this ~~chapter~~ title shall not apply to adoption proceedings and actions to  
9 terminate parental rights which do not involve a petition for deprived status of the child. Such  
10 proceedings and actions shall be governed by the Oklahoma Adoption Code, ~~Chapter 75~~ of this title.

11 SECTION 10. AMENDATORY 10 O.S. 2001, Section 7001-1.2, is amended to read as  
12 follows:

13 Section 7001-1.2 A. ~~It is the intent~~ For the purposes of the Oklahoma Children's Code, the  
14 Legislature recognizes that ~~Chapter 70 of this title shall be liberally construed, to the end that its~~  
15 ~~purpose may be carried out.~~

16 ~~B. The paramount consideration in all proceedings concerning a child alleged or found to be~~  
17 ~~deprived is the health and safety and the best interests of the child. The purpose of the laws relating to~~  
18 ~~children alleged or found to be deprived is to:~~

19 1. ~~Secure for each such child, the permanency, care and guidance as will best serve the spiritual,~~  
20 ~~emotional, mental and physical health, safety and welfare of the child~~ Parents have a natural, legal, and  
21 moral right, as well as a duty, to care for and support their children and such rights are protected by  
22 state and federal laws as well as the Constitution. To that end, it is presumed that the best interests of a  
23 child are ordinarily served by leaving the child in the custody of the parents, who are expected to have  
24

1 the strongest bond of love and affection and to be best able to provide a child those needed qualities  
2 that make a child's life safe and secure. Nevertheless, this presumption may be rebutted where there is  
3 evidence of abuse and neglect or threat of harm;

4 2. ~~Provide expeditious and timely judicial and agency procedures which protect the health,~~  
5 ~~safety and welfare of the~~ A child has a right to be raised by the mother and father of the child as well  
6 as a right to be raised free from physical and emotional abuse or neglect. When it is necessary to  
7 remove a child from a parent, the child is entitled to a permanent home and to be placed in the least  
8 restrictive environment to meet the needs of the child; and

9 3. ~~Preserve, unify and strengthen the child's family ties whenever possible in the child's best~~  
10 ~~interests and~~ Because the state has an interest in its present and future citizens as well as a duty to  
11 protect those who, because of age, are unable to protect themselves, it is the policy of this state to  
12 provide for the protection of children who have been abused or neglected and who may be further  
13 threatened by the conduct of persons responsible for the health and, safety, and welfare of the child;  
14 such children. To this end, where family circumstances threaten the safety of a child, the state's  
15 interest in the welfare of the child takes precedence over the natural right and authority of the parent to  
16 the extent that it is necessary to protect the child and assure that the best interests of the child are met.

17 B. It is the intent of the Legislature that the Children's Code provide the foundation and process  
18 for state intervention into the parent-child relationship whenever the circumstances of a family threaten  
19 the safety of a child and to properly balance the interests of the parties stated herein. To this end, it is  
20 the purpose of the laws relating to children alleged or found to be deprived to:

21 1. Intervene in the family only when necessary to protect a child from harm or threatened harm;

22 2. Provide expeditious and timely judicial and agency procedures for the protection of the child;  
23  
24

1 3. Preserve, unify, and strengthen the family ties of the child whenever possible when in the best  
2 interests of the child to do so;

3 ~~4. Except as otherwise specified by the Oklahoma Children's Code, provide that reasonable~~  
4 ~~efforts are made to prevent or eliminate the need for removing the child from the home, or to make it~~  
5 ~~possible for the child to safely return to the family's home;~~

6 ~~5.~~ Recognize that the right to family integrity, preservation or reunification is limited by the  
7 right of ~~children~~ the child to be protected from abuse and neglect;

8 5. Make reasonable efforts to prevent or eliminate the need for the removal of a child from the  
9 home and make reasonable efforts to return the child to the home unless otherwise prescribed by the  
10 Oklahoma Children's Code;

11 ~~6. Remove the child from the custody of the parents of the child when the child's health, safety~~  
12 ~~or welfare is in danger or the child's safety cannot be adequately safeguarded without removal;~~

13 ~~7.~~ Recognize that permanency is in the best interests of the child;

14 ~~8.~~ 7. Ensure that, ~~in the best interests of the child,~~ when family rehabilitation and reunification  
15 are not possible ~~or are determined not to be necessary pursuant to the Oklahoma Children's Code,~~ the  
16 child will be ~~expeditiously placed with~~ in an adoptive family home or ~~in another~~ other permanent  
17 living arrangement in a timely fashion; and

18 ~~9.~~ 8. ~~Assure adequate and appropriate care and treatment~~ Secure for the each child, ~~with the use~~  
19 ~~of the least restrictive method of treatment or placement consistent with the treatment or placement~~  
20 ~~needs of the child~~ the permanency, care, education, and guidance as will best serve the spiritual,  
21 emotional, mental and physical health, safety, and welfare of the child.

22 C. Whenever it is necessary for a child to be placed outside the home pursuant to the Oklahoma  
23 Children's Code, it is the intent of the Legislature that:  
24

1 1. Each child shall be assured the care, guidance, and supervision in a permanent home or foster  
2 home that will serve the best interests of the child including, but not limited to, the development of the  
3 moral, emotional, spiritual, mental, social, educational, and physical well-being of the child;

4 2. When a child is placed in foster care, the foster parent shall be allowed to consider the child  
5 as part of the family;

6 3. Whenever possible siblings shall be placed together and when it is not possible efforts shall  
7 be made to preserve the relationships through visitation and other methods of communication; and

8 4. Permanent placement is achieved as soon as possible.

9 D. A foster parent has a recognizable interest in the familial relationship that the foster parent  
10 establishes with a foster child and shall therefore be considered an essential participant with regard to  
11 decisions related to the care, supervision, guidance, rearing, and other foster care services to the child.

12 E. It is the intent of the Legislature that the paramount consideration in all proceedings within  
13 the Oklahoma Children's Code is the best interests of the child.

14 SECTION 11. AMENDATORY 10 O.S. 2001, Section 7001-1.3, as last amended by  
15 Section 1, Chapter 258, O.S.L. 2006 (10 O.S. Supp. 2008, Section 7001-1.3), is amended to read as  
16 follows:

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

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

- 21 a. ~~has willfully left the infant alone or in the care of another who is not the parent of~~  
22 ~~the infant without identifying the infant or furnishing any means or methods of~~  
23 ~~identification,~~

- 1           b.    ~~has willfully left the infant alone or in the care of another who is not the parent of~~  
2           ~~the infant and expressed a willful intent by words, actions, or omissions not to~~  
3           ~~return for the infant,~~
- 4           e.    ~~has knowingly placed or knowingly allowed the infant be placed in or remain in~~  
5           ~~conditions or surroundings that posed or constituted a serious danger to the health~~  
6           ~~and safety of the infant thereby demonstrating wanton disregard for the child's~~  
7           ~~well being,~~
- 8           d.    ~~is a father, or a putative father if the infant was born out of wedlock, and:~~
- 9           (1)    ~~if an infant is less than ninety (90) days of age, who fails to show that he~~  
10           ~~has exercised proper parental rights and responsibilities with regard to the~~  
11           ~~infant, including, but not limited to, contributing to the support of the~~  
12           ~~mother of the infant to the extent of his financial ability during her term of~~  
13           ~~pregnancy,~~
- 14           (2)    (a)    ~~if an infant is older than ninety (90) days but less than fourteen~~  
15           ~~(14) months of age, who fails to show that he has exercised proper~~  
16           ~~parental rights and responsibilities with regard to the infant,~~  
17           ~~including, but not limited to, contributing to the support of the~~  
18           ~~infant to the extent of his financial ability, which may include~~  
19           ~~contributing to the support of the mother of the infant to the extent~~  
20           ~~of his financial ability during her term of pregnancy.~~
- 21                   (b)    ~~Failure to contribute to the support of the mother during her term~~  
22                   ~~of pregnancy, pursuant to this subdivision, shall not in and of itself~~  
23  
24

1 ~~be grounds for termination of the parental rights of the father or~~  
2 ~~putative father, or~~

3 (3) (a) ~~if the infant is fourteen (14) months of age or older, who fails to~~  
4 ~~show that he has exercised proper parental rights and~~  
5 ~~responsibilities with regard to the infant, including, but not limited~~  
6 ~~to, contributing to the support of the infant to the extent of his~~  
7 ~~financial ability.~~

8 (b) ~~Pursuant to this subdivision, failure to contribute to the support of~~  
9 ~~the mother during her term of pregnancy shall not in and of itself~~  
10 ~~be grounds for termination of the parental rights of the father or~~  
11 ~~putative father.~~

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

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

1 given the opportunity to do so. For purposes of this section, "establish and/or  
2 maintain substantial and positive relationship" includes but is not limited to:

- 3 (1) frequent and regular contact with the infant through frequent and regular  
4 visitation or frequent and regular communication to or with the infant, and
- 5 (2) the exercise of parental rights and responsibilities.

6 ~~Incidental or token visits, communications or contributions shall not be sufficient~~  
7 ~~to establish and/or maintain a substantial and positive relationship with the infant~~

8 "Abandonment" means:

- 9 a. the willful intent by words, actions, or omissions not to return for a child, or
- 10 b. the failure to maintain a significant parental relationship with a child through  
11 visitation or communication in which incidental or token visits or communication  
12 are not considered significant, or
- 13 c. the failure to respond to notice of deprived proceedings;

14 2. "Abuse" means harm or threatened harm or failure to protect from harm or threatened harm to  
15 the health, safety, or welfare of a child by a person responsible for the child's health, safety, or welfare,  
16 including but not limited to nonaccidental physical or mental injury, sexual abuse, or sexual  
17 exploitation. Provided, however, that nothing contained in this act shall prohibit any parent, teacher, or  
18 other person from using ordinary force as a means of discipline including, but not limited to, spanking,  
19 switching, or paddling.

- 20 a. "Harm or threatened harm to the health or safety of a child" means any real or  
21 threatened physical, mental, or emotional injury or damage to the body or mind  
22 that is not accidental including but not limited to sexual abuse, sexual  
23 exploitation, neglect, or dependency.

1           b.     “Sexual abuse” includes but is not limited to rape, incest, and lewd or indecent  
2                   acts or proposals made to a child, as defined by law, by a person responsible for  
3                   the health, safety, or welfare of the child.

4           c.     “Sexual exploitation” includes but is not limited to allowing, permitting, or  
5                   encouraging a child to engage in prostitution, as defined by law, by a person  
6                   responsible for the health, safety, or welfare of a child, or allowing, permitting,  
7                   encouraging, or engaging in the lewd, obscene, or pornographic, as defined by  
8                   law, photographing, filming, or depicting of a child in those acts by a person  
9                   responsible for the health, safety, and welfare of the child;

10           3. “Adjudication” means a finding by the court that the allegations in a petition alleging that a  
11 child is deprived are supported by a preponderance of the evidence;

12           4. ~~“Adjudicatory hearing” means a hearing to determine whether the allegations of a petition~~  
13 ~~pursuant to the provisions of Part 3 of Article III of this Code are supported by the evidence and~~  
14 ~~whether a child should be adjudged to be a ward of the court as provided by Section 1-4-601 of this~~  
15 ~~title;~~

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

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

21           b.     ~~a determination regarding the family's need for services~~ the same as the term  
22 “safety analysis” as defined in this section;  
23  
24

1       4. 6. "Behavioral health" means mental health, substance abuse, or co-occurring mental health  
2 and substance abuse diagnoses, and the continuum of mental health, substance abuse, or co-occurring  
3 mental health and substance abuse treatment;

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

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

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

12       7. 9. "Child-placing agency" means a private agency licensed to place children in foster family  
13 homes, group homes, adoptive homes, transitional or independent living programs, or family child care  
14 homes or other out-of-home placements; and which approves and monitors such placements and  
15 facilities in accordance with the licensing requirements established by the Oklahoma Child Care  
16 Facilities Licensing Act;

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

19       9. 10. "Commission" means the Commission for Human Services;

20       11. "Community-based services" or "community-based programs" means services or programs  
21 which maintain community participation or supervision in their planning, operation, and evaluation.  
22 Community-based services and programs may include, but are not limited to, emergency shelter, crisis  
23 intervention, group work, case supervision, job placement, recruitment and training of volunteers,  
24

1 consultation, medical, educational, home-based services, vocational, social, preventive and  
2 psychological guidance, training, counseling, early intervention and diversionary substance abuse  
3 treatment, sexual abuse treatment, transitional living, independent living, and other related services and  
4 programs;

5 ~~10.~~ 12. "Concurrent permanency planning" means, when indicated, the implementation of two  
6 plans for a child entering foster care. One plan focuses on reuniting the parent and child; the other  
7 seeks to find a permanent out-of-home placement for the child with both plans being pursued  
8 simultaneously;

9 ~~11.~~ 13. "Court-appointed special advocate" or "CASA" means a responsible adult volunteer who has  
10 been trained and is supervised by a court-appointed special advocate program recognized by the court,  
11 and who has volunteered to be available for appointment when appointed by the court to serve, serves  
12 as an officer of the court in the capacity as a guardian ad litem, pursuant to the provisions of Section  
13 7003 3.7 of this title, to represent the best interests of any deprived child or child alleged to be  
14 deprived over whom the district court exercises jurisdiction, until discharged by the court;

15 ~~11.~~ 14. "Court-appointed special advocate program" means an organized program, administered  
16 by either an independent, not-for-profit corporation, a dependent project of an independent, not-for-  
17 profit corporation or a unit of local government, which recruits, screens, trains, assigns, supervises and  
18 supports volunteers to be available for appointment by the court as guardians ad litem, to represent the  
19 best interests of a deprived child or a child alleged to be deprived in a case for which a deprived  
20 petition has been filed;

21 ~~12.~~ 15. "Custodian" means an individual other than a parent, legal guardian or Indian custodian,  
22 to whom legal custody of the child has been awarded by the court. As used in this title, the term  
23 "custodian" shall not mean the Oklahoma Department of Human Services;  
24

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

4        ~~13.~~ 17. "Department" means the Oklahoma Department of Human Services;

5        ~~14.~~ 18. "Dependency" means a child who is homeless or without proper care or guardianship  
6 through no fault of his or her parent, legal guardian, or custodian;

7        19. "Deprived child" means a child:

- 8            a.        who is for any reason destitute, homeless, or abandoned,  
9            b.        who does not have the proper parental care or guardianship ~~or whose home is an~~  
10            ~~unfit place for the child by reason of neglect, abuse, cruelty, or depravity on the~~  
11            ~~part of the child's parents, legal guardian, or other person responsible for the~~  
12            ~~child's health or welfare,~~  
13            c.        who has been abused, neglected, or is dependent,  
14            d.        whose home is an unfit place for the child by reason of depravity on the part of  
15            the parent or legal guardian of the child, or other person responsible for the health  
16            or welfare of the child,  
17            e.        who is a child in need of special care and treatment because of the child's physical  
18            or mental condition, and the child's parents, legal guardian, or other custodian is  
19            unable or willfully fails to provide such special care and treatment. As used in  
20            this paragraph, a child in need of special care and treatment includes, but is not  
21            limited to, a child who at birth tests positive for alcohol or a controlled dangerous  
22            substance and who, pursuant to a drug or alcohol screen of the child and an  
23  
24

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

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

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

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

15 ~~g. i.~~ who has been born to a parent whose parental rights to another child have been  
16 involuntarily terminated by the court and the conditions which led to the making  
17 of the finding, which resulted in the termination of the parental rights of the  
18 parent to the other child, have not been corrected, or

19 j. whose parent, legal guardian, or custodian has subjected another child to abuse or  
20 neglect or has allowed another child to be subjected to abuse or neglect and is  
21 currently a respondent in a deprived proceeding.

22 Nothing in the Oklahoma Children's Code shall be construed to mean a child is deprived for the  
23 sole reason the parent, legal guardian, or person having custody or control of a child, in good faith,  
24

1 selects and depends upon spiritual means alone through prayer, in accordance with the tenets and  
2 practice of a recognized church or religious denomination, for the treatment or cure of disease or  
3 remedial care of such child.

4 Nothing contained in this paragraph shall prevent a court from immediately assuming custody of  
5 a child and ordering whatever action may be necessary, including medical treatment, to protect the  
6 child's health or welfare.

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

8 ~~15. 20. "Dispositional hearing" means a hearing to determine the order of disposition which~~  
9 ~~should be made with respect to a child adjudged to be a ward of the~~ by the court as provided by  
10 Section 1-4-706 of this title;

11 ~~16. 21. "Emergency custody" means the custody of a child prior to adjudication of the child~~  
12 following issuance of an order of the district court pursuant to Section ~~7003-2.1~~ 1-4-201 of this title or  
13 following issuance of an order of the district court pursuant to an emergency custody hearing, as  
14 specified by Section ~~7003-2.4~~ 1-4-203 of this title;

15 ~~17. 22. "Facility" means a place, an institution, a building or part thereof, a set of buildings, or~~  
16 an area whether or not enclosing a building or set of buildings used for the lawful custody and  
17 treatment of children;

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

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

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

1       ~~21.~~ 24. "Foster family home" means the private residence of a foster family which provides  
2 foster care services to a child. Such term shall include a nonkinship foster family home, a specialized  
3 foster home, a therapeutic foster family home, or the home of a relative or other kinship care home;

4       ~~22.~~ "Foster parent" means any individual maintaining a foster family home, who is responsible  
5 for the care, supervision, guidance 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 family home providing foster  
8 care services;

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

14       26. "Guardian ad litem" means a person appointed by the court to protect the best interests of a  
15 child pursuant to the provisions of Section ~~7003-3.7~~ 1-4-306 of this title in a particular case before the  
16 court having those duties and responsibilities as set forth in that section. The term "guardian ad litem"  
17 shall refer to a court-appointed special advocate as well as to any other person appointed pursuant to  
18 the provisions of Section 1-4-306 of this title to serve as a guardian ad litem;

19       ~~25.~~ 27. "Guardian ad litem of the estate of the child" means a person appointed by the court to  
20 protect the property interests of a child pursuant to Section 1-8-109 of this title;

21       28. "Group home" means a residential facility housing no more than twelve children with a  
22 program which emphasizes family style living in a homelike environment. Such group home may also  
23 offer a program within the community to meet the specialized treatment needs of its residents licensed  
24

1 by the Department to provide full-time care and community-based services for more than five but  
2 fewer than thirteen children;

3 26. 29. “Harm or threatened harm to the health or safety of a child” means any real or threatened  
4 physical, mental, or emotional injury or damage to the body or mind that is not accidental including,  
5 but not limited to, sexual abuse, sexual exploitation, neglect, or dependency;

6 30. “Heinous and shocking abuse” includes, but is not limited to, aggravated physical abuse that  
7 results in serious bodily, mental, or emotional injury. “Serious bodily injury” means injury that  
8 involves:

- 9 a. a substantial risk of death,
  - 10 b. extreme physical pain,
  - 11 c. protracted disfigurement,
  - 12 d. a loss or impairment of the function of a body member, organ, or mental faculty,
  - 13 e. an injury to an internal or external organ or the body,
  - 14 f. a bone fracture,
  - 15 g. sexual abuse or sexual exploitation,
  - 16 h. chronic abuse including, but not limited to, physical, emotional, or sexual abuse,  
17 or sexual exploitation which is repeated or continuing,
  - 18 i. torture that includes, but is not limited to, inflicting, participating in or assisting in  
19 inflicting intense physical or emotional pain upon a child repeatedly over a period  
20 of time for the purpose of coercing or terrorizing a child or for the purpose of  
21 satisfying the craven, cruel, or prurient desires of the perpetrator or another  
22 person, or
  - 23 j. any other similar aggravated circumstance;
- 24

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

- 2 a. chronic neglect that includes, but is not limited to, a persistent pattern of family  
3 functioning in which the caregiver has not met or sustained the basic needs of a  
4 child which results in harm to the child,
- 5 b. neglect that has resulted in a diagnosis of the child as a failure to thrive,
- 6 c. an act or failure to act by a parent that results in the death or near death of a child  
7 or sibling, serious physical or emotional harm, sexual abuse, sexual exploitation,  
8 or presents an imminent risk of serious harm to a child, or
- 9 d. any other similar aggravating circumstance;

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

16 ~~27.~~ 33. "Individualized service plan" means a document written pursuant to Section 1-4-704 of  
17 this title that has the same meaning as "service plan" or "treatment plan" where those terms are used in  
18 the Oklahoma Children's Code;

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

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

22 ~~28.~~ 36. "Investigation" means an approach utilized by the Department to respond to reports of  
23 alleged child abuse or neglect which, according to priority guidelines established by the Department,  
24

1 ~~constitute a serious and immediate threat to a child's health or safety. An investigation includes, but is~~  
2 ~~not limited to, the following elements:~~

- 3 a. ~~an evaluation of the child's safety,~~
- 4 b. ~~a determination whether or not child abuse or neglect occurred, and~~
- 5 e. ~~a determination regarding the family's need for prevention and intervention-~~  
6 ~~related services~~ the same as the term "safety analysis" as defined in this section;

7 ~~29.~~ 37. "Kinship care" means full-time care of a child by a kinship relation;

8 ~~30.~~ 38. "Kinship guardianship" means a ~~judicially created relationship between a child and a~~  
9 ~~kinship relation of the child established pursuant to the provisions of Section 7003 5.5 of this title~~  
10 permanent guardianship as defined in this section;

11 ~~31.~~ 39. "Kinship relation" or "kinship relationship" means relatives, stepparents, or other  
12 responsible adults who have a bond or tie with a child and/or to whom has been ascribed a family  
13 relationship role with the child's parents or the child; provided, however, in cases where the Indian  
14 Child Welfare Act applies, the definitions contained in 25 U.S.C., Section 1903 shall control;

15 ~~32.~~ 40. "Mental health facility" means a mental health or substance abuse treatment facility as  
16 defined by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

17 ~~33.~~ 41. "Minor" means the same as the term "child" as defined in this section;

18 42. "Multidisciplinary child abuse team" means any team established pursuant to Section ~~7110~~  
19 1-9-102 of this title of three or more persons who are trained in the prevention, identification,  
20 investigation, prosecution, and treatment of physical and sexual child abuse and who are qualified to  
21 facilitate a broad range of prevention and intervention-related services and services related to child  
22 abuse. For purposes of this definition, "freestanding" means a team not used by a child advocacy  
23 center for its accreditation;  
24

1           34. ~~43.~~ "Near death" means a child is in serious or critical condition, as certified by a physician,  
2 as a result of abuse or neglect;

3           35. ~~44.~~ "Neglect" means ~~neglect as such term is defined by the Oklahoma Child Abuse~~  
4 ~~Reporting and Prevention Act~~ any of the following:

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

6                     (1)      adequate nurturance and affection, food, clothing, shelter, sanitation,  
7                                      hygiene, or appropriate education,

8                     (2)      medical, dental, or behavioral health care,

9                     (3)      supervision or appropriate caretakers, or

10                    (4)      special care made necessary by the physical or mental condition of the  
11                                      child,

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

13                     (1)      the use, possession, sale, or manufacture of illegal drugs,

14                     (2)      illegal activities, or

15                     (3)      sexual acts or materials that are not age- appropriate, and

16           c.       abandonment.

17 Nothing in this paragraph shall be construed to mean a child is abused or neglected for the sole reason  
18 the parent, legal guardian or person having custody or control of a child, in good faith, selects and  
19 depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a  
20 recognized church or religious denomination, for the treatment or cure of disease or remedial care of  
21 such child. Nothing contained in this paragraph shall prevent a court from immediately assuming  
22 custody of a child, pursuant to the Oklahoma Children's Code, and ordering whatever action may be  
23 necessary, including medical treatment, to protect the child's health or welfare;  
24

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

3       ~~37.~~ 45. "Permanency hearing" means a hearing by the court to determine whether a child is to be  
4 returned to the child's home or whether other permanent placement will be sought within a specific  
5 time frame for the child pursuant to Section 1-4-811 of this title;

6       ~~38.~~ 46. "Permanent custody" means a the court-ordered custody of an adjudicated deprived child  
7 whose parent's parental rights have been terminated when a parent-child relationship no longer exists  
8 due to termination of parental rights or due to the death of a parent or parents;

9       ~~39.~~ 47. "Permanent guardianship" means a judicially created relationship between a child, a  
10 kinship relation of the child, or other adult established pursuant to the provisions of Section 1-4-709 of  
11 this title;

12       48. "Person responsible for a child's health, safety, or welfare" includes a parent; a legal  
13 guardian; custodian; a foster parent; a person eighteen (18) years of age or older with whom the child's  
14 parent cohabitates or any other adult residing in the home of the child; an agent or employee of a  
15 public or private residential home, institution, facility or day treatment program as defined in Section  
16 175.20 of ~~this title~~ Title 10 of the Oklahoma Statutes; or an owner, operator, or employee of a child  
17 care facility as defined by Section 402 of ~~this title~~ Title 10 of the Oklahoma Statutes;

18       ~~40.~~ 49. "Protective custody" means custody of a child taken ~~pursuant to Section 7003-2.1 of this~~  
19 ~~title~~ by a law enforcement officer or designated employee of the court without a court order;

20       ~~41.~~       a.

21       50. "Putative father" means ~~the~~ an alleged father of a child:

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

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

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

4 (1) a man who has acknowledged or claims paternity of the child,

5 (2) a man named as the father by the mother of the child, or

6 (3) any man alleged to have engaged in sexual intercourse with the mother  
7 during a possible time of conception as that term is defined in Section  
8 7700-1-2 of Title 10 of the Oklahoma Statutes;

9 ~~42.~~ 51. "Relative" means a grandparent, great-grandparent, brother or sister of whole or half  
10 blood, aunt, uncle or any other person related to the child ~~within the third degree of consanguinity;~~

11 ~~43.~~ 52. "Residential child care center facility" means a ~~twenty four hours a day~~ twenty-four-  
12 hour residential group care facility at which a specified number of children, normally unrelated, reside  
13 with adults other than their parents where children live together with or are supervised by adults who  
14 are not their parents or relatives;

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

17 a. refer to, arrange for, or develop reasonable supportive and rehabilitative services  
18 for the family of such child that are required both to prevent unnecessary  
19 placement of the child outside of the child's home and to foster, whenever  
20 appropriate, the safe reunification of such child with the child's family, or

21 b. place a child who cannot be returned home into a permanent placement;

22 45. a. "Residual parental rights and responsibilities" means those rights and  
23 responsibilities that remain with the parent:  
24

- ~~(1) after transfer of legal custody of the child, other than in connection with an action for termination of parental rights, a relinquishment of parental rights, a consent to termination of parental rights or an adoption, or~~
- ~~(2) when a guardianship or kinship guardianship is established for the child.~~

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

- ~~(1) the right of visitation,~~
- ~~(2) the right to consent to adoption,~~
- ~~(3) the responsibility for support of and costs of medical care for the child,~~
- ~~(4) the right to determine the religious faith of the child, and~~
- ~~(5) the right to consent to termination of parental rights and the right to permanently relinquish parental rights.~~

e. ~~Residual parental rights and responsibilities shall not include the right to consent to the marriage of a minor pursuant to the provisions of Section 3 of Title 43 of the Oklahoma Statutes;~~

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

~~47. 53. "Review hearing" means a hearing by the court pursuant to Section 1-4-808 of this title;~~

~~54. "Safety analysis" means action taken by the Department in response to a report of alleged child abuse or neglect that will include an assessment or investigation based upon degree of risk to a child.~~

1           a.       “Assessment” means a written response to a report of alleged child abuse or  
2           neglect where, following a risk analysis, the Department determines there is a low  
3           to moderate safety risk or no safety risk to the child and a referral to community  
4           services is appropriate.

5           b.       “Investigation” means a written response to a report of alleged child abuse or  
6           neglect that constitutes a serious and immediate threat to the health or safety of a  
7           child which, following a risk analysis, results in one of the following findings:

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

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

20          (3)     “Unsubstantiated – Services recommended” means a report in which a  
21          child protective services worker, after an investigation, determines there is  
22          insufficient evidence to fully determine whether child abuse or neglect has  
23          occurred, but one in which the Department determines that the child and  
24

1 the family of the child could benefit from receiving child abuse and  
2 neglect prevention and intervention-related services, and

3 (4) “Ruled out” means a report in which a child protective services worker,  
4 after an investigation, determines that no child abuse or neglect has  
5 occurred;

6 55. "Secure facility" means a facility which is designed and operated to ensure that all entrances  
7 and exits from the facility are subject to the exclusive control of the staff of the facility, whether or not  
8 the juvenile being detained has freedom of movement within the perimeter of the facility, or a facility  
9 which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of  
10 its residents;

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

- 12 a. ~~substantial risk of death,~~
- 13 b. ~~extreme physical pain,~~
- 14 c. ~~protracted and obvious disfigurement, or~~
- 15 d. ~~protracted loss or impairment of the function of a bodily member, organ or mental~~  
16 ~~faculty;~~

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

20 ~~50.~~ 56. "Sibling" means a biologically or legally related brother or sister of a child;

21 ~~51.~~ 57. "Specialized foster care" means foster care provided to a child in a ~~specialized~~ foster  
22 home or agency-contracted home which:  
23  
24

- 1 a. has been certified by the Developmental Disabilities Services Division of the  
2 Department of Human Services,  
3 b. is monitored by the Division, and  
4 c. is funded through the Home- and Community-Based Waiver Services Program  
5 administered by the Division;

6 ~~52.~~ 58. "Temporary custody" means court-ordered custody of an adjudicated deprived child;

7 ~~53.~~ 59. "Therapeutic foster family home" means a foster family home which provides specific  
8 treatment services, pursuant to a therapeutic foster care contract, which are designed to remedy social  
9 and behavioral problems of a foster child residing in the home;

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

- 11 a. ~~intense emotional or psychological anguish to or suffering by a child, or~~  
12 b. ~~physical pain for the purpose of coercing or terrorizing a child;~~

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

15 ~~56.~~ 60. "Transitional living program" means a residential program that may be attached to an  
16 existing facility or operated solely for the purpose of assisting children to develop the skills and  
17 abilities necessary for successful adult living. The program may include, but shall not be limited to,  
18 reduced staff supervision, vocational training, educational services, employment and employment  
19 training, and other appropriate independent living skills training as a part of the transitional living  
20 program;

21 ~~57.~~ 61. "Treatment and service plan" means a document written pursuant to Section ~~7003-5.3 1-~~  
22 4-704 of this title; and  
23  
24

1        ~~58.~~ 62. "Voluntary foster care placement" means the temporary placement of a child by the  
2 parent, legal guardian or custodian of the child in foster care pursuant to a signed placement agreement  
3 between the Department or a child-placing agency and the child's parent, legal guardian or custodian.

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

7        SECTION 12. AMENDATORY    10 O.S. 2001, Section 7002-1.1, as amended by Section 1,  
8 Chapter 69, O.S.L. 2005 (10 O.S. Supp. 2008, Section 7002-1.1), is amended to read as follows:

9        Section 7002-1.1 A. 1. Upon the filing of a petition, ~~or upon~~ the assumption of the custody of a  
10 child, or issuance of an emergency custody order pursuant to the provisions of ~~Article III~~ of the  
11 Oklahoma Children's Code, the district court ~~with juvenile or domestic docket responsibility in the~~  
12 ~~county in which an alleged deprived child:~~

- 13            a.        ~~resides,~~
- 14            b.        ~~is found,~~
- 15            e.        ~~where the alleged acts of deprivation occurred, or~~
- 16            d.        ~~where a parent or sibling has a deprived proceeding pending,~~

17 shall ~~have~~ obtain jurisdiction ~~of~~ over any child who is or is alleged to be deprived, ~~shall have~~  
18 ~~jurisdiction of the.~~ Jurisdiction shall also be obtained over any parent, legal guardian, or custodian or  
19 stepparent of such child, regardless of where such parent, legal guardian, custodian, or stepparent is  
20 found, and shall have jurisdiction of and any other adult person living in the home of such child who  
21 appears in court or has been properly served with a summons pursuant to Section 1-4-202 of this title.

22            2. When jurisdiction has been obtained over a child who is or is alleged to be a deprived child,;

- 1           a.     such jurisdiction may be retained until the child becomes eighteen (18) years of  
2    age,
- 3           b.     the court may issue any temporary order or grant any interlocutory relief  
4   authorized by this Code in an emergency, regardless of whether another district  
5   court within the county or state has prior or current jurisdiction to determine the  
6   custody, support, or visitation of the child,
- 7           c.     all other action then pending or thereafter commenced within the county or state  
8   that concerns the custody, support, or visitation of the child shall be automatically  
9   stayed unless after notice to the parties in the deprived action, the written consent  
10    of such court is obtained and filed in the other proceeding; provided, a child’s  
11    delinquency action may, in the discretion of the court, proceed pursuant to the  
12    Oklahoma Juvenile Code,
- 13          d.     all orders entered in the deprived proceeding concerning the custody, support, or  
14    visitation of a child shall control over conflicting orders entered in other actions  
15    until such time as the jurisdiction of the court in the deprived proceeding  
16    terminates, and
- 17          e.     the judge presiding over a deprived action shall have the authority to make a final  
18    determination in the matter and preside over any separate action necessary to  
19    finalize a child’s court-approved permanency plan including an adoption,  
20    guardianship, or other custody proceeding.

21           ~~3. For the convenience of the parties and in the interest of justice, a proceeding under this~~  
22    ~~chapter may be transferred to the district court in any other county.~~  
23  
24

1       ~~4. When it is in the best interests of the child, the court shall transfer a proceeding under this~~  
2 ~~chapter to the district court in another county.~~

3       ~~B. The district court in which a petition is filed which alleges that a child is deprived or which~~  
4 ~~assumes custody pursuant to Article III of this Code may issue any temporary order or grant any~~  
5 ~~interlocutory relief authorized by this chapter in an emergency, regardless of whether another district~~  
6 ~~court within the state has jurisdiction of the child or has jurisdiction to determine the custody or~~  
7 ~~support of the child.~~

8       ~~C. If the district court presiding over a deprived action filed pursuant to subsection B of this~~  
9 ~~section sustains the petition or assumes custody pursuant to Article III of this Code, that district court~~  
10 ~~shall have the jurisdiction to make a final determination on the matter or to transfer the proceedings to~~  
11 ~~a court having prior jurisdiction over the child. If the judges to whom the cases have been assigned are~~  
12 ~~unable to agree on the procedure that should be followed, the determination of whether the proceeding~~  
13 ~~should be consolidated and, if consolidated, which judge shall try the issues shall be determined as~~  
14 ~~follows:~~

15       ~~1. If the other proceeding is pending in the same judicial district in which the deprived petition~~  
16 ~~is filed or custody is assumed, the determination shall be made by the presiding judge of that judicial~~  
17 ~~district;~~

18       ~~2. If the other proceeding is pending in a different judicial district but within the same judicial~~  
19 ~~administrative district in which the deprived petition is filed or custody is assumed, the determination~~  
20 ~~shall be made by the presiding judge of that judicial administrative district;~~

21       ~~3. If the other proceeding is pending in a judicial district not within the same judicial~~  
22 ~~administrative district in which the deprived petition is filed or custody is assumed, the determination~~  
23 ~~shall be made by the presiding judge of the judicial district where the other proceeding is pending~~  
24

1 1. Venue of any action involving a child alleged to be deprived may be in the county where:

- 2 a. the child is found,
- 3 b. the child resides,
- 4 c. the alleged acts of deprivation occurred, or
- 5 d. a parent or sibling has a deprived action pending.

6 2. A deprived action shall not be dismissed if filed in the wrong venue, but shall be transferred  
7 to the proper venue upon discovery of the proper venue, unless venue is waived.

8 3. Except as provided for in this subsection, a deprived action commenced in a county outside of  
9 the residence of the child may be transferred to the county of the child's residence at any stage in the  
10 proceedings after the petition has been filed. The receiving court shall continue with the proceedings  
11 as though the original petition had been filed in that court.

12 a. When a petition or motion to terminate parental rights has been filed, the case  
13 shall not be transferred until the sending court has concluded the termination  
14 proceeding.

15 b. Absent good cause to the contrary, a deprived action shall be transferred to the  
16 county where other proceedings are pending concerning custody of the child or  
17 the child's siblings.

18 c. Prior to adjudication pursuant to Section 1-4-603 of this title, a case may be  
19 transferred to a venue where the evidence or witnesses are located when the  
20 interests of justice or convenience of the parties so require. Following  
21 adjudication, the receiving court may transfer the case back to the county of the  
22 child's legal residence as provided in this section.

1        4. For purposes of this section, the residence of the child shall be the residence of the person  
2 who has the legal right to physical custody of the child according to a prior court order or by operation  
3 of law.

4            a. If there is no order determining the custody of the child, the custodian of the child  
5 shall be:

6            (1) both parents where they reside together,

7            (2) the primary or actual physical custodial parent where parents do not reside  
8 together, or

9            (3) the mother where paternity has or has not been established.

10          b. The residence of a newborn child shall be deemed to be the county where the  
11 child's mother legally resided at the time of the child's birth.

12          c. When the child is in the permanent custody of a public or private child care  
13 agency, the residence of the child shall be the county in which the child resides at  
14 the time when legal proceedings are initiated.

15          d. For purposes of transfer, the residence of the child may be with the person that the  
16 court approves for permanent placement.

17        5. The court may request the transfer of the case to another county where the child resides.

18            a. Prior to transferring a case to another venue, the court shall contact the judge in  
19 the other venue to confirm that the judge in the other venue will accept the  
20 transfer.

21            b. Upon written confirmation that transfer of venue is accepted, the transferring  
22 judge shall enter the transfer order, and certified copies of all documents of record  
23 with the clerk of the transferring court shall be transmitted to the receiving court  
24

1 along with the names and addresses of all parties entitled to notice of any further  
2 proceedings.

3 c. Upon transfer of the case, the receiving court shall set a hearing date for the  
4 parties that is not more than thirty (30) days following the date upon which the  
5 change of venue has occurred.

6 SECTION 13. AMENDATORY 10 O.S. 2001, Section 7002-1.2, is amended to read as  
7 follows:

8 Section 7002-1.2 A. 1. If the evidence in a ~~juvenile action, or an action for a divorce, for~~  
9 ~~alimony without a divorce, for an annulment, for custody of a child, for the appointment of a guardian~~  
10 ~~of the person of a child, for habeas corpus, or in subsequent proceedings in such actions, court~~  
11 ~~proceeding concerning child custody or visitation indicates that a child is or may be deprived, the~~  
12 ~~referring a victim of abuse or neglect, the court shall notify the appropriate county office of the~~  
13 ~~Department of Human Services that the child may be a victim of abuse or neglect refer the allegations~~  
14 to the Department of Human Services for an assessment or investigation.

15 2. The ~~county office~~ Department shall conduct an assessment or investigation concerning such  
16 report in accordance with priority guidelines established by the Department ~~of Human Services.~~

17 3. The Department shall submit ~~all reports regarding the~~ a report of its assessment or  
18 investigation to the office of the district attorney and ~~send~~ provide a copy of its reports to ~~such~~ the  
19 referring court within thirty (30) days of such notice, and notify parties to the proceeding of the  
20 submission of the report to the court.

21 4. The district attorney shall advise the referring court within three (3) days of the receipt of the  
22 ~~Department's findings of the Department~~ whether a deprived petition will be filed by that office. If no  
23  
24

1 deprived petition is filed, the referring court may take appropriate action regarding the custody or  
2 visitation of the child, ~~or appointment of a guardian for the child.~~

3 B. Nothing in this section shall:

4 a. preclude the referring court from entering an order to have the child taken into  
5 emergency custody if evidence presented to the referring court indicates a child is  
6 in surroundings that are such as to endanger the welfare of the child. If a child is  
7 ~~taken~~ placed into emergency custody by such an order, the provisions of ~~Article~~  
8 ~~III~~ Chapter IV of the Oklahoma Children's Code shall apply, or

9 b. preclude any court presiding over any proceeding from referring allegations of  
10 child abuse or neglect to the Department for assessment or investigation.

11 C. If, in any proceeding ~~listed in subsection A of this section~~ concerning child custody or  
12 visitation, the evidence indicates that a child has been subject to abuse or neglect, the court shall  
13 appoint an attorney to represent the child for that proceeding and any related proceedings and, ~~as~~  
14 ~~provided by Section 7003-3.7 of this title, the court shall~~ may appoint a guardian ad litem for the child  
15 as permitted by law.

16 SECTION 14. AMENDATORY 10 O.S. 2001, Section 7002-2.1, is amended to read as  
17 follows:

18 Section 7002-2.1 A. It shall be the responsibility of the Department of Human Services to  
19 provide care for deprived children who are committed to the custody of the Department.

20 B. The Department shall provide for the care of such children pursuant to ~~Article IV~~ Chapter IX  
21 of this Code.

22 SECTION 15. AMENDATORY 10 O.S. 2001, Section 7002-2.2, is amended to read as  
23 follows:  
24

1 Section 7002-2.2 ~~Whenever parental rights of a child have been terminated and the child is~~  
2 ~~committed to the Department, the Director shall serve as the legal guardian of the estate of the child,~~  
3 ~~until another guardian is legally appointed;~~ A. The court shall appoint a guardian ad litem of the estate  
4 of the child when necessary for the purpose of preserving the child's property rights, securing for the  
5 child any benefits to which ~~he~~ the child may be entitled under social security programs, insurance,  
6 claims against third parties, and otherwise, and receiving and administering such funds or property for  
7 the care and education of the child.

8 1. When the child is in the emergency or temporary custody of the Department of Human  
9 Services, the court may appoint an attorney or a parent as guardian ad litem of the estate of the child.

10 2. When a child is in the permanent legal custody of the Department, the Director shall serve as  
11 the legal guardian of the estate of the child until an attorney guardian ad litem is appointed.

12 B. A copy of the order appointing a guardian ad litem shall be provided to the Department.

13 C. When the appointment of a guardian ad litem is necessary, the appointment may be made in  
14 the deprived case; provided, the actions of the guardian ad litem shall be subject to the approval of the  
15 court with jurisdiction to adjudicate the property interests of the child.

16 SECTION 16. AMENDATORY 10 O.S. 2001, Section 7002-3.1, is amended to read as  
17 follows:

18 Section 7002-3.1 ~~A. The Attorney General, the district attorney of the appropriate district and~~  
19 ~~any other law enforcement official having jurisdiction shall have the authority to bring civil actions~~  
20 ~~against any person, officer or department, board, commission or other entity, to enforce the provisions~~  
21 ~~of the Oklahoma Children's Code, or to enforce any of the laws of this state protecting or applying in~~  
22 ~~any way to a child removed from the custody of the lawful parent of the child by a disposition order of~~  
23 ~~the court.~~

1 ~~B. 1.~~ A petition or motion for termination of parental rights may be filed independently by  
2 either the district attorney or the attorney of a child alleged to be or adjudicated deprived.

3 ~~2. B.~~ A petition or motion for termination of parental rights shall be filed by the district attorney  
4 for those petitions or motions required to be filed pursuant to the provisions of Section ~~15~~ 1-4-902 of  
5 this ~~act~~ title.

6 ~~3. C.~~ If a child's attorney files a petition or motion for the termination of the parental rights of  
7 the parents of the child, the district attorney shall join in the petition or motion for those petitions or  
8 motions required to be filed by the district attorney pursuant to the provisions of Section ~~15~~ 1-4-902 of  
9 this ~~act~~ title, unless an exception to filing exists.

10 SECTION 17. AMENDATORY 10 O.S. 2001, Section 7003-1.1, is amended to read as  
11 follows:

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

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

19 ~~3.~~ The Department shall forward a report of its assessment or investigation and findings to the  
20 any district attorney's office which may have jurisdiction to file a petition pursuant to Section 1-4-902  
21 of this title.

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

- 1 a. ~~an~~ the alleged abuse or neglect of a child was perpetrated by perpetrator is  
2 someone other than a person responsible for the child's health, safety, or welfare,  
3 and  
4 b. ~~an~~ the alleged abuse or neglect of a the child does not appear to be attributable to  
5 failure on the part of a person responsible for the child's health, safety, or welfare  
6 to provide protection for the child,

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

11 2. ~~The Department shall determine whether the alleged perpetrator is a parent of any child or is~~  
12 ~~otherwise a person responsible for the child's health, safety or welfare. If the alleged perpetrator is~~  
13 ~~determined to be a parent of a child or is otherwise a person responsible for the child's health, safety or~~  
14 ~~welfare, such determination shall constitute reasonable grounds to conduct an assessment or~~  
15 ~~investigation regarding such child pursuant to subsection A of this section.~~

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

- 18 a. ~~notice is received from the law enforcement agency as provided by subsection C~~  
19 ~~of this section,~~  
20 b. ~~the alleged perpetrator is a person responsible for the child's health, safety or~~  
21 ~~welfare, or~~  
22 e. ~~the appropriate law enforcement agency requests the Department, in writing, to~~  
23 ~~participate in the investigation. If funds and personnel are available, as~~  
24

1 determined by the Director of Human Services, the Department may assist in the  
2 investigation of physical or sexual abuse of a child perpetrated by a person other  
3 than the parent or person responsible for the health, safety or welfare of the child.

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

8 After making the referral to the law enforcement agency, the Department shall not be responsible  
9 for further investigation unless:

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

21 C. 1. Any law enforcement agency receiving a referral as provided in this section shall provide  
22 the Department of Human Services' local child welfare office with a copy of the report of its any  
23  
24

1 investigation resulting from a referral from the Department ~~or shall provide a written statement as to~~  
2 ~~why a criminal investigation was not conducted.~~

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

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

13 SECTION 18. AMENDATORY 10 O.S. 2001, Section 7003-2.1, as last amended by  
14 Section 5, Chapter 3, O.S.L. 2003 (10 O.S. Supp. 2008, Section 7003-2.1), is amended to read as  
15 follows:

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

18 1. By a peace officer or employee of the court, without a court order ~~if the child's surroundings~~  
19 ~~are such as to endanger the welfare of the child or if continuation of the child in the child's home is~~  
20 ~~contrary to the health, safety or welfare of the child~~ the officer or employee has reasonable suspicion  
21 that:

22 a. the child is in need of immediate protection due to abuse or neglect, or  
23  
24

1           **b.**     the circumstances or surroundings of the child are such that continuation in the  
2                   child’s home or in the care or custody of the parent, legal guardian, or custodian  
3                   would present an imminent danger to the child; or

4           2. By an order of the district court issued upon the application of the office of the district  
5 attorney. ~~The court shall include in the order a specific determination that continuation of the child in~~  
6 ~~the child’s home is contrary to the health, safety or welfare of the child.~~ The application presented by  
7 the district attorney may be supported by a sworn affidavit which may be based upon information and  
8 belief. The application shall state facts sufficient to demonstrate to the court that a continuation of the  
9 child in the home or with the caretaker of the child is contrary to the child’s welfare and there is  
10 reasonable suspicion ~~to believe that:~~

11           **a.**     the child is in need of immediate protection due to abandonment, abuse, or  
12 neglect, or ~~is in~~

13           **b.**     the circumstances or surroundings that of the child are such as to endanger the  
14 welfare of that continuation in the child’s home or in the care or custody of the  
15 parent, legal guardian, or custodian would present an imminent danger to the  
16 child.

17 The application and order may be verbal and upon being advised by the district attorney of the verbal  
18 order, law enforcement shall act on such order. If verbal, the district attorney shall submit a written  
19 application shall be submitted and proposed order to the district court within one (1) judicial day from  
20 the issuance of the verbal order. Upon approval, the application and order shall be filed with the court  
21 clerk.

22           **a. B.** When an order issued by the district court pursuant to ~~this paragraph~~ subsection A of this  
23 section places the child in the emergency custody of the Department of Human Services pending  
24

1 further hearing specified by Section ~~7003-2.4~~ 1-4-203 of this title, an employee of the Department may  
2 execute such order and physically take the child into custody in the following limited circumstance:

3 (1) ~~the~~

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

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

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

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

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

17 ~~3. C.~~ By order of the district court when the child is in need of medical or ~~mental~~ behavioral  
18 health treatment in order to protect the ~~child's~~ health, safety, or welfare of the child and the ~~child's~~  
19 parent, legal guardian, or custodian ~~or other person having custody or control~~ of the child is unwilling  
20 or unavailable to consent to such medical or ~~mental~~ behavioral health treatment or other action  
21 ~~pursuant to this article. The,~~ the court shall specifically include in the emergency order authorization  
22 for such medical or ~~mental~~ behavioral health evaluation or treatment as it deems necessary. ~~The court~~  
23  
24

1 ~~shall include in the order a specific determination that continuation of the child in the child's home is~~  
2 ~~contrary to the health, safety or welfare of the child; and~~

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

4 B. D. The court shall not enter an emergency custody order removing a child from the home of  
5 the child unless the court makes a determination:

6 1. That continuation in the home of the child is contrary to the welfare of the child or that  
7 immediate placement is in the best interests of the child; and

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

10 3. An absence of efforts to prevent the removal of the child from the home of the child is  
11 reasonable because the removal is due to an emergency and is for the purpose of providing for the  
12 welfare of the child.

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

14 1. The child may be taken to a children's shelter located within the county where protective or  
15 emergency custody is assumed or, if there is no children's shelter within the county, to a children's  
16 shelter designated by the court, ~~provided that the placement of an infant who appears to be or has been~~  
17 ~~determined to have a medical condition or illness that falls within the placement protocol for at-risk~~  
18 ~~infants established pursuant to subsection D of this section shall be taken to a location as provided in~~  
19 ~~the placement protocol;~~

20 2. Except as otherwise provided by subsection ~~C~~ F of this section, the child may be taken before  
21 a judge of the district court or the court may be contacted verbally for the purpose of obtaining an  
22 order for emergency custody. The court may place the child in the emergency custody of the  
23 Department of ~~Human Services~~ or some other suitable person or entity pending further hearing  
24

1 specified by Section ~~7003-2.4~~ 1-4-203 of this title. ~~The Department may place the child in a kinship~~  
2 ~~foster care home, another foster home or other suitable placement that is determined by the Department~~  
3 ~~to meet the needs of the child, provided that the placement of an infant who appears to be or has been~~  
4 ~~determined to have a medical condition or illness that falls within the placement protocol for at risk~~  
5 ~~infants established pursuant to subsection D of this section shall be taken to a location as provided in~~  
6 ~~the placement protocol;~~

7 3. The child may be taken directly to or retained in a health care facility for medical treatment,  
8 when it reasonably appears to the peace officer or court employee that the child is in need of  
9 emergency medical treatment to maintain the child's health, or as otherwise directed by the court; or

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

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

19 ~~C~~ F. The court may provide, in an order issued pursuant to this section or by a standing order or  
20 rule, for the disposition of children taken into ~~emergency~~ custody and notification of the assumption of  
21 such custody. Such order or rule shall be consistent with the provisions of subsection ~~B~~ E of this  
22 section, but may also:  
23  
24

1 1. Designate a licensed child care facility, other than a children's shelter appropriate for the  
2 temporary care of deprived children, if such the facility is willing to provide care, ~~provided that the~~  
3 ~~placement of an infant who appears to be or has been determined to have a medical condition or illness~~  
4 ~~that falls within the placement protocol for at risk infants established pursuant to subsection D of this~~  
5 ~~section shall be taken to a location as provided in the placement protocol; and~~

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

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

11 ~~D. 1. The Department of Human Services shall establish by rule a placement protocol for at risk~~  
12 ~~infants.~~

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

- 14 a. ~~premature infants,~~
- 15 b. ~~history of respiratory distress,~~
- 16 c. ~~oxygen dependency,~~
- 17 d. ~~diagnosis requiring special care beyond routine infant care,~~
- 18 e. ~~infants under six (6) weeks of age, and~~
- 19 f. ~~medical conditions or illnesses of the infants that without protocol placements~~  
20 ~~may result in increased episodes of illness, prolonged hospitalization and~~  
21 ~~increased cost for care.~~

22 ~~3. Appropriate placement pursuant to this subsection of at-risk infants shall include, but not be~~  
23 ~~limited to, foster care, approved kinship foster care and health care facilities. A children's shelter shall~~  
24

1 not be deemed to be an appropriate placement for at risk infants unless the shelter meets the placement  
2 protocol.

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

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

9 H. Any peace officer, employee of the court, court-appointed special advocate, employee of the  
10 Department, and any other person acting under the direction of the court, who in good faith transports  
11 any child, shall be immune from civil or criminal liability that may result by reason of such act. For  
12 purposes of any proceedings, civil or criminal, the good faith of any such person shall be presumed.

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

17 SECTION 19. AMENDATORY 10 O.S. 2001, Section 7003-2.4, as last amended by  
18 Section 2, Chapter 293, O.S.L. 2008 (10 O.S. Supp. 2008, Section 7003-2.4), is amended to read as  
19 follows:

20 Section 7003-2.4 A. ~~4.~~ The peace officer or an, employee of the court, or the employee of the  
21 Department of Human Services responsible for assuming physical custody of a child shall provide the  
22 parent, legal guardian, or physical custodian of a the child with immediate written notice of the  
23  
24

1 protective or emergency custody of the child ~~whenever~~ if personally present, or if not present as soon  
2 as possible.

3 ~~2. B.~~ The written notice shall:

4 a. inform the parents, legal guardian, or custodian ~~that the child has been removed~~  
5 ~~from the home,~~

6 b. ~~inform the parent, legal guardian, or custodian of the child that~~ of the following:

7 1. That an emergency custody hearing to determine custody of the child will occur within two

8 (2) judicial days from the date the child was ~~removed from the home~~ taken into custody, and

9 ~~e. contain information about the:~~

10 ~~(1) 2. The date, time, and place for the~~ emergency custody hearing ~~process including, but not~~  
11 ~~limited to, the date, time and place that the child was taken into protective or emergency custody;~~

12 ~~(2) 3. The~~ nature of the allegation that led to placement of the child into protective or emergency  
13 custody;

14 ~~(3) 4. The~~ address and telephone number of the ~~local and county~~ applicable law enforcement  
15 agencies,

16 ~~(4) phone number of the local child welfare office of the Department of~~  
17 ~~Human Services, agency and the Department;~~ and

18 ~~(5) 5. The right of the parent, legal guardian or custodian~~ to contact an attorney.

19 ~~3. C.~~ The written notice shall also contain the following ~~or substantially similar~~ language:

20 "FAILURE TO RESPOND TO THIS NOTICE OR TO APPEAR AT THE EMERGENCY  
21 CUSTODY HEARING MEANS YOUR CHILD WILL ~~STAY OR BE PLACED~~ REMAIN IN  
22 ~~EMERGENCY CUSTODY.~~ YOUR FAILURE TO RESPOND OR COOPERATE MEANS YOU  
23  
24

1 MAY LOSE CUSTODY OF THIS CHILD OR YOUR RIGHTS AS A PARENT MAY BE  
2 TERMINATED."

3 ~~B. 1. Within the next two (2) judicial days following the child being taken into protective or~~  
4 ~~emergency custody, the court shall conduct an emergency custody hearing to determine whether~~  
5 ~~evidence or facts exist that are sufficient to demonstrate to the court there is reason to believe the child~~  
6 ~~is in need of protection due to abuse or neglect, or is in surroundings that are such as to endanger the~~  
7 ~~health, safety or welfare of the child.~~

8 ~~2. At the emergency custody hearing, the court shall advise the parent, legal guardian or~~  
9 ~~custodian of the child in writing of the procedure which will be followed with regard to determining~~  
10 ~~custody of the child, including, but not limited to:~~

- 11 a. ~~any right of the parent or legal guardian or custodian to testify and present~~  
12 ~~evidence at court hearings,~~
- 13 b. ~~the right to be represented by an attorney at court hearings as authorized by law,~~
- 14 c. ~~the consequences of failure to attend any hearings which may be held, and~~
- 15 d. ~~the right to appeal and the procedure for appealing the finding of a court on~~  
16 ~~custody issues as authorized by law.~~

- 17 3. a. ~~At the emergency custody hearing, the court shall:~~  
18 ~~(1) release the child to the child's parent, legal guardian or custodian or other~~  
19 ~~responsible adult without conditions or under such conditions as the court~~  
20 ~~finds reasonably necessary to ensure the health, safety or welfare of the~~  
21 ~~child, or~~

- 1                   (2)    ~~continue the child in or place the child into emergency custody if~~  
2   ~~continuation of the child in the child's home is contrary to the health,~~  
3   ~~safety or welfare of the child,~~
- 4                   (3)    ~~obtain information from the parent, legal guardian or custodian necessary~~  
5   ~~to identify and locate kinship placement resources. If such information~~  
6   ~~indicates that within one (1) year of the emergency custody hearing the~~  
7   ~~child had resided with a grandparent for six (6) months, and that such~~  
8   ~~grandparent was the primary caregiver and provided primary financial~~  
9   ~~support for the child during such time, the court shall provide notice and~~  
10   ~~an opportunity to be heard at future hearings to such grandparent, and~~
- 11                   (4)    ~~require the Department to provide to any custodian or other person caring~~  
12   ~~for the child information on Department of Human Services programs and~~  
13   ~~services available to the child and provide written notice of any further~~  
14   ~~proceedings to any foster or preadoptive parents or relatives providing~~  
15   ~~care for a child.~~

16           b.    ~~If a child has been removed from the custodial parent of the child and the court, in~~  
17   ~~the best interests of the child, is unable to release the child to the custodial parent,~~  
18   ~~the court shall give priority for placement of the child with the noncustodial~~  
19   ~~parent of the child unless such placement would not be in the child's best interests.~~  
20   ~~If the court cannot place the child with the noncustodial parent, custody shall be~~  
21   ~~consistent with the provisions of Section 21.1 of this title. If custody of the child~~  
22   ~~cannot be made pursuant to the provisions of Section 21.1 of this title, the reason~~  
23   ~~for such determination shall be documented in the court record.~~

1 C. ~~If it is determined by agreement of the office of the district attorney and the Department of~~  
2 ~~Human Services that a child may be safely returned home prior to an emergency custody hearing, the~~  
3 ~~following form or a substantially similar form shall be completed by the office of the district attorney~~  
4 ~~and the Department and filed of record:~~

5 IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY

6 STATE OF OKLAHOMA

7 IN THE MATTER OF:

8 \_\_\_\_\_

9 ~~ALLEGED DEPRIVED CHILD(REN)~~

10 MEMORANDUM

11 ~~CHILD WELFARE WORKER:~~

12 ~~ASSISTANT DISTRICT ATTORNEY:~~

13 ~~\_\_\_ INVESTIGATION REVEALED ALLEGATIONS NOT CONFIRMED~~

14 ~~\_\_\_ SERVICES WERE OFFERED AND ACCEPTED~~

15 ~~\_\_\_ PARENT/CARETAKER HAS TAKEN APPROPRIATE STEPS TO~~

16 ~~\_\_\_ PROTECT CHILD FROM HARM~~

17 ~~\_\_\_ OTHER:~~

18 NOTES:

19 CHILD(REN) RELEASED TO:

20 \_\_\_\_\_

21 ASSISTANT DISTRICT ATTORNEY

1 I work for the Department of Human Services and am requesting that the District Attorney's Office  
2 release the above mentioned child(ren) from temporary emergency custody and that a Petition not be  
3 filed for court intervention.

4 \_\_\_\_\_  
5 ~~DHS CHILD WELFARE WORKER.~~

6 ~~D. 1. Except as otherwise provided by this subsection, a petition for a deprived child proceeding~~  
7 ~~shall be filed and a summons issued within five (5) judicial days from the date of assumption of~~  
8 ~~custody; provided, however, such time period may be~~  
9 ~~extended a period of time not to exceed fifteen (15) calendar days from the date of assumption of~~  
10 ~~custody of the child if, upon request of the district attorney at the emergency custody hearing, the court~~  
11 ~~determines there are compelling reasons to grant additional time for the filing of the petition for a~~  
12 ~~deprived child proceeding.~~

13 ~~2. If the petition is not filed as required by this subsection, then the emergency custody order~~  
14 ~~shall expire. The district attorney shall submit for filing in the court record a written record specifying~~  
15 ~~the reasons why the petition was not filed and specifying to whom the child was released.~~

16 ~~E. If a petition is filed within the time period specified in subsection D of this section, the~~  
17 ~~emergency custody order shall remain in force and effect for not longer than sixty (60) days, except as~~  
18 ~~otherwise provided by this subsection.~~

19 ~~The emergency custody order shall not be extended beyond sixty (60) days absent a showing that~~  
20 ~~such further extension is necessary to ensure the health, safety or welfare of the child and is in the best~~  
21 ~~interests of the child.~~

22 ~~F. 1. The court may hold additional hearings at such intervals as may be determined necessary~~  
23 ~~by the court to provide for the health, safety or welfare of the child.~~

1           ~~2. The parent, legal guardian or custodian of the child, the child's attorney, the district attorney~~  
2 ~~and guardian ad litem if appointed shall be given prior adequate notice of the date, time, place and~~  
3 ~~purpose of any hearing by the court.~~

4           ~~G. In scheduling hearings, the court shall give priority to proceedings in which a child is in~~  
5 ~~emergency custody.~~

6           ~~H. 1. An order of the court providing for the removal of a child alleged to be deprived from the~~  
7 ~~home of such child shall not be entered unless the court makes a determination:~~

- 8                   ~~a. that continuation of the child in the child's home is contrary to the health, safety~~  
9                   ~~or welfare of the child, and~~
- 10                   ~~b. as to whether or not reasonable efforts were made to prevent the need for the~~  
11                   ~~removal of the child from the child's home, or~~
- 12                   ~~e. as to whether or not an absence of efforts to prevent the removal of the child from~~  
13                   ~~the child's home is reasonable because the removal is due to an alleged emergency~~  
14                   ~~and is for the purpose of providing for the health, safety or welfare of the child, or~~
- 15                   ~~d. that reasonable efforts to provide for the return of the child to the child's home are~~  
16                   ~~not required pursuant to Section 7003-4.6 of this title; provided, however, upon~~  
17                   ~~such determination, the court shall inform the parent that a permanency hearing~~  
18                   ~~will be held within thirty (30) days from the determination.~~

19           ~~2. In all proceedings or actions pursuant to this subsection, the child's health, safety or welfare~~  
20 ~~shall be the paramount concern.~~

21           SECTION 20. AMENDATORY 10 O.S. 2001, Section 7003-2.5, is amended to read as  
22 follows:  
23  
24

1 Section 7003-2.5 No peace officer, employee of the court, employee of the Department of  
2 Human Services, or person ~~acting pursuant to a court order authorizing~~ consenting or not consenting to  
3 medical treatment or ~~mental~~ behavioral health evaluation or treatment in accordance with the  
4 provisions of this title ~~for any child found in need of such medical treatment or mental health~~  
5 ~~evaluation or treatment~~ shall have any liability, civil or criminal, for such ~~authorization~~ action. No  
6 physician or health care provider acting pursuant to consent or pursuant to court order authorizing  
7 treatment shall have any liability, civil or criminal, for acting pursuant to consent or authorization.

8 SECTION 21. AMENDATORY 10 O.S. 2001, Section 7003-3.1, as amended by Section  
9 17, Chapter 327, O.S.L. 2002 (10 O.S. Supp. 2008, Section 7003-3.1), is amended to read as follows:

10 Section 7003-3.1 A. 1. A petition in a ~~deprived child~~ proceeding alleging a child to be deprived  
11 may be filed by the district attorney to determine if further action is necessary. The proceeding shall  
12 be entitled "In the matter of \_\_\_\_\_, an alleged deprived child".

13 2. The petition shall be verified and may be upon information and belief. The petition shall set  
14 forth:

- 15 a. with particularity, facts which bring the child within the purview of this ~~article~~  
16 chapter,
- 17 b. the name, ~~age~~ date of birth, and residence of the child,
- 18 c. the names and residences of the child's parents,
- 19 d. the name and residence of the child's legal guardian, if there is one,
- 20 e. the name and residence of the person or persons having custody or control of the  
21 child,
- 22 f. the name and residence of the nearest known relative, if no parent, legal guardian  
23 or custodian of the child can be found, and  
24

1 g. the relief requested ~~and an endorsement of witnesses intended to be called by the~~  
2 ~~petitioner~~ including, but not limited to, or where applicable:

3 (1) an adjudication that the child is deprived,

4 (2) a termination of parental rights,

5 (3) the entry of an order for child support, and

6 (4) a judicial determination of the child's paternity.

7 ~~3. If a termination of parental rights is desired, it must be stated in the petition and summons,~~  
8 ~~and if an order for the payment of funds for the care and maintenance of the child is desired, it must be~~  
9 ~~stated in the petition and summons.~~

10 ~~4. If any of the facts herein required are not known by the petitioner, the petition shall so state,~~  
11 ~~along with the reasons why such facts are not known to petitioner.~~

12 ~~B. 1. A petition for termination of parental rights may be filed by the district attorney or the~~  
13 ~~child's attorney.~~

14 ~~2. A petition for termination of parental rights shall be filed by the district attorney for those~~  
15 ~~petitions required to be filed pursuant to the provisions of Section 7003-4.7 of this title.~~

16 ~~3. If the child's attorney files a petition for the termination of the parental rights of the parents of~~  
17 ~~the child, the district attorney shall join in the petition or motion for those petitions or motions required~~  
18 ~~to be filed by the district attorney pursuant to the provisions of Section 7003-4.7 of this title.~~

19 ~~C.~~ A petition alleging a child to be a minor in need of treatment shall be filed by a district  
20 attorney pursuant to the Inpatient Mental Health and Substance Abuse Treatment of Minors Act as  
21 provided for in Sections 5-501 through 5-513 of Title 43A of the Oklahoma Statutes.

22 ~~D. C.~~ A copy of the petition ~~in a deprived child proceeding~~ alleging a child to be deprived shall  
23 be attached to and delivered with the summons.

1        ~~E. 1. D.~~ Any petition filed by the district attorney shall be signed by the district attorney or  
2 authorized assistant.

3        ~~2. A petition for termination of parental rights filed by the child's attorney shall be signed by the~~  
4 ~~child's attorney and the district attorney if joined as a party to the petition pursuant to the provisions of~~  
5 ~~subsection B of this section.~~

6        SECTION 22. AMENDATORY    10 O.S. 2001, Section 7003-3.3, is amended to read as  
7 follows:

8        Section 7003-3.3 A. No pleading subsequent to the petition ~~for a deprived child proceeding~~  
9 alleging a child to be deprived is required, and the filing of any motion or pleading shall not delay the  
10 holding of the adjudicatory hearing.

11        B. ~~A petition may be amended by order of the court at any time before an order of adjudication~~  
12 ~~has been made, provided that the court shall grant the parties such additional time~~ The court shall  
13 liberally allow the petition to be amended at any time to add, modify, or supplement factual allegations  
14 that form the basis for the cause of action up until seven (7) days prior to the adjudicatory hearing.  
15 The court may grant leave to amend the petition upon a showing of good cause after that date and prior  
16 to the adjudicatory hearing. The court may allow amendment of the petition to conform with the  
17 evidence at any time prior to the adjudicatory ruling of the court. In all cases in which the court has  
18 granted leave to amend based on new evidence or new allegations, the court shall permit the  
19 respondent a reasonable and adequate opportunity to prepare as may be required to insure a full and  
20 fair hearing. ~~A petition shall be deemed to have been amended to conform to the proof where the~~  
21 ~~proof does not change the substance of the act, omission or circumstance alleged. However, the~~ The  
22 court shall not amend the adjudicatory category prayed for in the petition.  
23  
24

1        C. In any case in which the allegations contained within the original petition have been  
2 sustained and a child is found to be a deprived child, if the state subsequently alleges new facts, or  
3 different conditions are discovered to be sufficient, if sustained, to support a finding that the child is a  
4 deprived child, then the state may file a subsequent petition entitled "Postadjudication Petition". This  
5 section shall not apply if the jurisdiction of the juvenile court has been terminated prior to the new  
6 allegations.

7        D. All procedures and hearings required for an original petition are applicable to a  
8 postadjudication petition filed under this section. The postadjudication petition shall be filed in the  
9 same case as the original petition.

10        SECTION 23. AMENDATORY 10 O.S. 2001, Section 7003-3.4, is amended to read as  
11 follows:

12        Section 7003-3.4 A. 1. ~~After a petition for a deprived child proceeding has been filed, unless~~  
13 ~~the parties provided for in this section voluntarily appear, a summons shall be issued~~ Upon the filing of  
14 the petition, the court shall schedule a hearing and shall issue a summons requiring the parents, legal  
15 guardian, custodian, the child if the child is twelve (12) or more years of age, and any other persons the  
16 court determines to be proper or necessary parties to the proceedings to appear personally before the  
17 court at the date, time, and place stated in the summons. The court may endorse upon the summons an  
18 order directing the parent, guardian, custodian, or other person having the physical custody or control  
19 of the child to bring the child to the hearing.

20        2. The summons shall ~~recite briefly the nature of the proceeding with the phrase "as described~~  
21 ~~more fully in the attached petition" and shall require the person or persons who have the custody or~~  
22 ~~control of the child to appear personally and bring the child before the court at a time and place stated~~  
23  
24

1 be attached to a copy of the petition and shall advise the parties of the right to counsel, including the  
2 right of the child's parent or legal guardian to court-appointed counsel if indigent.

3 3. The summons shall state the relief requested, ~~and shall set forth the right of the child, parents~~  
4 ~~and other interested parties to have an attorney present at the hearing on the petition~~ including notice  
5 that child support may be ordered or modified and that the child's paternity, if at issue, may be  
6 established.

7 4. The summons shall also contain, in type at least as large as the balance of the document, the  
8 following or substantially similar language: "FAILURE TO RESPOND TO THIS SUMMONS OR  
9 TO APPEAR AT THIS HEARING CONSTITUTES CONSENT TO THE ADJUDICATION OF  
10 THIS CHILD (OR THESE CHILDREN) AS DEPRIVED CHILDREN AND MAY ULTIMATELY  
11 RESULT IN LOSS OF CUSTODY OF THIS CHILD OR THE TERMINATION OF PARENTAL  
12 RIGHTS TO THIS CHILD."

13 B. ~~1. The summons shall be served on the person who has legal custody of the child. If the~~  
14 ~~child has reached the age of twelve (12) years, a copy shall be served on the child~~ A party other than  
15 the child may waive service of summons in writing or by voluntary appearance at the hearing. A  
16 child's counsel may waive service of summons on the child's behalf.

17 ~~2. If the person who has legal custody of the child is other than a parent, legal guardian or~~  
18 ~~eustodian of the child, a copy of the summons shall be served on the parent, legal guardian or~~  
19 ~~eustodian, or all, as hereinafter provided. A copy of the summons shall be served on a custodial~~  
20 ~~parent, guardian or next friend. If no parent or guardian can be found, a summons shall be served on~~  
21 ~~such other person or persons as the court shall designate.~~

22 C. ~~Summons may be issued requiring the appearance of any other person whose presence is~~  
23 ~~necessary.~~

1 D. If it subsequently appears that a person who should have been served was not served and has  
2 not entered an appearance, the court shall immediately order the issuance of a summons which shall be  
3 served on ~~such~~ the person.

4 ~~E. If after a petition has been filed, it appears that the child is in such condition or in such~~  
5 ~~surroundings that the child's welfare requires that custody of the child be immediately assumed by the~~  
6 ~~court, the judge may immediately issue an order authorizing the taking of the child into emergency~~  
7 ~~eustody.~~

8 SECTION 24. AMENDATORY 10 O.S. 2001, Section 7003-3.5, is amended to read as  
9 follows:

10 Section 7003-3.5 A. 1. Service of summons shall be made by personal delivery, by mail, or by  
11 publication as provided for ~~service~~ in civil actions, ~~or service may be made by certified mail to such~~  
12 ~~person's last known address, requesting a return receipt from the addressee only~~ pursuant to Section  
13 2004 of Title 12 of the Oklahoma Statutes or any successor statute.

14 2. ~~If the address of the person to be summoned is not known, or if the mailed summons is~~  
15 ~~returned, the court may order that notice of the hearing be published once in a newspaper of general~~  
16 ~~circulation in the county, and a copy of the summons shall be mailed by regular first class mail to the~~  
17 ~~last known address of the parent, legal guardian or custodian~~ The court shall not hold the adjudication  
18 hearing until at least forty-eight (48) hours after the service of summons.

19 3. If the parent or legal guardian is not served within the state, the court shall not hold the  
20 hearing until at least five (5) days after the date of mailing the summons.

21 4. The state shall conduct a distinct and meaningful search of all reasonably available sources to  
22 locate and notify the parents and legal guardians of proceedings being held pursuant to the Oklahoma  
23

1 Children's Code; provided, that a hearing shall not be delayed if a parent or legal guardian cannot be  
2 located.

3 B. 1. ~~The court shall not hold the hearing until at least forty-eight (48) hours after the service of~~  
4 ~~the summons, except with the consent of the parent, legal guardian or custodian~~ Before service by  
5 publication is authorized, the state shall file an affidavit with the court stating that after a distinct and  
6 meaningful search of all reasonably available sources, the parent or legal guardian of the child could  
7 not be identified or located, as applicable, and describing the diligent efforts made to identify, locate,  
8 and serve the party. The affidavit shall be sufficient evidence of the diligence exercised by the state to  
9 identify or locate a party who is the subject of the publication notice.

10 2. ~~If the parent is not served within the state, the court shall not hold the hearing until at least~~  
11 ~~five (5) days after the date of mailing the summons, except with the consent of the parent, legal~~  
12 ~~guardian or custodian~~ Upon complying with this subsection, the state may obtain an order from the  
13 court authorizing service to be made upon the party by publication. A copy of the petition and  
14 summons shall also be mailed by regular first-class mail to the party at his or her last-known place of  
15 residence. Service by publication is complete on the date of the last publication in accordance with  
16 paragraph 3 of this subsection.

17 3. The publication notice may be directed to all persons known, alleged, presumed, or claiming  
18 to be the father, mother, or legal guardian of the child. If the name of a party is unknown, the notice  
19 shall be directed to the unknown father, mother, or legal guardian, as applicable, and such notice, when  
20 published pursuant to this subsection, shall apply to and be binding upon those persons whose names  
21 are unknown. The notice shall contain the name of the court and the case number, the initials of the  
22 child who is the subject of the proceedings, the date and location of the birth of the child, the name of  
23 the mother and father of the child, if known, the time and date of the hearing, and the purpose of the  
24

1 hearing. The notice shall also contain, in type at least as large as the balance of the document, the  
2 following or substantially similar language:

3 “FAILURE TO APPEAR AT THIS HEARING CONSTITUTES CONSENT TO THE  
4 ADJUDICATION OF THIS CHILD AS A DEPRIVED CHILD AND MAY ULTIMATELY  
5 RESULT IN LOSS OF CUSTODY OF THIS CHILD OR THE TERMINATION OF PARENTAL  
6 RIGHTS TO THIS CHILD.”

7 An affidavit showing publication of the notice shall be filed with the court clerk. The  
8 publication of notice shall be deemed equivalent to personal service upon all persons, known or  
9 unknown, who have been designated in the notice.

10 4. Service by publication shall be made by publishing a notice once a week for three (3)  
11 consecutive weeks, with the first publication of notice occurring at least twenty-five (25) days prior to  
12 the date fixed for the hearing. Service shall be made in a newspaper authorized by law to publish legal  
13 notices which is published in the county where the petition is filed. If no newspaper authorized by law  
14 to publish legal notices is published in the county, the notice shall be published in some such  
15 newspaper of general circulation which is published in an adjoining county.

16 ~~C. 1. If notice is published, the court shall not hold the hearing until at least ten (10) days after~~  
17 ~~the date of publication.~~

18 ~~2. If one or more persons must be served by publication, the court may delay the date of the~~  
19 ~~hearing, with reasonable notice to the other persons who have been served or are properly and legally~~  
20 ~~notified, to any date that the court determines to be reasonable and may proceed with the action.~~

21 ~~3. An order determining that a child is deprived shall not become final until thirty (30) days after~~  
22 ~~the date of the publication of the notice~~ Notice by publication may proceed simultaneously with efforts  
23  
24

1 to serve notice by personal delivery or by mail upon a determination by the court that there is reason to  
2 believe service by personal delivery or by mail will not be successful.

3 D. Costs of publication shall be paid by the court fund and assessed as costs against the child's  
4 parents and legal guardian as applicable.

5 SECTION 25. AMENDATORY 10 O.S. 2001, Section 7003-3.6, is amended to read as  
6 follows:

7 Section 7003-3.6 A. Failure of a person summoned as provided in this part to respond or appear  
8 without reasonable cause constitutes the person's consent to a ~~deprived child~~ an adjudication of the  
9 child to be deprived.

10 B. If any person summoned as provided in this part fails to respond or appear without reasonable  
11 cause, such person may be held in contempt of court.

12 C. In case the summons cannot be served, or the parties served fail to obey the same, or in any  
13 case when it shall be made to appear to the judge that the service will be ineffectual or that the health,  
14 safety, or welfare of the child requires that the child should be brought into the custody of the court, a  
15 warrant may be issued against the parent, legal guardian, ~~or~~ custodian of the child, or ~~against~~ the child.

16 SECTION 26. AMENDATORY 10 O.S. 2001, Section 7003-3.7, as last amended by  
17 Section 1, Chapter 268, O.S.L. 2007 (10 O.S. Supp. 2008, Section 7003-3.7), is amended to read as  
18 follows:

19 Section 7003-3.7 A. 1.

- 20 a. If ~~the parents, a parent or legal guardian or custodian~~ of the child requests an  
21 attorney and is found to be ~~without sufficient financial means~~ indigent, counsel  
22 ~~shall~~ may be appointed by the court at the emergency custody hearing and shall be  
23 appointed if a petition has been filed alleging that the child is a deprived child ~~or~~

1 if ~~termination of parental rights is a possible remedy~~; provided, that the court may  
2 appoint counsel without such request, if it deems representation by counsel  
3 necessary to protect the interest of the ~~parents~~ parent, legal guardian, or custodian.

4 b. The court shall not be required to appoint an attorney for any person other than  
5 ~~for the parents~~ a parent, or legal guardian ~~or custodian~~ of the child pursuant to the  
6 provisions of this paragraph.

7 2. a. ~~Whenever~~ The court may appoint an attorney or a guardian ad litem for the child  
8 when an emergency custody hearing is held; provided, that when a petition is filed  
9 pursuant to the provisions of this part alleging the child to be deprived, the court  
10 shall appoint a separate attorney for the child, who shall not be a district attorney,  
11 regardless of any attempted waiver by the parent, legal guardian or custodian of  
12 the child of the right of the child to be represented by counsel. ~~The parent, legal~~  
13 ~~guardian or custodian shall not select the child's attorney.~~ The child's attorney  
14 shall be independent of and not selected by the district attorney, the child's parent,  
15 legal guardian, or custodian. If financially capable, the parent, legal guardian or  
16 custodian shall reimburse the Court Fund for the services of a court-appointed  
17 attorney for the child.

18 b. The attorney appointed for the child shall make arrangements to meet with the  
19 child as soon as possible after receiving notification of the appointment. Except  
20 for good cause shown, the attorney shall meet with the child ~~not less than twenty-~~  
21 ~~four (24) hours~~ prior to any hearing in such proceeding. The attorney may speak  
22 with the child over the telephone if a personal visit is not possible due to exigent  
23 circumstances. If a meaningful attorney-client relationship between the child and  
24

1 the attorney is prohibited due to age or disability of the child, the attorney shall  
2 contact the custodian or caretaker of the child prior to the hearing.

3 c. ~~The attorney shall be given access to all reports, records and other information~~  
4 ~~relevant to the case and to any reports of examination of the child's parents, legal~~  
5 ~~guardian or custodian made pursuant to this section.~~ The attorney shall represent  
6 the child and any expressed interests of the child. The attorney shall make such  
7 further inquiry as the attorney deems necessary to ascertain the facts, to interview  
8 witnesses, examine and cross-examine witnesses, make recommendations to the  
9 court and participate further in the proceedings to the degree appropriate for  
10 adequately representing the interests of the child.

11 3. The attorney shall be allowed a reasonable fee for such services as determined by the court,~~as~~  
12 ~~authorized by law.~~

13 4. When an attorney is required to travel to more than one district court location in order to  
14 represent a child or children whom the attorney has been court-appointed to represent, the court may in  
15 its discretion allow the attorney a reasonable reimbursement for mileage.

16 5. The court shall ensure that the child is represented by independent counsel throughout the  
17 pendency of the deprived action.

18 B. 1. ~~Whenever a petition is filed alleging that a child is a deprived child, the court may appoint~~  
19 ~~a guardian ad litem for the child at any time subsequent to the filing of the petition or for any other~~  
20 ~~action related to the child.~~

21 2. ~~The~~ After a petition is filed, the court shall appoint a guardian ad litem upon the request of the  
22 child; or the attorney of the child, and may appoint a guardian ad litem sua sponte or upon the request  
23

1 of the Department of Human Services, a licensed child-placing agency, or ~~any other~~ another party to  
2 the action.

3 ~~3.~~ 2. A guardian ad litem shall not be a district attorney, an employee of the office of the district  
4 attorney, the child's attorney, an employee of the court, an employee of a juvenile bureau, or an  
5 employee of any public agency having duties or responsibilities towards the child.

6 ~~4.~~ 3. The guardian ad litem shall be appointed to objectively advocate on behalf of the child and  
7 act as an officer of the court to investigate all matters concerning the best interests of the child. In  
8 addition to other duties required by the court and as specified by the court, a guardian ad litem shall  
9 have the following responsibilities:

- 10 a. review documents, reports, records and other information relevant to the case,  
11 meet with and observe the child in appropriate settings, and interview parents,  
12 foster parents, health care providers, child protective services workers and any  
13 other person with knowledge relevant to the case,
- 14 b. advocate for the ~~child's~~ best interests of the child by participating in the case,  
15 attending any hearings in the matter and advocating for appropriate services for  
16 the child when necessary,
- 17 c. ~~maintain the confidentiality of information related to a case as required by Article~~  
18 ~~7 of the Oklahoma Children's Code,~~
- 19 ~~d.~~ monitor the ~~child's~~ best interests of the child throughout any judicial proceeding,  
20 and
- 21 ~~e.~~ d. present written reports on the ~~child's~~ best interests of the child that include conclusions  
22 and recommendations and the facts upon which they are based.

1        ~~5.~~ 4. The guardian ad litem shall be given access to the court files and agency files and access to  
2 all documents, reports, records and other information relevant to the case and to any records and  
3 reports of examination of the child's parent or other custodian, made pursuant to the laws relating to  
4 child abuse and neglect including reports generated by service providers.

5        ~~6.~~ 5. On or before December 31, ~~2007~~ 2009, the Administrative Director of the Courts shall  
6 develop a standard operating manual for guardians ad litem which shall include, but not be limited to,  
7 legal obligations and responsibilities, information concerning child abuse, child development, domestic  
8 abuse, sexual abuse, and parent and child behavioral health and management including best practices.  
9 After publication of the manual, all guardians ad litem shall certify to the court in which he or she is  
10 appointed as a guardian ad litem that the manual has been read and all provisions contained therein are  
11 understood. The guardian ad litem shall also certify that he or she agrees to follow the best practices  
12 described within the standard operating manual. The Administrative Director of the Courts shall  
13 provide public access to the standard operating manual and shall periodically review and revise the  
14 manual as deemed necessary.

15        C. 1. Whenever a court-appointed special advocate program is available to the court to serve as  
16 a guardian ad litem, priority ~~shall~~ may be given to appointment of the court-appointed special advocate  
17 to serve as guardian ad litem for the child regardless of whether a guardian ad litem has been requested  
18 pursuant to the provisions of this subsection.

19        ~~2. A court-appointed special advocate program shall be made available to each judicial district.~~

20        ~~3.~~ For purposes of the Oklahoma Children's Code, ~~the terms~~ a "court-appointed special  
21 advocate" and a "guardian ad litem" shall have the same function except as otherwise provided by law.  
22 In like manner, a court-appointed special advocate, except as specifically otherwise provided by law or  
23 by the court, shall have the same power, duties, and responsibilities as assigned to a guardian ad litem  
24

1 by law and shall have such other qualifications, duties, and responsibilities as may be prescribed by  
2 rule by the Supreme Court.

3 ~~4. 3.~~ A court-appointed special advocate shall serve without compensation.

4 ~~5. No court appointed special advocate shall be assigned a case before:~~

5 a. ~~completing a training program in compliance with nationally documented Court-~~  
6 ~~Appointed Special Advocate standards. Documentation of training shall be~~  
7 ~~submitted annually by local court appointed special advocate programs to the~~  
8 ~~Oklahoma Court Appointed Special Advocate Association, and~~

9 b. ~~being approved by the local court appointed special advocate program, which will~~  
10 ~~include appropriate criminal background checks as provided in paragraph 6 of this~~  
11 ~~subsection.~~

12 ~~6. a.~~ Each local court appointed special advocate program shall require a criminal  
13 ~~history records search conducted by the Oklahoma State Bureau of Investigation,~~  
14 ~~and any other background check requirements as set forth in Oklahoma Court-~~  
15 ~~Appointed Special Advocate Association state standards for local programs, for~~  
16 ~~any person making application to become a court appointed special advocate~~  
17 ~~volunteer or to be employed by the local court appointed special advocate~~  
18 ~~program.~~

19 b. ~~If the prospective court appointed special advocate volunteer or employee of the~~  
20 ~~local court appointed special advocate program has lived in Oklahoma for less~~  
21 ~~than one (1) year, a criminal history records search shall also be obtained from the~~  
22 ~~criminal history state repository of the previous state of residence.~~

1 e. ~~The Oklahoma Court Appointed Special Advocate Association shall pay the fee~~  
2 ~~for the criminal history records search provided in this paragraph.~~

3 ~~D. 1. Any person participating in a judicial proceeding as a court-appointed special advocate~~  
4 ~~shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any~~  
5 ~~civil liability that otherwise might be incurred or imposed.~~

6 ~~2. Any person serving in a management position of a court appointed special advocate~~  
7 ~~organization, including a member of the Board of Directors acting in good faith, shall be immune from~~  
8 ~~any civil liability or any vicarious liability for the negligence of any court-appointed special advocate~~  
9 ~~organization advocates, managers, or directors.~~

10 ~~E. The provisions of this section shall not apply to adoption proceedings and actions to~~  
11 ~~terminate parental rights which do not involve a petition for deprived status of the child. Such~~  
12 ~~proceedings and actions shall be governed by the Oklahoma Adoption Code.~~

13 SECTION 27. AMENDATORY 10 O.S. 2001, Section 7003-4.1, as amended by Section 4,  
14 Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2008, Section 7003-4.1), is amended to read as follows:

15 Section 7003-4.1 A. All cases ~~of deprived children~~ initiated by the filing of a petition alleging  
16 that a child is deprived shall be heard separately from the trial of other cases against adults. The  
17 adjudicative hearings and hearings for termination of parental rights shall be conducted according to  
18 the rules of evidence.

19 1. a. Except as otherwise provided by this paragraph, all deprived proceedings shall be  
20 private unless specifically ordered by the judge to be conducted in public, but  
21 persons having a direct interest in the case shall be admitted, except as otherwise  
22 determined by the court.

1           b.     To the extent that deprived proceedings involve discussion of confidential  
2                   information from any child abuse or neglect report and record, or any information  
3                   obtained from the Department of Human Services concerning a child or family  
4                   who is receiving Title IV-B child welfare services, ~~Title IV-E~~ foster care or  
5                   adoption assistance pursuant to Title IV-E of the Social Security Act (42 U.S.C.  
6                   678 et seq.), the confidentiality requirements of those programs apply.  
7                   Accordingly, such information shall not be discussed in open court. To the extent  
8                   that confidential information is relevant to the proceedings, it must be discussed  
9                   in the court’s chambers or some other restricted setting, and the pertinent sections  
10                  of the transcript shall be kept confidential.

11           2. Stenographic notes or other transcript of the hearings shall be kept as in other cases, but they  
12 shall not be open to inspection except by order of the court or as otherwise provided by law.

13           3. Uniform orders shall be used by the court in all deprived proceedings. The forms shall be  
14 prescribed and published by the Administrative Office of the Courts. The Supreme Court Juvenile  
15 Justice Oversight and Advisory Committee, the District Attorneys Council, and the Department of  
16 ~~Human Services~~ shall assist in the development of the orders. In addition to the findings and  
17 determinations required to be made by the court pursuant to the Oklahoma Children’s Code, the forms  
18 shall include a section which will require the court to memorialize the recommendations of the parties  
19 and participants made at the hearing as it relates to custody or placement of the child or children.

20           4. If authorized by the court, any proceeding held pursuant to the Oklahoma Children’s Code  
21 may be conducted via teleconference communication; provided, that when a parent or child appears for  
22 a proceeding via teleconference, the attorney representing that parent or child shall personally appear at  
23 the hearing. For purposes of this paragraph, “teleconference communication” means participation in  
24

1 the hearing by interactive telecommunication by the absent party, those parties present in court, the  
2 attorneys and others deemed to be necessary participants to the proceeding including, but not limited  
3 to, foster parents and facility staff where a child may be receiving care or treatment.

4 B. A child ~~who is determined to be competent to testify~~ shall not refuse to be a witness in a  
5 hearing to determine whether or not the child is deprived, ~~unless the privilege against self-~~  
6 ~~incrimination is invoked.~~ The testimony of the child may be given as provided by this part or as  
7 otherwise authorized by law for the protection of child witnesses.

8 C. A decision determining a child to be deprived must be based on sworn testimony and the  
9 child must have the opportunity for cross-examination unless the facts are stipulated.

10 SECTION 28. AMENDATORY 10 O.S. 2001, Section 7003-4.2, is amended to read as  
11 follows:

12 Section 7003-4.2 A. This section shall apply only to a proceeding ~~affecting the parent-child,~~  
13 ~~guardian-child or family relationship~~ brought within the purview of the Oklahoma Children's Code in  
14 which a child twelve (12) years of age or younger is alleged to ~~have been abused~~ be deprived, and shall  
15 apply only to the statement of that child or ~~other~~ another child witness.

16 B. The recording of an oral statement of the child made before the proceedings begin is  
17 admissible into evidence if:

18 1. The court determines in a hearing conducted outside the presence of the jury that the time,  
19 content and totality of circumstances surrounding the taking of the statement provide sufficient indicia  
20 of reliability so as to render it inherently trustworthy. In determining trustworthiness, the court may  
21 consider, among other things, the following factors: the spontaneity and consistent repetition of the  
22 statement, the mental state of the declarant, whether the terminology used is unexpected of a child of  
23  
24

1 similar age or of an incapacitated person, and whether a lack of motive to fabricate exists; and the child

2 either:

3 a. testifies or is available to testify at the proceedings in open court or through an  
4 alternative method pursuant to the provisions of the Uniform Child Witness  
5 Testimony by Alternative Methods Act or Section 2611.2 of Title 12 of the  
6 Oklahoma Statutes, or

7 b. is unavailable as a witness as defined in Section 2804 of Title 12 of the Oklahoma  
8 Statutes. When the child is unavailable, such statement may be admitted only if  
9 there is corroborative evidence of the act;

10 2. No attorney for any party is present when the statement is made. However, if appropriate  
11 facilities are utilized that allow observation of the child without the child's knowledge or awareness in  
12 any way, any such attorney may be present as an observer, but not as a participant, and no such  
13 attorney shall have any right to intervene, object, or otherwise make his or her presence known to the  
14 child before, after, or during the making of the statement of the child;

15 3. The recording is both visual and aural and is recorded on film or videotape or by other  
16 electronic means;

17 4. The recording equipment is capable of making an accurate recording, the operator of the  
18 equipment is competent, and the recording is accurate and has not been altered;

19 5. The statement is not made in response to questioning calculated to lead the child to make a  
20 particular statement or is otherwise clearly shown to be the child's statement and not made solely as a  
21 result of a leading or suggestive question;

22 6. Every voice on the recording is identified;

1 7. The person conducting the interview of the child in the recording is present at the proceeding  
2 and is available to testify or be cross-examined by any party;

3 8. Each party to the proceeding is afforded an opportunity to view the recording before the  
4 recording is offered into evidence; and

5 9. A copy of a written transcript of the recording transcribed by a licensed or certified court  
6 reporter is ~~provided~~ available to the parties.

7 A statement may not be admitted under this subsection unless the proponent of the statement makes  
8 known to the parties an intention to offer the statement and the particulars of the statement at least ten  
9 (10) days in advance of the proceedings to provide the parties with an opportunity to prepare to answer  
10 the statement.

11 SECTION 29. AMENDATORY 10 O.S. 2001, Section 7003-4.3, is amended to read as  
12 follows:

13 Section 7003-4.3 A. This section shall apply only to a proceeding ~~affecting the parent-child,~~  
14 ~~guardian-child or family relationship~~ brought under the Oklahoma Children's Code in which a child  
15 twelve (12) years of age or younger at the time of the testimony is alleged to ~~have been abused be~~  
16 deprived, and shall apply only to the testimony of that child or other child witness.

17 B. ~~The~~ 1. When appropriate facilities are reasonably available, the court may shall, on the  
18 motion of a party to the proceeding, order that the testimony of the child be taken in a room other than  
19 the courtroom and be televised by closed-circuit equipment in the courtroom ~~to be viewed~~ for review  
20 by:

- 21 a. the court,  
22 b. the finder of fact, and  
23 c. the parties to the proceeding.  
24

1           2. Only an attorney for each party, an attorney ad litem for the child or other person whose  
2 presence would contribute to the welfare and well-being of the child, and persons necessary to operate  
3 the equipment may be present in the room with the child during the testimony of the child.

4           3. Only the attorneys for the parties may question the child. The persons operating the  
5 equipment shall be confined to an adjacent room or behind a screen or mirror that permits them to see  
6 and hear the child during the testimony of the child, but does not permit the child to see or hear them.

7           C. 1. The court ~~may~~ shall, on the motion of a party to the proceeding, order that the testimony  
8 of the child be taken outside the courtroom and be recorded for showing in the courtroom before:

- 9                   a.     the court,  
10                   b.     the finder of fact, and  
11                   c.     the parties to the proceeding.

12           2. Only those persons permitted to be present at the taking of testimony under subsection B of  
13 this section may be present during the taking of the child's testimony.

14           3. Only the attorneys for the parties may question the child, and the persons operating the  
15 equipment shall be confined from the child's sight and hearing. The court shall ensure that:

16           ~~1. The~~

- 17                   a.     the recording is both visual and aural and is recorded on film or videotape or by  
18 other electronic means;

19           ~~2. The,~~

- 20                   b.     the recording equipment is capable of making an accurate recording, the operator  
21 of the equipment is competent, and the recording is accurate and has not been  
22 altered;

23           ~~3. Every,~~

1 c. every voice on the recording is identified; and

2 ~~4. Each~~

3 d. each party to the proceeding is afforded an opportunity to view the recording  
4 before it is shown in the courtroom, and a copy of a written transcript transcribed  
5 by a licensed or certified court reporter is provided to the parties.

6 D. If the testimony of a child is taken as provided by ~~subsections~~ subsection B or C of this  
7 section, the child shall not be compelled to testify in court during the proceeding.

8 E. If the testimony of a child is taken as provided in subsection B or C of this section, the  
9 attorney for any parent shall, on request, be permitted a recess of sufficient length to allow the attorney  
10 to consult with his or her client prior to conclusion of the testimony.

11 SECTION 30. AMENDATORY 10 O.S. 2001, Section 7003-4.4, is amended to read as  
12 follows:

13 Section 7003-4.4 If the court finds that the factual allegations of the petition are not supported  
14 by a preponderance of the evidence, the court shall order the petition dismissed and shall order the  
15 child discharged from any custody. The child's parents, guardian or other legal custodian shall also be  
16 discharged from any restriction or other previous temporary order.

17 SECTION 31. AMENDATORY 10 O.S. 2001, Section 7003-4.5, is amended to read as  
18 follows:

19 Section 7003-4.5 A. If the court finds that ~~the~~:

20 1. The factual allegations ~~of~~ in a petition filed by the state alleging that a child ~~to be~~ is deprived  
21 are supported by a preponderance of the evidence;

22 2. Such allegations are sufficient to support a finding that the child is deprived; and ~~finds that it~~

1        3. It is in the best interests of the child and the public that the child be declared to be a deprived  
2 child and made a ward of the court,  
3 then the court shall sustain the petition, and shall make an order of adjudication finding the child to be  
4 deprived and shall adjudge the child as a ward of the court.

5        B. The order of adjudication shall include a statement that advises the parent that failure to  
6 appear at any subsequent hearing or comply with any requirements of the court may ultimately result  
7 in the loss of custody of the child or the termination of parental rights to the child.

8        C. When a child has been adjudicated deprived, the court shall enter a dispositional order  
9 pursuant to the provisions of Section ~~7003.5-5~~ 1-4-707 of this title.

10        D. When a child has been adjudicated deprived, the parent or other legal custodian shall register  
11 with the court clerk within two (2) days of the adjudication and provide a valid, current address or  
12 other place where the parent or other legal custodian may be served with a summons. In the event that  
13 the address or place where the parent or legal custodian may be served a summons changes during the  
14 course of the litigation, the parent or other legal custodian shall have the obligation of filing a change  
15 of address form with the clerk. In the event that an amended petition or motion is filed, the address  
16 listed on the form of the court clerk shall constitute the last-known address of the parent or other legal  
17 custodian unless the state has actual knowledge of the parent or other legal custodian's location.

18        SECTION 32. AMENDATORY 10 O.S. 2001, Section 7003-4.6, is amended to read as  
19 follows:

20        Section 7003-4.6 A. ~~The court, on its own motion or upon motion of a party, may determine~~  
21 ~~that reasonable efforts to provide for the return of a child to the child's home or to preserve the family~~  
22 ~~of the child shall not be required prior to or following the adjudicatory hearing if the court determines~~  
23 ~~based upon competent~~ At any time prior to or following the adjudicatory hearing the court, on its own  
24

1 motion or upon the motion of a party, may find that reasonable efforts to prevent the removal of a child  
2 from home or to reunify the child and family are not required if the court determines, based upon a  
3 preponderance of the evidence, that:

4 1. The parent, or legal guardian or custodian has inflicted chronic abuse, chronic neglect or  
5 torture on the child, a sibling of the child or another child within the household where the child resides  
6 of the child, who is an infant age twelve (12) months or younger, has abandoned the child;

7 2. The ~~child or a sibling~~ parent or legal guardian of the child has:

8 a. ~~has been previously adjudicated deprived pursuant to the Oklahoma Children's~~  
9 ~~Code or laws from other states or territories as a result of sexual abuse or severe~~  
10 ~~physical abuse~~ committed murder or manslaughter of any child,

11 b. ~~following adjudication, has been removed from the custody of the parent, legal~~  
12 ~~guardian or custodian~~ aided or abetted, attempted, conspired, or solicited to  
13 commit the murder or manslaughter of any child,

14 c. ~~has been returned to the custody of the parent, legal guardian or custodian from~~  
15 ~~whom the child had originally been taken~~ committed a felony assault upon any  
16 child that resulted in the child receiving serious bodily injury, and or

17 d. ~~has been removed from the custody of the parents, legal guardian or custodian of~~  
18 ~~the child, pursuant to the provisions of the Oklahoma Children's Code, due to~~  
19 ~~sexual abuse or severe physical abuse~~ subjected any child to aggravated  
20 circumstances including, but not limited to, heinous and shocking abuse or  
21 heinous and shocking neglect; or

22 3. ~~The child is an abandoned infant;~~  
23  
24

1       4. ~~The parent, legal guardian or custodian of the child has been convicted of the murder of any~~  
2 ~~child or aided or abetted, attempted, conspired or solicited the commission of murder of any child;~~

3       5. ~~The parent, legal guardian or custodian of the child has been convicted of voluntary~~  
4 ~~manslaughter of another child of the parent, legal guardian or custodian or aided or abetted, attempted,~~  
5 ~~conspired in or solicited the commission of voluntary manslaughter of another child of the parent, legal~~  
6 ~~guardian or custodian or another child within the household where the child resided;~~

7       6. ~~The child has been adjudicated a deprived child, pursuant to the provisions of the Oklahoma~~  
8 ~~Children's Code, as a result of a single incident of sexual abuse, severe neglect or a felonious assault~~  
9 ~~resulting in serious bodily injury to the child, a sibling of the child, or a child within the household~~  
10 ~~where the child resides, by the parent, legal guardian or custodian of the child;~~

11       7. ~~The child was conceived as a result of rape or an act committed outside of this state which if~~  
12 ~~committed in this state would constitute rape. This paragraph shall only apply to the parent who~~  
13 ~~committed the rape or act and whose child has been placed out of the home;~~

14       8. ~~The parents have deserted a child without good cause or excuse and such desertion continues~~  
15 ~~for a period of at least six (6) months immediately prior to the filing of the petition adjudicating the~~  
16 ~~child deprived or petition to terminate parental rights;~~

17       9. ~~The parent of the child willfully abandoned the child without regard to length of~~  
18 ~~abandonment, and the court finds that the abandonment itself constituted a serious danger to the health~~  
19 ~~and safety of the child;~~

20       10. ~~A child has resided out of the child's home under court order for a cumulative period of~~  
21 ~~more than one (1) year within a three year period following a deprived child adjudication;~~

22       11.     a.     ~~The court ordered a permanent plan of adoption, guardianship, or other permanent~~  
23                 ~~out of home placement for any siblings of the child because the parent failed to~~  
24

1 correct the conditions which led to initial court intervention with the sibling after  
2 the sibling had been removed from that parent, or

3 b. The parental rights of a parent over any sibling of the child had been permanently  
4 severed and, according to the findings of the court, the parent had not  
5 subsequently made a reasonable effort to correct the problems that led to removal  
6 of the sibling of that child from that parent;

7 ~~12. The parent, legal guardian or custodian who is or has been subject to the registration~~  
8 ~~requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state or~~  
9 ~~who has been convicted of a sexual felony offense pursuant to Section 1024.2, 1031, 1040.52, 1040.53,~~  
10 ~~1081, 1085, 1086, 1117, 1118, 1119, 1192 or 1192.1 of Title 21 of the Oklahoma Statutes; or~~

11 ~~13. The parent, legal guardian or custodian of the child has a history of extensive, abusive and~~  
12 ~~chronic use of drugs or alcohol and has resisted treatment for this problem during a three year period~~  
13 ~~immediately prior to the filing of the deprived petition which brought that child to the court's attention~~  
14 The parental rights of a parent to the child's sibling have been terminated involuntarily.

15 B. ~~Upon~~ The court shall conduct a permanency hearing within thirty (30) days of a  
16 determination by the court that any of the conditions specified in subsection A of this section exist,  
17 the court shall conduct a permanency hearing within thirty (30) days of the determination by the court  
18 pursuant to the provisions of Section 7003-5.6d of this title. Reasonable efforts shall be made to place  
19 the child in a timely manner in accordance with the permanency plan.

20 C. ~~Except when a petition for the termination of parental rights is required to be filed pursuant to~~  
21 ~~the provisions of Section 7003-4.7 of this title, the district attorney, the child's attorney, or both may~~  
22 ~~file a petition for termination of parental rights.~~

1 SECTION 33. AMENDATORY 10 O.S. 2001, Section 7003-4.7, as amended by Section 1,  
2 Chapter 237, O.S.L. 2002 (10 O.S. Supp. 2008, Section 7003-4.7), is amended to read as follows:

3 Section 7003-4.7 A. The district attorney shall file a petition or motion for termination of the  
4 parent-child relationship and parental rights with respect to a child or shall join in the petition or  
5 motion, if filed by the child's attorney, in any of the following circumstances:

6 1. Prior to the end of the fifteenth month when a child has been placed in foster care by the  
7 Department of Human Services for fifteen (15) of the most recent twenty-two (22) months. For  
8 purposes of this paragraph, a child shall be considered to have entered foster care on the earlier of:

- 9 a. the date of adjudication as a deprived child, or  
10 b. the date that is sixty (60) days after the date on which the child is removed from  
11 the home;

12 ~~2. Prior to the end of the fifteenth month when a child has been placed in foster care by the~~  
13 ~~Department of Juvenile Justice or in a child care institution, as defined in Section 472(c)(2) of the~~  
14 ~~Social Security Act, by the Department of Juvenile Justice for fifteen (15) of the most recent twenty-~~  
15 ~~two (22) months. For purposes of this paragraph, a child shall be considered to have entered foster~~  
16 ~~care on the earlier of:~~

- 17 ~~a. the date of disposition as a delinquent, or~~  
18 ~~b. the date that is sixty (60) days after the date on which the child is removed from~~  
19 ~~the home;~~

20 ~~3. No later than sixty (60) days after a child has been judicially determined to be an abandoned~~  
21 ~~infant;~~

22 ~~4. 3. No later than sixty (60) days after a court has determined that reasonable efforts to reunite~~  
23 ~~are not required due to a felony conviction of a parent who has:~~  
24

- a. committed the murder of any child or has aided or abetted, attempted, conspired in, or solicited the commission of the murder of any child,
- b. committed voluntary manslaughter of another child of the parent, or has aided or abetted, attempted, conspired in, or solicited the commission of voluntary manslaughter of ~~another~~ any child ~~of the parent~~, or
- c. committed a felony assault that has resulted in serious bodily injury to the child or to ~~another~~ any child ~~of the parent~~.

B. If any of the following conditions exist, the district attorney is not required to file a petition as provided in subsection A of this section for a deprived child:

1. At the option of the Department of ~~Human Services~~ or by order of the court, the child is properly being cared for by a relative;

2. The Department of ~~Human Services~~ has documented ~~in the child's case plan that is provided or available to the court~~ a compelling reason for determining that filing ~~the~~ a petition to terminate parental rights would not ~~be in~~ serve the best interests of the child that may include consideration of any of the following circumstances:

- a. the parents or legal guardians have maintained a relationship with the child and the child would benefit from continuing this relationship.
- b. the child, who is twelve (12) years or older, objects to the termination of the parent-child legal relationship.
- c. the foster parents of the child are unable to adopt the child because of exceptional circumstances which do not include an unwillingness to accept legal responsibility for the child but are willing and capable of providing the child with a stable and permanent environment, and the removal of the child from the

1 physical custody of the foster parents would be seriously detrimental to the  
2 emotional well-being of the child because the child has substantial psychological  
3 ties to the foster parents,

4 d. the child is not capable of achieving stability if placed in a family setting, or

5 e. the child is an unaccompanied, refugee minor and the situation regarding the child  
6 involves international legal issues or compelling foreign policy issues; or

7 3. The state has not provided to the family of the child, consistent with the time period in the  
8 state case plan, ~~such~~ services as that the state deems necessary for the safe return of the child to the  
9 child's home, if reasonable efforts are required to be made with respect to the child.

10 ~~C. If any of the following conditions exist, the district attorney is not required to file a petition~~  
11 ~~as provided in subsection A of this section for a delinquent child:~~

12 ~~1. At the option of the Department of Juvenile Justice or by order of the court, the child is~~  
13 ~~properly being cared for by a relative; or~~

14 ~~2. The Department of Juvenile Justice has documented in the child's case plan that is provided or~~  
15 ~~available to the court a compelling reason for determining that filing the petition would not be in the~~  
16 ~~best interests of the child.~~

17 SECTION 34. AMENDATORY 10 O.S. 2001, Section 7003-5.2, is amended to read as  
18 follows:

19 Section 7003-5.2 A. After a petition ~~under the provisions of this part~~ has been filed, the court  
20 may order the child to be examined and evaluated by a physician or other appropriate professional to  
21 aid the court in making the proper disposition concerning the child. The court may order a ~~mental~~  
22 behavioral health evaluation of a child as provided by the Inpatient Mental Health and Substance  
23 Abuse Treatment of Children Minors Act.  
24

1 B. ~~Whenever a child concerning whom a petition has been filed appears to be in need of nursing,~~  
2 ~~medical or surgical care, the court may order the parent or other person responsible for the care and~~  
3 ~~support of the child to provide such care in a hospital or otherwise. If the parent or other person fails~~  
4 ~~to provide such care, the court may, after due notice, enter an order therefor, and the expense thereof,~~  
5 ~~when approved by the court, shall be a charge upon the county, but the court may adjudge that the~~  
6 ~~person having the duty under the law to support the child pay part or all of the expenses of such care.~~  
7 ~~In an emergency the court may, when health or condition of the child may require it, cause the child to~~  
8 ~~be placed in a public hospital or institution for treatment or special care, or in a private hospital or~~  
9 ~~institution which will receive the child for like purpose, and consent to emergency treatment or~~  
10 ~~surgery.~~

11 C. After adjudication and at the request of a judge in any juvenile proceeding, the Department of  
12 Human Services shall investigate the home conditions and environment of the child and the financial  
13 ability, occupation and earning capacity of the parent, legal guardian or custodian of the child. Upon  
14 request by the court of another state, the Department may conduct a similar investigation.

15 SECTION 35. AMENDATORY 10 O.S. 2001, Section 7003-5.3, as last amended by  
16 Section 2, Chapter 258, O.S.L. 2006 (10 O.S. Supp. 2008, Section 7003-5.3), is amended to read as  
17 follows:

18 Section 7003-5.3 A. ~~An individual treatment and~~ The Department of Human Services or  
19 licensed child-placing agency shall prepare and maintain a written individualized service plan shall be  
20 filed with the court within thirty (30) days after a for any child that has been adjudicated to be a  
21 deprived child.

22 B. The plan shall be ~~filed~~ furnished to the court within thirty (30) days after the adjudication of  
23 the child and shall be made available to counsel for the parties and any applicable tribe by the  
24

1 Department of Human Services or the licensed child-placing agency responsible having custody of the  
2 child or responsibility for the supervision of the case, ~~or by the Department or the agency or licensed~~  
3 ~~child-placing agency having custody of the child if the child has been removed from the custody of its~~  
4 ~~lawful parent or parents.~~

5 C. 1. The ~~treatment and~~ individualized service plan shall be based upon a comprehensive  
6 assessment and evaluation of the child and family and shall be developed with the participation of the  
7 parent, legal guardian, or legal custodian of the child, the attorney for the child, the guardian ad litem  
8 for the child, if any, the child's tribe, and the child, if appropriate. The health and safety of the child  
9 shall be the paramount concern in the development of the plan. ~~The plan shall be:~~

10 1. ~~Developed with the participation or input of the parent, legal guardian, or custodian of the~~  
11 ~~child, the attorney of the child and the guardian ad litem of the child, if any, and, if appropriate, the~~  
12 ~~child;~~

13 2. ~~Individualized~~ If any part of the plan is disputed or not approved by the court, an evidentiary  
14 hearing may be held and at its conclusion, the court shall determine the content of the individualized  
15 service plan in accord with the evidence presented and the best interests of the child.

16 3. When approved by the court, each individualized service plan shall be incorporated and made  
17 a part of the dispositional order of the court.

18 4. The plan shall be signed by:

19 a. the parent or parents or legal guardian of the child,

20 b. the attorney for the parent or parents or legal guardian of the child,

21 c. the child's attorney,

22 d. the guardian ad litem of the child, which may be a court-appointed special  
23 advocate,

- e. a representative of the child's tribe,
- f. the child, if possible, and
- g. the Department or other responsible agency.

D. 1. Every service plan prepared shall be individualized and specific to each child and the family of the child. ~~The plan shall contain specific time frames;~~

~~3. Written~~ 2. The individualized service plan shall be written in simple and clear English. If English is not the principal language of the child's parent, legal guardian, or custodian of the child, and such person is unable to read or comprehend the English language, to the extent possible the plan shall be written in such person's the principal language; of the person.

~~4. Subject to modification~~ 3. The individualized service plan may be modified based on changing circumstances consistent with the correction of the conditions that led to the adjudication of the child; and or other conditions inconsistent with the health, safety, or welfare of the child.

~~5. Reasonable, accurate, and in compliance~~ 4. The individualized service plan shall be measurable, realistic and consistent with the requirements of other court orders.

D. E. ~~The individual treatment and~~ individualized service plan shall include, but not be limited to:

1. A history of the child and family, including identification of the problems or conditions leading to the deprived child adjudication. ~~The statement of the conditions leading to the adjudication shall include a statement of the methods to be used to correct those conditions or to achieve permanent placement of the child and the changes the parent or parents must make in order for the child to safely remain in or return to the home;~~

2. Identification of ~~the specific services to be provided to the child including, but not limited to,~~ educational, vocational educational, medical, drug or alcohol abuse treatment, or counseling or other

1 ~~treatment services, and identification of the~~ time-limited reunification services to be provided to the  
2 parent, legal guardian, or legal custodian, stepparent, other adult person living in the home, or other  
3 family members, ~~to remediate or alleviate the conditions that led to the adjudication, including services~~  
4 ~~needed to assist the family to provide safe and proper care of the child or to prevent further harm to the~~  
5 ~~child;~~

6 3. Identification of the specific services to be provided to the child including, but not limited to,  
7 educational, vocational educational, medical, drug or alcohol abuse treatment, or counseling or other  
8 treatment services. The most recent available health and educational records of the child shall be  
9 provided to the court upon the court's request including:

- 10 a. the names and addresses of the child's health and educational providers,
- 11 b. the child's grade-level performance,
- 12 c. the child's school record,
- 13 d. a record of the child's immunizations,
- 14 e. the child's known medical problems, including any known communicable  
15 diseases,
- 16 f. the child's medications, and
- 17 g. any other relevant health and education information;

18 4. A schedule of the frequency of services ~~or treatment~~ and the means by which delivery of the  
19 services ~~or treatment~~ will be assured or, as necessary, the proposed means by which support services or  
20 other assistance will be provided to enable the parent or the child to obtain the services ~~or treatment~~;

21 4. 5. The name of the social worker assigned to the case;

22 5. 6. A projected date for the completion of the individualized service plan;

1 7. Performance criteria that will measure the progress of the child and family toward completion  
2 of the individualized service plan including, but not limited to, time frames for achieving objectives  
3 and addressing the identified problems;

4 8. The name and business address of the attorney representing the child;

5 9. If the child is placed outside the home, the individualized service plan shall further provide:

- 6 a. the sequence and time frame for services to be provided during and after any such  
7 to the parent, the child, and if the child is placed in foster care, the foster parent,  
8 to facilitate the child's return home or to another permanent placement,
- 9 b. ~~the reasons for such placement and a statement as to the unavailability or~~  
10 ~~inappropriateness of local placement, or other good cause, for any a description of~~  
11 ~~the child's placement which is not in as close proximity as possible to the home~~  
12 ~~and explanation about whether the placement is the least restrictive, most family-~~  
13 ~~like setting available and in as close proximity as possible to the home of the~~  
14 ~~parent or parents or legal guardian of the child when the case plan is reunification,~~  
15 ~~and how the placement is consistent with the best interests and special needs of~~  
16 ~~the child,~~
- 17 c. ~~the a description of any services to be provided to or resources that were~~  
18 ~~requested by the child to ensure safe and proper care while in such or the parent or~~  
19 ~~legal guardian of the child since the date of the child's placement, and the~~  
20 ~~projected date of discharge whether those services or resources were provided and~~  
21 ~~if not, the basis for the denial of the services or resources,~~
- 22 d. ~~the services necessary to assist the child to reintegrate with the child's family or~~  
23 ~~other community based placement and a description of acts by and conduct that is~~  
24

1 expected of the parent or parents, legal guardian, custodian, or stepparent or other  
2 adult person living in the home that would alleviate the conditions that resulted in  
3 the removal of the child before efforts to be made by the parent of the child and  
4 the Department to enable the child can be returned to a safe return to his or her  
5 home,

6 e. ~~if the child is sixteen (16) years of age or older, the services necessary to make the~~  
7 ~~transition from foster care or other community placement to~~ a description of the  
8 independent living plan for a child age sixteen (16) or older that includes how the  
9 following objectives will be met:

10 (1) education, vocational, or employment planning,

11 (2) health care planning and medical coverage,

12 (3) transportation including, where appropriate, assisting the child in  
13 obtaining a driver license,

14 (4) money management,

15 (5) planning for housing,

16 (6) social and recreational skills, and

17 (7) establishing and maintaining connections with the child's family and  
18 community,

19 f. ~~a description of the type of safe and proper for a child in placement in which the~~  
20 ~~child is to be placed~~ due solely or in part to the child's behavioral health or  
21 medical health issues, diagnostic and assessment information, specific services  
22 relating to meeting the applicable behavioral health and medical care needs of the  
23 child, and desired treatment outcomes,  
24

- 1 g. a description of the initial support obligation to the child, as a plan and schedule  
2 for regular and frequent visitation for the child and the child's parent or parents or  
3 legal guardian and siblings, unless the court has determined by the court,
- 4 h. a description of any visitation rights and obligations of the parent or parents, legal  
5 guardian, or custodian during the period the child is in care, and
- 6 i. a discussion of the safety and appropriateness of the child's placement, which  
7 placement is intended to be in the least restrictive and most family like setting  
8 available, consistent with the best interests and special needs of the child and in as  
9 close proximity as possible to the child's home that visitation, even if supervised,  
10 would be harmful to the child, and
- 11 h. a plan for ensuring the educational stability of the child while in out-of-home  
12 placement including:
- 13 (1) assurances that the placement of the child considers the appropriateness of  
14 the current educational setting and the proximity to the school in which the  
15 child was enrolled at the time of placement, and
- 16 (2) where appropriate, an assurance that the Department has coordinated with  
17 appropriate local educational agencies to ensure that the child remains in  
18 the school in which the child was enrolled at the time of placement, or
- 19 (3) if remaining in the school in which the child was enrolled at the time of  
20 placement is not in the best interests of the child, assurances by the  
21 Department and local educational agencies to provide immediate and  
22 appropriate enrollment in a new school, with all of the educational records  
23 of the child provided to the school;  
24

1 ~~6. Performance criteria that will measure the progress of the child and family toward completion~~  
2 ~~of the treatment and service plan including, but not limited to, time frames for achieving objectives and~~  
3 ~~addressing the identified problems;~~

4 ~~7. A projected date for the completion of the treatment and service plan;~~

5 ~~8. The name and business address of the attorney representing the child;~~

6 ~~9. 10. The permanency goal plan for the child and, the reason for selection of that goal; and~~

7 ~~10. a. In the case of a child with respect to whom the permanency plan is adoption or placement~~  
8 ~~in other permanent placement, documentation of the steps the Department is~~  
9 ~~taking to:~~

10 ~~(1) find an adoptive family or other permanent living arrangement for the~~  
11 ~~child,~~

12 ~~(2) place the child with an adoptive family, a fit and willing kinship relation, a~~  
13 ~~legal guardian, kinship guardian, or in another planned permanent living~~  
14 ~~arrangement, and~~

15 ~~(3) finalize the adoption or guardianship, kinship guardianship or other~~  
16 ~~permanent placement.~~

17 b. ~~Such documentation shall include, at a minimum, child-specific recruitment~~  
18 ~~efforts such as the use of state, regional and national adoption exchanges,~~  
19 ~~including electronic exchange systems plan and a description of the steps being~~  
20 ~~taken by the Department to finalize the plan. If the permanency plan is adoption~~  
21 ~~or legal guardianship, the Department shall describe, at a minimum, child-specific~~  
22 ~~recruitment efforts such as relative searches conducted and the use of state,~~

1 regional, and national adoption exchanges to facilitate the orderly and timely  
2 placement of the child, whether in or outside of the state.

3 ~~E. F.~~ Each ~~treatment~~ individualized service plan shall specifically provide for the safety of the  
4 child, in accordance with state and federal law, and clearly define what actions or precautions will, or  
5 may, be necessary to provide for the safety and protection of the child.

6 ~~F. G.~~ The ~~individual treatment and~~ individualized service plan shall include the following  
7 statement:

8 TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE IS TO  
9 HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE REASONABLE  
10 PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR UNABLE TO PROVIDE  
11 YOUR CHILD WITH A SAFE HOME OR ATTEND COURT HEARINGS, YOUR PARENTAL  
12 AND CUSTODIAL DUTIES AND RIGHTS MAY BE RESTRICTED OR TERMINATED OR  
13 YOUR CHILD MAY NOT BE RETURNED TO YOU.

14 ~~G. H.~~ Whenever a child who is subject to the provisions of this section is committed for  
15 inpatient ~~mental~~ behavioral health or substance abuse treatment pursuant to the Inpatient Mental  
16 Health and Substance Abuse Treatment of Minors Act, the ~~individual treatment and~~ individualized  
17 service plan shall be amended as necessary and appropriate, including, but not limited to, identification  
18 of the treatment and services to be provided to the child and the child's family upon discharge of the  
19 child from inpatient ~~mental~~ behavioral health or substance abuse treatment.

20 ~~H.~~ ~~In addition to the information required pursuant to subsection A of this section, when a child,~~  
21 ~~who at birth tested positive for alcohol or a controlled dangerous substance and who was determined to~~  
22 ~~be at risk for future exposure to such substances, has been removed from the home, the Department of~~  
23 ~~Human Services, subject to court approval:~~

1 ~~1. May require, as part of the treatment and service plan, that the mother of such child complete~~  
2 ~~a treatment program approved by the Alcohol and Drug Abuse Prevention, Training, Treatment and~~  
3 ~~Rehabilitation Authority prior to the return of the child to a safe home;~~

4 ~~2. May require, as part of the treatment and service plan, that the father of the child, legal~~  
5 ~~guardian, custodian, stepparent or other adult person living in the home who is an alcohol dependent or~~  
6 ~~a drug dependent person, as such terms are defined by Section 3-403 of Title 43A of the Oklahoma~~  
7 ~~Statutes, and whose conduct has contributed to the dependency of such child or mother on alcohol or~~  
8 ~~drugs, or to the conditions which caused the child to be adjudicated deprived, complete a treatment~~  
9 ~~program approved by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation~~  
10 ~~Authority prior to the return of the child to the safe home; and~~

11 ~~3. May require testing for substance abuse of the mother, father, legal guardian, custodian,~~  
12 ~~stepparent or other adult person living in the home, on a monthly basis for a twelve month period~~  
13 ~~following completion of the substance abuse program and after return of the child to a safe home. A~~  
14 ~~positive test of any such person shall be presented to the Department of Human Services and the~~  
15 ~~district attorney.~~

16 ~~I. Testing ordered by the court pursuant to subsection H of this section shall be admissible only~~  
17 ~~for the purposes of deprived child and custody proceedings.~~

18 ~~J. The services delineated in the individual treatment and service plan shall be designed to~~  
19 ~~improve the conditions in the family home and aid in maintaining the child in a safe home, to facilitate~~  
20 ~~the return of the child to the family home, or to facilitate the permanent placement of the child. The~~  
21 ~~plan shall focus on clearly defined objectives and shall provide the most efficient path to quick~~  
22 ~~reunification or permanent placement. To the extent possible, the plan shall contain outcome-based~~  
23 ~~evaluation criteria that measure success in the reunification or permanent placement process.~~  
24

1 ~~K. In the event that the parent or parents are unwilling to participate in the development or~~  
2 ~~implementation of the individual treatment and service plan, the Department shall document such~~  
3 ~~unwillingness in writing to the parent or parents and shall file the document with the court.~~

4 ~~L. The parents, any foster parents of the child, the child's attorney and the guardian ad litem of~~  
5 ~~the child, if any, shall be each provided a copy of the treatment and service plan approved by the court.~~

6 SECTION 36. AMENDATORY 10 O.S. 2001, Section 7003-5.4, is amended to read as  
7 follows:

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

- 10 1. Demographic information;
- 11 2. Strengths, needs and general behavior of the child;
- 12 3. Circumstances which necessitated placement;
- 13 4. Type of custody and previous placement;
- 14 5. Pertinent family information including, but not limited to, the names of family members who  
15 are and who are not, by court order, allowed to visit the child and the child's relationship to the family  
16 which may affect placement;
- 17 6. Known and important life experiences and relationships which may significantly affect the  
18 child's feelings, behavior, attitudes or adjustment;
- 19 7. Whether the child has third-party insurance coverage which may be available to the child;
- 20 8. Education history to include present grade placement, last school attended, and special  
21 strengths and weaknesses. The Department of Human Services shall also assist the foster parents in  
22 getting the foster child's school records and gaining school admission; and
- 23 9. Known or available medical history including, but not limited to:
- 24

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

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

1. Any medical or psychological conditions;
2. Diseases, illnesses, accidents, allergies, and congenital defects;
3. The child's Medicaid card or information on any other third-party insurer, if any; and
4. Immunization history.

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

~~2. The Department shall provide for the examinations or tests on the child in accordance with rules promulgated by the Commission for Human Services and based on the Centers for Disease Control guidelines for time and frequency of testing, and shall, for a child, regardless of age, in the Department's emergency or temporary custody, obtain the parental consent or, if parental consent cannot be obtained due to refusal or inability to locate, the Department shall have the authority to give consent for such examinations or tests and the release of such results to the placement providers. Any~~

1 ~~parental consent received by the Department, pursuant to the provisions of this section, shall also apply~~  
2 ~~to any future examinations or tests and release of such results as deemed necessary by the Department~~  
3 ~~upon the request of the placement providers. The Department has the authority to consent to the~~  
4 ~~examinations or tests and the release of such test results for a child, regardless of age, in the~~  
5 ~~Department's permanent custody.~~

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

9 ~~D. The Department or child placing agency throughout the child's placement shall inform the~~  
10 ~~foster parent of any costs and expenses related to providing foster care services for the child for which~~  
11 ~~the foster parent may be eligible for reimbursement.~~

12 SECTION 37. AMENDATORY 10 O.S. 2001, Section 7003-5.4a, is amended to read as  
13 follows:

14 Section 7003-5.4a A. 1. ~~a.~~ The Department of Human Services shall notify the court ~~having~~  
15 ~~jurisdiction, the appropriate postadjudication review board, the appropriate district attorney, the child's~~  
16 ~~attorney, and court appointed special advocate~~ the guardian ad litem of the child, if any, whenever a  
17 child in the custody of the Department is moved from one location to another.

18 ~~b.~~ 2. The Department shall notify the foster family prior to movement of the child pursuant to  
19 the provisions of Section ~~7208~~ 1-4-805 of this title.

20 ~~e.~~ 3. The Department shall inform the ~~court~~ guardian ad litem, if any, and the child's attorney of  
21 the specific location of the child.

22 ~~2. If the movement was due to an emergency situation, the~~ B. The notification required by this  
23 ~~subsection~~ section shall be made by the Department within one (1) business day after such a reasonable  
24

1 time after the Department is made aware of the need for movement, but in no event less than two (2)  
2 judicial days prior to movement unless an emergency exists. As used in this ~~subsection~~ section,

3 “emergency ~~situation~~” means movement of a child that is:

4 a. ~~requested~~

5 1. Pursuant to an order of the court including, but not limited to, an order authorizing placement  
6 of a child with a parent or sibling;

7 2. Requested by the child-placing agency or foster parent of the child, ~~if the request is made at a~~  
8 ~~time when the business offices of the parties to be notified are closed,~~ and the request is for immediate  
9 removal of the child without delay or notice as provided by this section;

10 b. ~~for~~

11 3. For emergency medical or mental health treatment,

12 e. ~~for;~~

13 4. For substantial noncompliance by a foster parent or child-placing agency with applicable  
14 placement standards and agreements such that the ~~health, safety or welfare of the child is endangered,~~  
15 in imminent danger; or

16 d. ~~due~~

17 5. Due to a pending investigation of an allegation of abuse or neglect of a child by a foster  
18 parent or child-placing agency or other person residing in the foster family home.

19 ~~B. 1. C. The Department shall not move any deprived child from one placement to another if~~  
20 ~~the child has already been moved once since the last court hearing without first obtaining the approval~~  
21 ~~of the court following a hearing into the reasons and necessity for moving the child.~~

22 2. However, the Department may move any child due to an emergency court, on its own motion,  
23 may hold, or any party receiving notice pursuant to subsection A of this section, in which case a shall  
24

1 be granted, an informal hearing shall be conducted concerning the reasons and necessity for moving  
2 the child, if requested in writing, within ~~ten (10)~~ five (5) days following the ~~moving of the child receipt~~  
3 of notice.

4 ~~3. Court approval shall not be required for movement to or from a children's shelter due to an~~  
5 ~~emergency, including a placement failure, a placement disruption, or similar cause.~~

6 SECTION 38. AMENDATORY 10 O.S. 2001, Section 7003-5.5, as amended by Section 3,  
7 Chapter 258, O.S.L. 2006 (10 O.S. Supp. 2008, Section 7003-5.5), is amended to read as follows:

8 Section 7003-5.5 A. 1. When a child has been adjudicated deprived pursuant to the provisions  
9 of Section ~~7003-4.5~~ 1-4-603 of this title, ~~the court a dispositional hearing may enter a dispositional~~  
10 ~~order be held~~ on the same day as the adjudication hearing, but in any event ~~the court shall hold a~~  
11 ~~dispositional hearing and enter such order within~~ the hearing shall be held and an order entered no later  
12 than forty (40) calendar days of such adjudication unless the court finds on the record that the best  
13 interests of the child will be served by granting a thereafter. The dispositional hearing shall not be  
14 delayed absent a showing of good cause and a finding by the court that the best interests of the child  
15 will be served by granting the delay. The court shall set forth the reasons why a delay is necessary and  
16 shall schedule the hearing at the earliest possible time following the delay.

17 2. ~~If the court grants a delay, the court shall state why the delay is necessary and shall state the~~  
18 ~~minimum amount of time needed to resolve any such reasons for the delay. The court shall schedule~~  
19 ~~the dispositional hearing at the earliest possible time following the delay~~ During the hearing all  
20 evidence, including oral and written reports, relevant to the determination of the disposition best  
21 -serving the health, safety, and welfare of the child may be received by the court and may be relied  
22 upon to the extent of its probative value even though not otherwise competent in the hearing on the  
23 petition. The parties shall be afforded a reasonable opportunity to examine the written reports prepared  
24

1 for the court's consideration prior to the dispositional hearing and to controvert them. The hearing  
2 may be informal and hearsay may be relied upon.

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

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

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

9 B. 1. If the child is removed from the custody of the child's parent, the court or the Department  
10 of Human Services, as applicable, shall immediately consider concurrent permanency planning, and,  
11 when appropriate, develop a concurrent plan so that permanency may occur at the earliest opportunity.  
12 Consideration should be given so that if reunification fails or is delayed, the placement made is the best  
13 available placement to provide permanency for the child.

14 2. The court shall further:

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

16 b. determine if aggravated circumstances exist pursuant to Section 1-1-105 of this  
17 title and whether reunification services are appropriate for the child and the  
18 child's family.

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

23 4. Every effort shall be made to place the child with a suitable relative of the child.  
24

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

- 3 1. a. ~~The court may place the child under supervision by the Department of Human~~  
4 ~~Services in the child's own home, or in the custody of a suitable person elsewhere.~~  
5 ~~If a child has been removed from the custodial parent of the child and the court, in~~  
6 ~~the best interests of the child, is unable to release the child to the custodial parent,~~  
7 ~~the court shall give priority for placement of the child with the noncustodial~~  
8 ~~parent of the child unless such placement would not be in the child's best interests.~~  
9 ~~If the court cannot place the child with the noncustodial parent, custody shall be~~  
10 ~~consistent with the provisions of Section 21.1 of this title. If custody of the child~~  
11 ~~cannot be made pursuant to the provisions of Section 21.1 of this title, the reason~~  
12 ~~for such determination shall be documented in the court record. The court may~~  
13 ~~require the parent or other person to comply with such conditions as the court may~~  
14 ~~require and to give security by bond, with surety or sureties approved by the~~  
15 ~~court, for compliance with such order.~~
- 16 b. ~~If it is consistent with the welfare of the child, the child shall be returned to the~~  
17 ~~child's parent, legal guardian or custodian. Provided, that if it appears to the court~~  
18 ~~that the conduct of the parent, legal guardian, custodian, or that a stepparent or~~  
19 ~~other adult person living in the home has contributed to such deprivation, the~~  
20 ~~court may issue a written order specifying conduct to be followed by such parent,~~  
21 ~~legal guardian, custodian, stepparent or other adult person living in the home with~~  
22 ~~respect to such child. The conduct specified shall be such as would reasonably~~  
23 ~~prevent the child from becoming or continuing to be deprived.~~

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

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

6 ~~3. The court may place the child in the custody of a private institution or agency, including any~~  
7 ~~institution established and operated by the county, authorized to care for children or to place them in~~  
8 ~~family homes. In placing a child in a private institution or agency, the court shall select one that is~~  
9 ~~licensed by the Department or any other state department supervising or licensing private institutions~~  
10 ~~and agencies; or, if such institution or agency is in another state, by the analogous department of that~~  
11 ~~state. Whenever the court shall place a child in any institution or agency, it shall transmit with the~~  
12 ~~order of commitment a summary of its information concerning the child, and such institution or agency~~  
13 ~~shall give to the court such information concerning the child as the court may at any time require.~~

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

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

17 ~~6. If the child has been placed outside the home, and it appears to the court that the parent, legal~~  
18 ~~guardian, custodian, stepparent, or other adult person living in the home has contributed to the~~  
19 ~~deprivation of the child, the court may order that the parent, legal guardian, custodian, stepparent, or~~  
20 ~~other adult living in the home be made subject to any treatment or placement plan prescribed by the~~  
21 ~~Department or other person or agency receiving custody of the child.~~

22 7. a. ~~The court may order a child's permanent care and custody transferred to another~~  
23 ~~person, subject to residual parental rights and responsibilities and subject to such~~  
24

1 orders of the court as deemed necessary for the health, safety or welfare of the  
2 child pursuant to the provisions of this paragraph, upon the written consent of  
3 both parents of the child or upon the consent of one parent only if:

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

19 b. ~~Prior to the entry of an order transferring the permanent care and custody of a~~  
20 ~~child, the court shall receive an investigation and report regarding the background~~  
21 ~~and home of the prospective custodian. Such investigation and report of the~~  
22 ~~prospective custodian shall be made pursuant to the requirements of the~~  
23 ~~Oklahoma Adoption Code. The Department of Human Services shall only be~~  
24

1 required by the court to make the home study and report as specified by this  
2 paragraph in the following circumstances:

- 3 (1) the Department has previously conducted a home study on the prospective  
4 custodian within the past three (3) years, or
- 5 (2) the child is in the custody or under the legal supervision of the  
6 Department.

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

- 9 (1) the child reaches the age of eighteen (18) years,
- 10 (2) the child marries or is legally emancipated, or
- 11 (3) the parent who consented to the transfer of the permanent care and custody  
12 of the child petitions the court for the recovery of the child and the court  
13 finds after evidentiary hearing:
  - 14 (a) the child has been abused or neglected while in the care and  
15 custody of the custodian, and
  - 16 (b) it is in the best interests of the child that custody of the child be  
17 returned to the parents,
- 18 (4) the district attorney, attorney for the child, or custodian petitions the court  
19 for modification of the order transferring permanent care and custody and  
20 the court finds after evidentiary hearing that it is in the best interests of the  
21 child for the order to be modified and the custody of the child be given to  
22 another person, pursuant to the Oklahoma Guardianship and  
23 Conservatorship Act or the Oklahoma Children's Code,  
24

1                   (5)    ~~the order terminates because of the death or incapacity of the custodian or~~  
2                                   ~~the death of the child, or~~

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

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

5                   (1)    ~~shall require that the placement be reviewed within one (1) year after~~  
6                                   ~~transfer and may require the person to whom custody is transferred to~~  
7                                   ~~submit any records or reports the court deems necessary for purposes of~~  
8                                   ~~such review. Such order shall not require the Department to supervise the~~  
9                                   ~~placement during such period,~~

10                  (2)    ~~shall not require periodic reviews by the court thereafter if the parties~~  
11                                   ~~agree with the assent of the court that such reviews are not necessary to~~  
12                                   ~~serve the best interests of the child, and~~

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

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

23                   (1)    ~~protection,~~

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- ~~(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.~~

e. ~~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.~~

d. ~~Notice of the petition and a copy of the petition shall be served upon the parties, the Department, and the guardian ad litem of the child, if any.~~

e. ~~Prior to the entry of an order appointing a kinship guardian, the court shall receive the most recent report regarding the background and home of the prospective kinship guardian.~~

1 f. ~~If the court finds that the elements of the petition have been proven based on clear~~  
2 ~~and convincing evidence, or upon the consent of all parties, the court shall grant~~  
3 ~~the petition.~~

4 g. ~~An order appointing a person as a kinship guardian shall award custody of the~~  
5 ~~child to the kinship guardian. A kinship guardian shall have the same authority as~~  
6 ~~a parent to consent on behalf of a child, except that a kinship guardian shall not~~  
7 ~~consent to the adoption or surrender of a child.~~

8 h. ~~Upon the entry of an order providing for the transfer of the permanent care and~~  
9 ~~custody of a child to a kinship guardian, the order shall remain in full force and~~  
10 ~~effect until:~~

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

12 (2) ~~the child is married or legally emancipated,~~

13 (3) ~~the court finds after evidentiary hearing:~~

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

16 (b) ~~it is in the best interests of the child that custody of the child be~~  
17 ~~returned to the parents,~~

18 (4) ~~the district attorney, an attorney for the child, or the kinship guardian~~  
19 ~~petitions the court for modification of the order transferring permanent~~  
20 ~~care and custody to a kinship guardian and the court finds after evidentiary~~  
21 ~~hearing that it is in the best interests of the child for the order to be~~  
22 ~~modified and the custody of the child be given to another person, pursuant~~  
23  
24

1 to the Oklahoma Guardianship and Conservatorship Act or the Oklahoma  
2 Children's Code,

3 (5) ~~the order terminates because of the death or incapacity of the kinship~~  
4 ~~guardian or the death of the child, or~~

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

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

7 (1) ~~require that the placement be reviewed within one (1) year after transfer~~  
8 ~~and may require the kinship guardian to whom custody is transferred to~~  
9 ~~submit any records or reports the court deems necessary for purposes of~~  
10 ~~such review. Such order shall not require the Department to supervise the~~  
11 ~~placement during such period,~~

12 (2) ~~not require periodic reviews by the court thereafter if the parties agree~~  
13 ~~with the assent of the court that such reviews are not necessary to serve the~~  
14 ~~best interests of the child, unless periodic reviews are otherwise required~~  
15 ~~by the court, and~~

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

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

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

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

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

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

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

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

15       ~~F. 1. At any hearing held pursuant to the provisions of this section, if the court finds that~~  
16 ~~continuation of reasonable efforts to return the child home are inconsistent with the permanency plan~~  
17 ~~for a child, the court shall determine whether reasonable efforts have been made to place the child in a~~  
18 ~~timely manner in accordance with the permanency plan and to complete whatever steps are necessary~~  
19 ~~to finalize the permanent placement of the child.~~

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

22       ~~G. 1. If it is consistent with the welfare of the child, in cases where the child has been~~  
23 ~~adjudicated to be deprived due to repeated absence from school, the court may order counseling and~~  
24

1 treatment for the child and the parents of the child to be provided by the local school district, the  
2 county, the Department or a private individual or entity.

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

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

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

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

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

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

22 ~~3. If the court terminates the rights of a parent and places the child with an individual or agency,  
23 the court may invest in such individual or agency authority to consent to the adoption of the child.~~

1 ~~Provided, that where the court places the child with the Department, it shall vest the Department with~~  
2 ~~authority to place the child and, upon notice to the court that an adoption petition has been filed~~  
3 ~~concerning such child, invest the Department with authority to consent to the adoption of the child, and~~  
4 ~~the jurisdiction of the committing court shall terminate upon final decree of adoption.~~

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

13 ~~2. The surviving custody or child support order from the deprived action may be docketed and~~  
14 ~~filed in the prior existing or pending administrative or district court action; provided, however, if there~~  
15 ~~is no administrative or district court action then in existence, the surviving order may be used as the~~  
16 ~~sole basis for opening a new administrative or district court action in the same county where the~~  
17 ~~deprived action was pending or in the county where the legal custodian of the child resides. When~~  
18 ~~applicable, the clerk of the juvenile court shall transmit the surviving order to the clerk of the district~~  
19 ~~court of the county where the order is to be filed along with the names and last known addresses of the~~  
20 ~~parents of the child. The clerk of the district court shall immediately upon receipt open a file without a~~  
21 ~~filing fee, assign a new case number and, when applicable, file the order and send by first class mail a~~  
22 ~~copy of the order with the new or prior existing case number back to the juvenile court and to the~~  
23 ~~parents of the child at their last known address. The order shall not be confidential and may be~~  
24

1 ~~enforced or modified after being docketed and filed in the prior existing or new administrative or~~  
2 ~~district court action.~~

3 SECTION 39. AMENDATORY 10 O.S. 2001, Section 7003-5.5a, as amended by Section  
4 1, Chapter 452, O.S.L. 2004 (10 O.S. Supp. 2008, Section 7003-5.5a), is amended to read as follows:

5 Section 7003-5.5a ~~Every child who has been returned to a person named in a petition shall be~~  
6 ~~supervised for a period of six (6) months prior to dismissal of the case; provided, the~~ A. The court may  
7 ~~increase or decrease the duration of such supervision as the best interests of the child may require.~~  
8 ~~Supervision by the Department of Human Services during this period shall be in accordance with rules~~  
9 ~~promulgated by the Commission for Human Services~~ order a trial home reunification by returning the  
10 child to the care of the parent or legal guardian from whom the child was removed for a period not to  
11 exceed six (6) months.

12 B. During the period of the trial home reunification, the Department of Human Services shall:

13 1. Continue to have legal custody of the child, thereby permitting the Department to visit the  
14 child in the home of the parent, at school, in a child care facility, or any other setting the Department  
15 deems necessary and appropriate;

16 2. Continue to provide appropriate services to both the parent, if eligible, and the child during  
17 the period of the trial home reunification;

18 3. Terminate the trial home reunification, without court order or authorization, in order to  
19 protect the child's health, safety, or welfare and remove the child to foster care;

20 4. Advise the court and parties within three (3) judicial days of the termination of the trial home  
21 reunification when a visit is terminated by the Department without a court order; and

22 5. Prepare a report for the court when the trial home reunification is terminated whether by the  
23 Department or court order which describes the circumstances of the child during the trial home  
24

1 reunification and recommends appropriate orders, if any, for the court to enter to provide for the safety  
2 and stability of the child.

3 C. In the event a trial home reunification is terminated by the Department by removing the child  
4 to foster care without prior court order or authorization, the court shall conduct a hearing within fifteen  
5 (15) days of receiving notice of the termination of the trial home reunification by the Department and  
6 shall determine whether a continuation of the child in the child's home or with the child's caretaker is  
7 contrary to the welfare of the child and whether reasonable efforts were made to prevent the removal of  
8 the child from the trial home reunification.

9 SECTION 40. AMENDATORY 10 O.S. 2001, Section 7003-5.6, as last amended by  
10 Section 2, Chapter 196, O.S.L. 2007 (10 O.S. Supp. 2008, Section 7003-5.6), is amended to read as  
11 follows:

12 Section 7003-5.6 A. 1. Every case regarding a child alleged or adjudicated to be deprived shall  
13 be reviewed by the court at a hearing no later than six (6) months from the date of the child's ~~out-of-~~  
14 ~~home placement~~ removal from the home and at least once every six (6) months thereafter until  
15 permanency is achieved or the court otherwise terminates jurisdiction except as otherwise set forth in  
16 paragraph 2 of this subsection. A review hearing may be held concurrently with a permanency  
17 hearing. ~~A child shall be considered to have entered an out-of-home placement on the earlier of the~~  
18 ~~adjudication date or the date that is sixty (60) days after the date on which the child is removed from~~  
19 ~~the home. Such reviews shall continue until such time as:~~

- 20 ~~1. The conditions which caused the child to be adjudicated have been corrected;~~  
21 ~~2. The parental rights of the parent are terminated and a final adoption decreed or the child is~~  
22 ~~placed with a suitable custodian or kinship guardian; or~~  
23 ~~3. The court otherwise terminates jurisdiction~~  
24

1 When the Department of Human Services has documented a compelling reason why a petition to  
2 terminate parental rights to a child is not in the best interests of the child that is based upon a  
3 consideration that the child is presently not capable of functioning in a family setting, the court shall  
4 reevaluate the status of the child every ninety (90) days until there is a final determination that the  
5 child cannot be placed in a family setting.

6 3. At any time during the pendency of the case, any party may request the court to review the  
7 case. If granted, the requesting party shall serve notice on all parties of the date and time of the  
8 hearing.

9 ~~B. The provisions of this section shall also apply to a child who has been removed from the~~  
10 ~~home of the parent or parents, legal guardian or custodian of the child after the child has been returned~~  
11 ~~to that home~~ If a foster parent, preadoptive parent, or relative is currently providing care for a child, the  
12 Department shall give the foster parent, preadoptive parent, or relative notice of a proceeding  
13 concerning the child. A foster parent, preadoptive parent, or relative providing care for a child has the  
14 right to be heard at the proceeding. Except when allowed to intervene, the foster parent, preadoptive  
15 parent, or relative providing care for the child is not considered a party to the juvenile court proceeding  
16 solely because of notice and the right to be heard at the proceeding.

17 ~~C. The court may set a case for a review hearing upon the motion of a party at any time, if the~~  
18 ~~hearing is deemed by the court to be for the health, safety or welfare of the child and in the best~~  
19 ~~interests of the child.~~

20 ~~D. In addition to the parties, adequate prior written notice of review hearings shall be provided~~  
21 ~~by the Department pursuant to rules promulgated by the Commission for Human Services to the~~  
22 ~~current foster parents, preadoptive parent, or relative providing care for the child. A right to be heard~~  
23 ~~at such hearings shall be provided by the court to the current foster parent of a child, the child's~~  
24

1 ~~guardian ad litem, and to any preadoptive parent or relative providing care for the child. Such notice~~  
2 ~~and right to be heard shall not be construed as requiring any foster parent, preadoptive parent or~~  
3 ~~relative to be made a party to such deprived proceedings if not currently a party to the action.~~

4 E. The court shall receive all evidence helpful in deciding the issues before the court including,  
5 but not limited to, oral and written reports, which may be admitted and relied upon to the extent of  
6 their probative value, even though not competent for purposes of an adjudicatory hearing.

7 F. D. At each review hearing the court shall:

8 1. Determine ~~whether~~ and include the following in its orders:

9 a. ~~the child should be returned to the child's parent or placed with willing and~~  
10 ~~suitable kinship relations. Before a return to the child's parent is ordered, the~~  
11 ~~court must find that the parties:~~

12 (1) ~~have complied with, performed, and completed the terms and conditions~~  
13 ~~of the individual treatment and service plan which are essential and~~  
14 ~~fundamental to the health, safety or welfare of the child as determined by~~  
15 ~~the court,~~

16 (2) ~~have corrected those conditions which caused the child to be adjudicated~~  
17 ~~and which the court determines to be essential and fundamental to the~~  
18 ~~health, safety or welfare of the child,~~

19 (3) ~~have made marked progress towards reunification with the child, and~~

20 (4) ~~have maintained a close and positive relationship with the child,~~

21 b. ~~the child should continue in out of home placement for a specified period. The~~  
22 ~~court shall project a likely date by which the child may be:~~

23 (1) ~~returned to and safely maintained in the home,~~  
24

- 1                   (2)    ~~placed with a willing and suitable guardian or custodian, or~~
- 2                   (3)    ~~placed for adoption, or other permanent arrangement,~~
- 3           e.    ~~the rights of the parent of the child should be terminated and the child placed for~~
- 4                   ~~adoption, placed with a guardian or custodian, or provided with another~~
- 5                   ~~permanent arrangement, or~~
- 6           d.    ~~the child, because of exceptional circumstances, should remain in long term out-~~
- 7                   ~~of home placement as a permanent plan or with a goal of independent living~~
- 8                   whether the individualized service plan, services, and placement meet the special
- 9                   needs and best interests of the child with the child's health, safety, and
- 10                  educational needs specifically addressed,
- 11           b.    whether there is a need for the continued placement of the child,
- 12           c.    whether the current permanency plan for the child remains the appropriate plan to
- 13                  meet the health, safety, and best interests of the child,
- 14           d.    whether the services set forth in the individualized service plan and the
- 15                  responsibilities of the parties need to be clarified or modified due to the
- 16                  availability of additional information or changed circumstances or as the court
- 17                  determines to be in the best interests of the child and necessary for the correction
- 18                  of the conditions that led to the adjudication of the child,
- 19           e.    whether the terms of visitation need to be modified, including the visitation with
- 20                  siblings if separated,
- 21           f.    the time frame that should be followed to achieve reunification or other
- 22                  permanent plan for the child,
- 23
- 24

- 1           g.     whether reasonable efforts have been made to provide for the safe return of the  
2                 child to the child’s own home. If the court determines or has previously  
3                 determined that reasonable efforts are not required pursuant to the provisions of  
4                 Section 1-4-809 of this title, or that continuation of reasonable efforts to reunite  
5                 the child with the child’s family is inconsistent with the permanency plan for the  
6                 child, the court shall determine if reasonable efforts are being made to place the  
7                 child in a timely manner in accordance with the permanency plan and determine  
8                 the steps necessary to finalize permanency for the child,
- 9           h.     where appropriate, when the child is sixteen (16) years of age or older, whether  
10                services are being provided that will assist the child in making the transition from  
11                foster care to independent living. The court shall inquire or cause inquiry to be  
12                made of the child regarding any proposed independent living plan,
- 13           i.     whether the nature and extent of services being provided the child and parent or  
14                parents of the child are adequate and shall order that additional services be  
15                provided or studies, assessments, or evaluations be conducted, if necessary, to  
16                ensure the safety of the child and to protect the child from further physical,  
17                mental, or emotional harm, or to correct the conditions that led to the  
18                adjudication,
- 19           j.     whether, in accordance with the safety or well-being of any child, reasonable  
20                efforts have been made to:
- 21                (1)    place siblings, who have been removed, together in the same foster care,  
22                guardianship, or adoptive placement, and
- 23
- 24

1                   (2) provide for frequent visitation or other ongoing interaction in the case of  
2                                   siblings who have been removed and who are not placed together, and  
3           k. whether, during the ninety-day period immediately prior to the date on which the  
4                   child in the custody of the Department will attain eighteen (18) years of age, the  
5                   Department, and as appropriate, other representatives of the child, are providing  
6                   the child with assistance and support in developing an appropriate transition plan  
7                   that is personalized at the direction of the child, that includes specific options on  
8                   housing, health insurance, education, local opportunities for mentors and  
9                   continuing support services, and work force supports and employment services,  
10                   and is as detailed as the child may elect;

11           2. Consider in-state and out-of-state placement options for the child; and

12           3. ~~Make a determination as to whether:~~

13                   a. ~~reasonable efforts have been made to provide for the safe return of the child to the~~  
14                                   ~~child's own home. In determining reasonable efforts, the child's health, safety or~~  
15                                   ~~welfare shall be the paramount concern. If the court determines or has previously~~  
16                                   ~~determined that reasonable efforts are not required, pursuant to the provisions of~~  
17                                   ~~Section 7003-4.6 of this title, or that continuation of reasonable efforts to reunite~~  
18                                   ~~the child with the child's family is inconsistent with the permanency plan for the~~  
19                                   ~~child, the court shall determine if reasonable efforts are being made to place the~~  
20                                   ~~child in a timely manner in accordance with the permanency plan and to complete~~  
21                                   ~~steps necessary to finalize permanent placement for the child, and~~

22                   b. ~~where appropriate, when the child is sixteen (16) years of age or older, services~~  
23                                   ~~are being provided that will assist the child in making the transition from foster~~  
24

1                   care to independent living, and shall also inquire, or cause inquiry to be made of  
2                   the child, regarding any proposed independent living plan;

3           4. Determine the safety of the child and consider fully all relevant prior and current information  
4 including, but not limited to, the report or reports submitted pursuant to Sections ~~7208~~ 1-4-805 and  
5 ~~7003-5.6a~~ 1-4-808 of this title;

6           ~~5. Inquire as to the nature and extent of services being provided the child and parent or parents  
7 of the child and shall direct that additional services be provided if necessary to ensure the safety of the  
8 child and to protect the child from further physical, mental, or emotional harm, or to correct the  
9 conditions that led to the adjudication; and~~

10           ~~6. Order such modification to the existing individual treatment and service plan as the court  
11 determines to be in the best interests of the child and necessary for the correction of the conditions that  
12 led to the adjudication of the child.~~

13           E. In making its findings, the court shall consider the following:

14           1. Whether compliance with the individualized service plan has occurred, including whether the  
15 Department has provided care that is consistent with the health, safety, and educational needs of the  
16 child while in an out-of-home placement;

17           2. The extent of progress that has been made toward alleviating or correcting the conditions that  
18 caused the child to be adjudicated deprived;

19           3. Whether the child should be returned to a parent or parents and whether or not the health,  
20 safety, and welfare of the child can be protected by a parent or parents if returned home; and

21           4. An appropriate permanency plan for the child, including concurrent planning when  
22 applicable, pursuant to Section 1-4-704 of this title.

1 SECTION 41. AMENDATORY 10 O.S. 2001, Section 7003-5.6a, is amended to read as  
2 follows:

3 Section 7003-5.6a A. The Department of Human Services or the agency having supervision of  
4 the case or, if the child has been removed from the custody of ~~its~~ the child's parents, the Department or  
5 the agency or child-placing agency having custody of ~~such~~ the child shall cause to be prepared for each  
6 review hearing required herein a written report concerning each child who is the subject of ~~such~~  
7 review.

8 B. ~~Such~~ The report shall include, but not be limited to:

9 1. A summary of the physical, mental, and emotional condition of the child, the conditions  
10 existing in the out-of-home placement where the child has been placed, and the ~~child's~~ adjustment of  
11 the child thereto;

12 2. A report on the ~~child's~~ progress of the child in school and, if the child has been placed outside  
13 the child's home, the visitation exercised by the parents of ~~such~~ the child or other persons authorized by  
14 the court;

15 3. Services being provided to a child sixteen (16) years of age or older to assist in the transition  
16 from out-of-home care or other community placement to independent living; ~~and~~

17 4. ~~If~~ When the Department is responsible for supervision of the child or is the legal custodian of  
18 the child, ~~any efforts~~ a description of:

19 a. progress on the part of the parent or parents to correct the conditions which  
20 caused the child to be adjudicated deprived;

21 b. changes that still need to occur and the specific actions the parents would take to  
22 make the changes, and  
23  
24

1 c. services and assistance that have been offered or provided to the parents since the  
2 previous hearing and the services which are needed in the future;

3 5. A description of the placements of the child by number and type with dates of entry and exit,  
4 reasons for the placement or change in placement, and a statement about the success or lack of success  
5 of each placement;

6 6. The efforts of the Department to locate the parents and involve them in the planning for the  
7 child if the parents are not currently communicating with the Department;

8 7. Compliance by the Department, as applicable, and the parent with the court's orders  
9 concerning the individualized service plans, previous court orders, and the Department  
10 recommendations;

11 8. Whether the current placement is appropriate for the child, its distance from the home of the  
12 child, and whether it is the least restrictive, most family-like placement available;

13 9. A proposed timetable for the return of the child to the home or other permanent placement;  
14 and

15 10. Specific recommendations, giving reasons therefor, whether:

16 a. ~~the parental rights of the parent or parents of the child should be terminated and~~  
17 ~~the child placed for adoption~~ trial reunification should be approved by the court,

18 b. ~~the child should remain in the home or be placed outside the home of the child's~~  
19 ~~lawful parents, or~~ trial reunification should be continued to a date certain as  
20 specified by the court,

21 c. the child should remain in or be placed outside of the home of the parent or legal  
22 guardian of the child, ~~or be returned to the home from which the child was~~  
23 ~~removed~~

1           d.     the child should remain in the current placement when the permanency plan is  
2                     other than reunification with the parent or legal guardian of the child.

3           C. The attorney representing a child and the guardian ad litem of a child, if any, whose case is  
4 being reviewed may submit a report to the court for presentation at the review hearing to assist the  
5 court in reviewing the placement or status of the child. The legal custodian shall not deny to a child  
6 the right of access to counsel and shall facilitate such access.

7           SECTION 42. AMENDATORY 10 O.S. 2001, Section 7003-5.6b, is amended to read as  
8 follows:

9           Section 7003-5.6b ~~A. 1. Pursuant to the provisions of this subsection, the~~ The Department of  
10 Human Services shall establish and administer an ongoing program of supported guardianship to assist  
11 families wishing to make a long-term commitment to a child by accepting guardianship of the child.  
12 The supported guardianship program shall enable the family to assume the parental role without  
13 ongoing Department oversight but allow the family to return to the Department for services as needed.

14           ~~2. As soon as the federal Department of Health and Human Services authorizes additional~~  
15 ~~demonstration projects for additional use monies designated for expenditure for Title IV-E of the~~  
16 ~~Social Security Act, which requires federal funds to be spent on children in foster care, the Department~~  
17 ~~of Human Services shall request a waiver or demonstration project authorization for such monies. The~~  
18 ~~waiver shall allow federal funds to be utilized to support children whose guardianship is transferred in~~  
19 ~~situations where adoption is not possible and an identified family has made a long term commitment to~~  
20 ~~the child in addition to other programs authorized by law.~~

21           ~~3. Upon obtaining a waiver, the Department shall conduct a three year demonstration program.~~  
22 ~~The children involved must meet state established criteria.~~

1       4. ~~The program of supported guardianship shall be operational upon receipt and according to the~~  
2 ~~terms of the approved waiver.~~

3       ~~B. By January 1, 1998, the Department of Human Services and the Department of Juvenile~~  
4 ~~Justice shall submit to the Chairman of the House of Representatives Human Services Committee and~~  
5 ~~the Chairman of the State Senate Human Resources Committee written recommended legislation for~~  
6 ~~the development and implementation of a program for the long term permanent placement of children~~  
7 ~~in cases where the court has found that adoption of the child or termination of parental rights to the~~  
8 ~~child is not possible or not in the best interests of the child. Such program shall include, but not be~~  
9 ~~limited to, permanent guardianship through the juvenile court, supported guardianship and long term~~  
10 ~~or permanent foster care of the child. The Postadjudication Review Advisory Board and the Oklahoma~~  
11 ~~Commission on Children and Youth shall assist the departments in meeting the requirements of this~~  
12 ~~section.~~

13       SECTION 43. AMENDATORY 10 O.S. 2001, Section 7003-5.6d, as last amended by  
14 Section 3, Chapter 196, O.S.L. 2007 (10 O.S. Supp. 2008, Section 7003-5.6d), is amended to read as  
15 follows:

16       Section 7003-5.6d A. 1. The court shall conduct a permanency hearing on behalf of a child to  
17 determine the appropriate permanency goal for the child and to order completion of all steps necessary  
18 to finalize the permanent plan. The hearing shall be held no later than:

- 19           a. six (6) months after placing the child in out-of-home placement and every six (6)  
20           months thereafter, and
- 21           b. thirty (30) days after a determination by the court that reasonable efforts to return  
22           a child to either parent are not required pursuant to the provisions of Section  
23           7003-4.6 1-4-809 of this title ~~and every six (6) months thereafter.~~

1 2. A child shall be considered to have entered out-of-home placement on the earlier of:

2 a. the adjudication date, or

3 b. the date that is sixty (60) days after the date on which the child is removed from  
4 the home.

5 3. Subsequent permanency hearings shall be held at least every six (6) months for any child who  
6 continues to be in an out-of-home placement. At the request of a party, the Department of Human  
7 Services, or on the motion of the court, the initial and subsequent permanency hearings may be held  
8 more frequently.

9 4. At each permanency hearing, the court may consider testimony of any person who has  
10 relevant information about the status of the child or the status of the treatment plan. All parties shall  
11 have the opportunity to present evidence and to cross-examine witnesses. The rules of evidence shall  
12 not apply to permanency hearings and all evidence helpful in determining the proper permanency goal  
13 shall be considered including, but not limited to, oral and written reports, which may be admitted and  
14 may be relied upon to the extent of their probative value, even though not competent for the purposes  
15 of the adjudicatory hearing.

16 B. A permanency hearing may be held concurrently with a dispositional or review hearing. ~~All~~  
17 ~~permanency decisions must be in writing and in accordance with the health, safety or welfare of the~~  
18 ~~child and the long term best interests of the child. In the case of a child who will not be returned to the~~  
19 ~~parent, the hearing shall consider in-state and out-of-state permanent placement options.~~

20 C. ~~In addition to the parties, adequate prior written notice of permanency hearings shall be~~  
21 ~~provided by the Department pursuant to rules promulgated by the Commission for Human Services to~~  
22 ~~the current foster parents and to any preadoptive parent or relative providing care for the child. A If a~~  
23 ~~foster parent, preadoptive parent, or relative is currently providing care for a child, the Department~~  
24

1 shall give the foster parent, preadoptive parent, or relative notice of a proceeding concerning the child.  
2 A foster parent, preadoptive parent, or relative providing care for a child has the right to be heard at  
3 such hearing shall be provided by the court to the current foster parents of a child, the child's guardian  
4 ad litem, and to any preadoptive parent or relative providing care for the child. Such notice and right  
5 to be heard shall not be construed as requiring any the proceeding. Except when allowed to intervene,  
6 the foster parent, preadoptive parent, or relative to be made a party to such action providing care for  
7 the child is not considered a party to the juvenile court proceeding solely because of notice and the  
8 right to be heard at the proceeding.

9 D. At the hearing, the court shall determine or review the continued appropriateness of the most  
10 suitable permanency plan based on the child's need for a permanent placement as indicated by the  
11 recommended permanency plan or other evidence submitted of the child and whether a change in the  
12 plan is necessary; the date by which the goal of permanency for the child is scheduled to be achieved,  
13 and whether the current placement of the child continues to be the most suitable for the health, safety,  
14 and welfare of the child. The court shall also, in an age-appropriate manner, inquire or cause inquiry  
15 to be made of the child regarding the proposed permanency plan and if the child is age sixteen (16) or  
16 older, the independent living plan. The court shall determine whether:

17 1. ~~The child should be returned home immediately or by a specified date not to exceed three (3)~~  
18 ~~months. An order entered pursuant to the provisions of this paragraph shall enumerate the specific~~  
19 ~~factors, conditions, or expected behavioral changes which must occur by the specified date before the~~  
20 ~~child may be returned home. Before a child may be returned home, the court must find that:~~

21 a. ~~the parent, legal guardian or custodian has made marked progress towards~~  
22 ~~reunification with the child, and has maintained a close and positive relationship~~  
23 ~~with the child, and~~  
24

1           b. ~~the parties have complied with, performed and completed those terms and~~  
2           ~~conditions of the court ordered individual treatment and service plan and have~~  
3           ~~corrected those conditions which caused the child to be adjudicated which are~~  
4           ~~essential and fundamental to the health, safety and welfare of the child;~~

5           ~~2. A plan for the guardianship or kinship guardianship of the child should be approved;~~

6           ~~3. The child should be placed in a planned permanent living arrangement if the Department has~~  
7           ~~documented a compelling reason for the court to determine that it would not be in the best interests of~~  
8           ~~the child to return home, or to be placed for adoption or with a fit and willing relative or a legal~~  
9           ~~guardian;~~

10           ~~4. A petition to terminate the rights of the parents of the child should be filed and the child~~  
11           ~~placed for adoption; or~~

12           ~~5. Any other out of home placement in which the child is placed continues to be safe and~~  
13           ~~appropriate and in the best interests of the child.~~

14           E. ~~The court shall enter an order for completion of all steps necessary to finalize the permanent~~  
15           ~~placement of the child~~ A transcript shall be made of each permanency hearing or the proceeding shall  
16           be memorialized by appropriate written findings of facts, and the court having considered all relevant  
17           information shall order one of the following permanency plans for the child:

18           1. Reunification with the parent, parents, or legal guardian of the child where:

19           a. reunification can be expected to occur within an established time frame that is  
20           consistent with the developmental needs of the child, and

21           b. the health and safety of the child can be adequately safeguarded if returned home;

22           2. Placement for adoption after the rights of the parents have been terminated or after a petition  
23           has been filed to terminate parental rights;  
24

1       3. Placement with a person who will be the permanent guardian of the child and is able to  
2 adequately and appropriately safeguard the health, safety, and welfare of the child; or

3       4. Placement in the legal custody of the Department under a planned permanent living  
4 arrangement, provided that there are compelling reasons documented by the Department and presented  
5 to the court that none of the above described plans is appropriate for the health, safety, and welfare of  
6 the child.

7       F. In addition to the findings required under subsection E of this section, the court shall also  
8 make written findings related to:

9       1. Whether the Department has made reasonable efforts to finalize the permanency plan that is  
10 in effect for the child and a summary of the efforts the Department has made; or, in the case of an  
11 Indian child, whether the Department has made active efforts to provide remedial services and  
12 rehabilitative programs as required by 25 U.S.C., Section 1912(d);

13       2. If the permanency plan is for the child to remain in out-of-home care, whether the child's out-  
14 of-home placement continues to be appropriate and in the best interests of the child;

15       3. If the current placement is not expected to be permanent, the court's projected timetable for  
16 return home or for placement in an adoptive home with a guardian, or another planned permanent  
17 living arrangement; and

18       4. Whether reasonable efforts, in accordance with the safety or well-being of any child, have  
19 been made to:

20           a. place siblings, who have been removed, together in the same foster care,  
21           guardianship, or adoptive placement, and

22           b. provide for frequent visitation or other ongoing interaction in the case of siblings  
23           who have been removed and who are not placed together.

1        G. The court may make appropriate orders to ensure timely implementation of the permanency  
2 plan and shall order the plan to be accomplished within a specified period of time.

3        SECTION 44. AMENDATORY 10 O.S. 2001, Section 7003-5.6e, as last amended by  
4 Section 4, Chapter 452, O.S.L. 2004 (10 O.S. Supp. 2008, Section 7003-5.6e), is amended to read as  
5 follows:

6        Section 7003-5.6e A. 1. When a child has been in out-of-home care for twelve (12) months or  
7 longer, the court may require that the Department of Human Services facilitate a meeting held no later  
8 than thirty (30) days prior to the permanency hearing to discuss recommendations regarding the child's  
9 permanency plan that will be reported to and reviewed by the court.

10        2. The court may direct that the assigned guardian ad litem, which may be a court-appointed  
11 special advocate, if any, a judicial case manager, or the Department make arrangements for the  
12 meeting. The foster parents of the child, the parents of the child, or the parents' attorney, a  
13 postadjudication review board member, the guardian ad litem who has been appointed to the case, the  
14 child, and others as appropriate, and the child's attorney shall be contacted to assist in the preparation  
15 of the report; provided, however, persons determined not to require reasonable efforts pursuant to the  
16 provisions of Section 1-4-809 of this title shall not be required to attend.

17        B. 1. Prior to a permanency hearing, the Department of Human Services shall prepare a report  
18 regarding the child for court review and shall provide a copy of the report to the court and the parties  
19 not less than three (3) judicial days prior to the permanency hearing.

20        2. The report shall include the proposed permanency plan by the Department, the efforts by the  
21 Department to effectuate the permanency plan for the child, address the options for the permanent  
22 placement of the child, and examine the reasons for excluding higher priority options.  
23  
24

1        3. Unless a permanency hearing has been conducted, the Department, as applicable, shall  
2 contact the foster parents of the child, the parents of the child, or the parents' attorney, a  
3 postadjudication review board member, the guardian ad litem, or the court appointed special advocate  
4 who has been appointed to the case, and the child's attorney to assist in the preparation of the report.

5        ~~B. C.~~ The up-to-date and accurate report shall also contain, but not be limited to, the following  
6 information, if relevant:

7            1. Efforts and progress demonstrated by the child's parent to complete an individual treatment  
8 and service plan;

9            2. ~~Extent to which the parent or legal guardian cooperated and used the services provided;~~

10          3. Status of the child, including the child's ~~mental~~ behavioral, physical, and emotional health;

11 ~~and~~

12          4. ~~Plan for permanency for the child~~

13            3. A recommendation regarding whether the child's current permanency goal should be  
14 continued or modified, the reasons therefor, and the anticipated date for meeting the goal; and

15            4. A recommendation regarding whether the placement of the child should be extended and the  
16 reasons for the recommendation.

17        ~~C. D.~~ The child's attorney, the parents or parents' attorney, the foster parent, the  
18 postadjudicatory review board member, the guardian ad litem, or the court appointed special advocate  
19 of the child, or the Department of Human Services may submit an additional informational report  
20 reports to the court for review.

21        SECTION 45. AMENDATORY 10 O.S. 2001, Section 7003-5.6f, is amended to read as  
22 follows:  
23  
24

1 Section 7003-5.6f A. ~~If a child has resided with a birth relative before being adopted, the~~  
2 ~~adoptive parents and that birth relative may enter~~ 1. When the court, pursuant to Section 1-4-812 of  
3 this title, finds that a deprived child should be placed for adoption, nothing in the adoption laws of this  
4 state shall be construed to prevent the petitioners for adoption of the child from voluntarily entering  
5 into an a written agreement pursuant to the provisions of this section regarding communication with,  
6 visitation of or contact between the child, adoptive parents and the birth relative with the birth  
7 relatives, including a birth parent, to permit postadoption contact between the birth relatives and the  
8 child. The postadoption contact agreement shall be issued by the court in a separate instrument at the  
9 time an adoption decree is entered if the court finds the agreement is voluntary, does not pose a threat  
10 to the safety of the child, and is in the best interests of the child.

11 ~~B.~~ 2. For purposes of this section, "birth relative" means a parent, stepparent, grandparent, great-  
12 grandparent, ~~brother, sister~~ sibling, uncle or aunt of a minor adoptee. This relationship may be by  
13 blood or marriage, provided a sibling relationship may be by whole or half blood, marriage, or affinity  
14 through a common legal or biological parent. For an Indian child, birth relative includes members of  
15 the extended family as defined by the laws or customs of the Indian child's tribe or, in the absence of  
16 laws or customs, shall be a person who has reached eighteen (18) years of age and who is the Indian  
17 child's great-grandparent, grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law,  
18 niece, nephew, or first or second cousin or stepparent, as provided in the Indian Child Welfare Act,  
19 United States Code, Title 25, Section 1903.

20 3. If a child who is separated from a sibling is ordered to be placed for adoption, the court shall  
21 order that the Department shall take all of the following steps to facilitate ongoing sibling contact or  
22 visitation:  
23  
24

- 1           a.     provide information to prospective adoptive parents about the importance of  
2                     sibling relationships to the adopted child and counseling on methods for  
3                     maintaining sibling relationships.
- 4           b.     provide prospective adoptive parents with information about siblings of the child;  
5                     provided, the address where the siblings reside shall not be disclosed unless  
6                     authorized by a court order for good cause shown, and
- 7           c.     encourage prospective adoptive parents to make a plan for facilitating  
8                     postadoptive contact between the child who is the subject of a petition for  
9                     adoption and any siblings of that child.

10           4. The terms of the postadoption agreement executed under this section shall be limited to, but  
11 need not include, the following if the child has an existing relationship with the birth relative:

- 12           a.     provisions for visitation between the child and the birth relatives,
- 13           b.     provisions for contact between birth relatives and the child or an adoptive parent,  
14                     or both,
- 15           c.     provisions for the adoptive parent to facilitate sibling contact or visitation, and
- 16           d.     provisions for the sharing of information about the child.

17           5. The terms of any postadoption agreement shall be limited to the sharing of information about  
18 the child if the child did not have an existing relationship with the birth relative.

19           ~~C. B. 1. An A postadoption agreement regarding communication with, visitation of or contact~~  
20 ~~between the child, adoptive parents and a birth relative is not legally enforceable unless the terms of~~  
21 ~~the agreement are contained in a written court order entered in accordance with this section.~~

22           2. An order must be sought and shall be filed in the adoption action. The order shall be issued  
23 by separate instrument at the time an adoption decree is entered.

24

1 3. The court shall not enter a proposed order unless the terms of the order have been approved in  
2 writing by the prospective adoptive parents, the birth relative who desires to be a party to the  
3 agreement, the child, if twelve (12) years of age or older, and, if the child is in the custody of the  
4 Department of Human Services, a representative of the Department. The child shall be represented by  
5 an attorney for purposes of consent to the postadoption agreement.

6 4. The postadoption agreement approved by the court regarding sibling contact or visitation  
7 shall be provided by the Department to the adoptive parent or parents, foster parent, relative caretaker,  
8 legal guardian of the child and siblings or others as necessary to facilitate the sibling contact or  
9 visitation.

10 ~~D. The court shall not enter a proposed order unless the court finds that the communication,~~  
11 ~~visitation of or contact between the child, the adoptive parents and a birth relative as agreed upon and~~  
12 ~~contained in the proposed order would be in the child's best interests and poses no threat to the safety~~  
13 ~~of the child or integrity of the adoptive placement.~~

14 ~~E. C.~~ Failure to comply with the terms of ~~an agreed order regarding communication, visitation~~  
15 ~~or contact that has been entered~~ the postadoption agreement as ordered by the court pursuant to this  
16 section shall not be grounds for:

- 17 1. Setting aside an adoption decree;
- 18 2. Revocation of a written consent to an adoption after that consent has become irrevocable; ~~and~~
- 19 3. An action for citation of indirect contempt of court; and
- 20 4. Preventing the adoptive parent or parents of the child from changing residence within or  
21 outside the state.

22 ~~F. D.~~ 1. ~~An agreed order entered pursuant to the provisions of this section may be enforced or~~  
23 ~~modified by filing a petition or motion with the court that includes a certified copy of the order~~

1 ~~granting the communication, contact or visitation, but only if the petition or motion is accompanied by~~  
2 ~~an affidavit with supporting documentation that the parties have mediated or attempted to mediate any~~  
3 ~~dispute under the agreement or that the parties agree to a proposed modification~~ Although the entry of  
4 the decree of adoption terminates the jurisdiction of the juvenile court over the child, the enforcement  
5 of the postadoption agreement and subsequent order shall be under the continuing jurisdiction of the  
6 court granting the petition for adoption.

7 2. The court may not order compliance with the agreement absent a finding that the party  
8 seeking the enforcement participated in good faith in mediation or other appropriate dispute resolution  
9 proceedings regarding the conflict prior to the filing of the enforcement action, and that the  
10 enforcement is in the best interests of the child. Documentary evidence or offers of proof may serve as  
11 the basis for the court's decision regarding enforcement. No testimony or evidentiary hearing shall be  
12 required.

13 3. The prevailing party may be awarded reasonable attorney fees and costs. All costs and fees of  
14 mediation or other appropriate dispute resolution proceedings shall be borne by each party, excluding  
15 the child.

16 ~~3. The court shall not modify an agreed order pursuant to this section unless it E. 1. A~~  
17 postadoption agreement may be modified or terminated only if the court finds that the modification or  
18 termination is necessary to serve the best interests of the child, and:

- 19 a. ~~the modification is agreed to by the adoptive parent and the birth relative, or~~  
20 b. ~~exceptional circumstances have arisen since the agreed order was entered that~~  
21 justify modification of the order all parties, including the child if the child is  
22 twelve (12) years of age or older at the time of the requested modification or  
23 termination.

1 SECTION 46. AMENDATORY 10 O.S. 2001, Section 7003-5.6h, as amended by Section  
2 1, Chapter 75, O.S.L. 2005 (10 O.S. Supp. 2008, Section 7003-5.6h), is amended to read as follows:

3 Section 7003-5.6h A. During any permanency hearing, if it is determined by the court that a  
4 child should be placed for adoption, the foster parent of the child shall be considered eligible to adopt  
5 the child, if the foster parent meets established eligibility requirements pursuant to this section.

6 B. If the child has resided with a foster parent for at least one (1) year, the court shall give great  
7 weight to the foster parent in the adoption consideration for the child unless there is an existing loving  
8 emotional bond with a relative of the child by blood or marriage who is willing, able, and eligible to  
9 adopt the child.

10 C. In making such determination, the court shall consider whether the child has become  
11 integrated into the foster family to the extent that the child's familial identity is with the foster family,  
12 and whether the foster family is able and willing permanently to treat the child as a member of the  
13 family. The court shall consider, without limitation:

14 1. The love, affection, and other emotional ties existing between the child and the relatives of  
15 the child, and the child's ties with the foster family;

16 2. The capacity and disposition of the child's relatives as compared with that of the foster family  
17 to give the child love, affection, and guidance and to continue the education of the child;

18 3. The length of time a child has lived in a stable, satisfactory foster home and the desirability of  
19 the child's continuing to live in that environment;

20 4. The physical and mental health of the relatives of the child as compared with that of the foster  
21 family;

22 5. The experiences of the child in the home, school, and community, both when with the parents  
23 from whom the child was removed and when with the foster family; and  
24

1       6. The age and preference of the child;

2       7. The long-term best interests of the child; and

3       8. Any other factor considered by the court to be relevant to a particular placement of the child.

4       SECTION 47. AMENDATORY 10 O.S. 2001, Section 7003-6.2, as last amended by  
5 Section 2, Chapter 268, O.S.L. 2007 (10 O.S. Supp. 2008, Section 7003-6.2), is amended to read as  
6 follows:

7       Section 7003-6.2 A. Any interested party aggrieved by any order or decree may appeal to the  
8 Supreme Court pursuant to Section ~~7003-6.4~~ 1-5-103 of this title and the rules of the Supreme Court of  
9 this state.

10       B. The pendency of an appeal thus taken shall not suspend the order of the district court  
11 regarding a child, nor shall it remove the child from the custody of that court or of the person,  
12 institution or agency to whose care such child has been committed, unless the Supreme Court shall so  
13 order, except as provided in ~~subsection C~~ Section 1-4-801 of this ~~section~~ title. The pendency of an  
14 appeal from an order of adjudication shall not prevent the district court from holding a dispositional  
15 hearing unless the appellate court shall so order.

16       ~~C. 1. If the court determines it would be in the best interests of a child, the court may place the~~  
17 ~~child in the legal custody of the Department of Human Services. If the child is placed in the custody of~~  
18 ~~the Department, the court may not direct the Department to place the child in a specific home or~~  
19 ~~placement.~~

20       ~~2. At any hearing including, but not limited to, hearings conducted pursuant to Section 7003-8.6~~  
21 ~~of this title, where it is determined that a child in state custody will be released from state custody, the~~  
22 ~~district attorney or the attorney for the child may give verbal notice to the court of an objection to the~~  
23 ~~order of the court and an intention to seek review of that order based on the grounds that the order of~~  
24

1 ~~the court releasing the child from state custody creates a serious risk of danger to the health or safety of~~  
2 ~~the child.~~

3 ~~3. Upon giving such notice, the court issuing the custody order in question shall stay the custody~~  
4 ~~order filing of an application and completion of review as provided in this section. The district~~  
5 ~~attorney or attorney for the child shall file with the presiding judge of the administrative judicial~~  
6 ~~district a written application for review within three (3) judicial days from the custody order. If a~~  
7 ~~written application for review is not filed within such time period, or if a written notice to the trial~~  
8 ~~court withdrawing the objection is filed within that time period, the objection will be deemed~~  
9 ~~abandoned and the stay shall be lifted.~~

10 ~~4. Each application for review shall be assigned by the presiding judge of the administrative~~  
11 ~~judicial district to a judge within that administrative judicial district with juvenile docket~~  
12 ~~responsibilities. The review shall be completed within five (5) judicial days of the filing of the written~~  
13 ~~application for review. The review conducted by the reviewing judge shall address the question of~~  
14 ~~whether releasing the child from state custody creates a serious risk of danger to the health or safety of~~  
15 ~~the child. The reviewing court shall review the record of the hearing and any other evidence deemed~~  
16 ~~relevant by the reviewing court. At the conclusion of the review, the reviewing court shall issue its~~  
17 ~~findings of fact and conclusions of law and report them to the court issuing the custody order under~~  
18 ~~review.~~

19 ~~5. A finding by the reviewing court that the order releasing the child from state custody creates a~~  
20 ~~serious risk of danger to the health or safety of the child shall be controlling and the court issuing the~~  
21 ~~order under review shall proceed to enter a different custody order. If the reviewing court finds that~~  
22 ~~the order under review does not create a serious risk of danger to the health or safety of the child and~~  
23 ~~that the order is otherwise appropriate then the court issuing the order under review shall lift the stay~~  
24

1 ~~and the order shall be subject to appeal as provided in subsection A of this section. The failure of any~~  
2 ~~court to issue the stay mandated by this subsection shall be subject to immediate mandamus to an~~  
3 ~~appropriate court.~~

4 SECTION 48. AMENDATORY 10 O.S. 2001, Section 7003-6.2A, as amended by Section  
5 6, Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2008, Section 7003-6.2A), is amended to read as follows:

6 Section 7003-6.2A A. At any hearing pursuant to the provisions of the Oklahoma Children's  
7 Code for the purpose of determining the placement of a child or that a child in state custody is to be  
8 released from state custody, the court shall provide an opportunity to a representative of the  
9 Department of Human Services, the present foster parent, the guardian ad litem and the child, if of  
10 sufficient age as determined by the court, to present sworn testimony regarding the placement of the  
11 child or release of the child from state custody. In all cases in which the Office of Juvenile System  
12 Oversight has conducted an investigation regarding placement of a child or release of a child from state  
13 custody and believes there is a serious risk of danger to the health or safety of that child, the Oklahoma  
14 Commission on Children and Youth shall provide to the court and the parties a written report of their  
15 investigation and recommendation for placement of the child. Such report shall be provided to the  
16 court and the parties no less than five (5) days prior to the hearing. The court, upon motion of any  
17 party, shall order attendance of any person preparing such report when it appears there is a substantial  
18 likelihood that material evidence not contained in the report may be produced by the testimony of any  
19 person having prepared the report. The court shall consider the report when making his or her decision  
20 regarding placement of a child or release of a child from state custody.

21 B. The court, the district attorney or the attorneys for the parties may cross examine the  
22 representative of the Department of ~~Human Services~~, the child, if of sufficient age as determined by  
23 the court, the present foster parents, and the guardian ad litem.  
24

1 C. The court shall issue written findings of fact and conclusions of law. All hearings concerning  
2 such cases shall be on the record. The failure of any court to provide an opportunity to a representative  
3 of the Department of Human Services or to the present foster parent, the guardian ad litem and to the  
4 child, if of sufficient age as determined by the court, to present the sworn testimony pursuant to this  
5 section shall be subject to immediate mandamus to an appropriate court.

6 SECTION 49. AMENDATORY 10 O.S. 2001, Section 7003-6.3, is amended to read as  
7 follows:

8 Section 7003-6.3 In ~~the published~~ opinions of the appellate courts of this state in proceedings  
9 including, but not limited to, deprived, adoption ~~and~~, paternity proceedings and other proceedings  
10 under this ~~Code~~ title, the initial of the child's surname shall be used rather than the name of the child.

11 SECTION 50. AMENDATORY 10 O.S. 2001, Section 7003-6.4, is amended to read as  
12 follows:

13 Section 7003-6.4 A. All appeals of cases involving deprived or allegedly deprived children,  
14 including termination of parental rights, shall be initiated by filing a petition in error in the Supreme  
15 Court within thirty (30) days of the order appealed from. The record on appeal shall be completed  
16 within sixty (60) days from the date of the order.

17 B. The briefing schedule is established as follows:

18 1. Appellant's brief in chief shall be filed twenty (20) days after the trial court clerk notifies all  
19 parties that the record is complete and such notice has been filed in the office of the Clerk of the  
20 Supreme Court;

21 2. Appellee's answer brief shall be filed fifteen (15) days after the appellant's brief in chief is  
22 filed; and  
23  
24

1 3. Appellant's reply brief may be filed within ten (10) days after the appellee's answer brief is  
2 filed; ~~and,~~

3 4. C. 1. Adjudication of the appeals described in this section shall be expedited by the Supreme  
4 Court and a decision shall be rendered on a priority basis in all cases.

5 2. The term "priority basis" as used in this section means that a decision shall be filed within six  
6 (6) months from the date the briefing is completed.

7 SECTION 51. AMENDATORY 10 O.S. 2001, Section 7003-7.1, as amended by Section  
8 19, Chapter 327, O.S.L. 2002 (10 O.S. Supp. 2008, Section 7003-7.1), is amended to read as follows:

9 Section 7003-7.1 A. ~~1. Whenever the court transfers custody of a child as provided in this~~  
10 ~~article, the~~ This section applies to persons, institutions, or agencies, other than the Department of  
11 Human Services, which receive custody of a child pursuant to a court order as provided by the  
12 Oklahoma Children's Code.

13 B. 1. The person, institution, or agency, ~~or department~~ receiving custody shall have the right to,  
14 and shall be responsible for, the care and control of the child, and shall have the duty and authority to  
15 provide the following for the child:

16 a. food, clothing, and shelter,

17 b. medical care as authorized by the court, and

18 c. education, ~~and discipline for the child.~~

19 ~~2. The court shall complete a form approved by the Oklahoma Supreme Court to verify~~  
20 ~~information that has been considered prior to the custody transfer.~~

21 ~~B. 1. Except for an emergency psychiatric admission pursuant to the Inpatient Mental Health~~  
22 ~~and Substance Abuse Treatment of Minors Act, such~~ The person, institution, or agency ~~or department~~  
23 may provide or arrange for the ~~provision of an~~ emergency admission, inpatient evaluation, or inpatient  
24

1 treatment of ~~such minor~~ a child only pursuant to ~~a court order as provided by~~ the Inpatient Mental  
2 Health and Substance Abuse Treatment of Minors Act. Nothing in this subsection shall be interpreted  
3 to prohibit or preclude the provision of outpatient behavioral health services, including an outpatient  
4 examination, counseling, educational, rehabilitative or other similar services to such ~~minor~~ child, as  
5 necessary and appropriate, in the absence of a specific court order for such services.

6 ~~2. The medical care, surgery and extraordinary care shall be charged to the appropriate agency~~  
7 ~~where the child qualifies for the care under law, rule or administrative order or decision.~~

8 3. Nothing in this subsection shall be interpreted to:

- 9 a. relieve a parent of the obligation to provide for the support of the child as  
10 otherwise provided by law, or  
11 b. limit the authority of the court to order a parent to make support payments or to  
12 make payments or reimbursements for medical care or treatment, including  
13 ~~mental~~ behavioral health care or treatment, to the person, institution, or agency ~~or~~  
14 ~~department~~ having custody of the child, or  
15 c. abrogate the right of the child to any benefits provided through public funds for  
16 which the child is otherwise eligible.

17 4. No person, agency, or institution shall be liable in a civil suit for damages for authorizing or  
18 not authorizing ~~surgery or extraordinary care in instances where an emergency exists~~ medical care, as  
19 determined by competent medical authority.

20 C. 1. If the child is placed in the custody of ~~the Department of Human Services~~ a person,  
21 institution, or agency, whether in emergency, temporary, or permanent custody, the ~~Department~~  
22 person, institution, or agency shall ~~determine the appropriate placement of the child.~~ However, under  
23 ~~no circumstances may the Department of Human Services return a child to a parent that contributed to~~  
24

1 ~~the child being deprived due to abuse or neglect, without prior approval of the court. Any change in~~  
2 ~~the placement of a child adjudicated to be deprived shall be in accord with the provisions of subsection~~  
3 ~~B of Section 7003-5.4a of this title~~ ensure the child is not returned to the care or supervision of any  
4 person from whom the child was removed or to any person the court has previously ordered not to  
5 have contact with the child without specific authorization from the court.

6 2. The person, institution, or agency, ~~or Department~~ having legal custody of a child pursuant to  
7 an order of the court shall receive notice of court proceedings regarding the child and shall be allowed  
8 to intervene upon application as a party to all court proceedings pertaining to the care and custody of  
9 the child ~~including, but not limited to: adjudication, disposition, review of disposition, termination of~~  
10 ~~parental rights and proceedings pursuant to the Inpatient Mental Health and Substance Abuse~~  
11 ~~Treatment of Minors Act.~~

12 SECTION 52. AMENDATORY 10 O.S. 2001, Section 7003-8.1, as last amended by  
13 Section 1, Chapter 27, O.S.L. 2008 (10 O.S. Supp. 2008, Section 7003-8.1), is amended to read as  
14 follows:

15 Section 7003-8.1 A. In placing a child in the custody of an individual, ~~or in the custody of a~~  
16 private agency, or institution, the court ~~shall,~~ and the Department of Human Services shall, if ~~at all~~  
17 possible, select a person ~~or an,~~ agency, or institution governed by persons of the same religious faith as  
18 that of the parents of the child, or in case of a difference in the religious faith of the parents, then of the  
19 religious faith of the child, ~~or, if the religious faith of the child is not ascertainable, then of the faith of~~  
20 ~~either of the parents.~~

21 B. Except as otherwise provided by this section or by law, it shall be left to the discretion of the  
22 judge to place the custody of children where their total needs will best be served. If an individual  
23  
24

1 meets the minimum required age for placement purposes, the age of an otherwise eligible individual  
2 shall not be a reason for denying the individual placement or custody of a child.

3 ~~C. If the child is removed from the custody of the child's parent, the court or the Department of~~  
4 ~~Human Services, as applicable, shall immediately consider concurrent permanency planning, so that~~  
5 ~~permanency may occur at the earliest opportunity. Identification of appropriate in-state and out-of-~~  
6 ~~state placements should be made so that if reunification fails or is delayed, the placement made is the~~  
7 ~~best available placement to provide permanency for the child.~~

8 ~~D.~~ A prospective foster or adoptive parent shall not be an approved placement for a child if the  
9 prospective foster or adoptive parent or any other person residing in the home of the prospective foster  
10 or adoptive parent has been convicted of any of the following felony offenses:

- 11 1. Within the five-year period preceding the application date, a physical assault, battery, or a  
12 drug-related offense;
- 13 2. Child abuse or neglect;
- 14 3. Domestic abuse;
- 15 4. A crime against a child, including, but not limited to, child pornography; ~~and~~ or
- 16 5. A crime involving violence, including, but not limited to, rape, sexual assault or homicide, but  
17 excluding those crimes specified in paragraph 1 of this subsection.

18 ~~E.~~ D. 1. Under no circumstances shall a child be placed with or in the custody of an individual  
19 subject to the Oklahoma Sex Offenders Registration Act or an individual who is married to or living  
20 with an individual subject to the Oklahoma Sex Offenders Registration Act.

21 2. In addition, prior to the court placing a child in the custody of an individual, the court shall  
22 inquire as to whether the individual has been previously convicted of any ~~other~~ felony or a relevant  
23 misdemeanor or has any felony or ~~relevant~~ misdemeanor charges pending.

24

1 3. Prior to the custody order being entered, the individual seeking custody shall ~~respond by~~  
2 ~~certified affidavit or through sworn testimony to the court and shall~~ provide an Oklahoma criminal  
3 history record obtained pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes to the court.

4 4. For purposes of this subsection the terms:

5 a. “relevant misdemeanor” may include, ~~but shall not be limited to,~~ assault and  
6 battery, alcohol- or drug-related offenses, ~~crimes involving domestic abuse and~~  
7 violence or other offenses deemed relevant by the court involving the use of  
8 physical force or violence against the person or property of another, and

9 b. “individual” shall not include a parent, or legal guardian, ~~or custodian~~ of the child.

10 ~~F. E.~~ The provisions of this section shall not apply in any paternity or domestic relations case,  
11 unless otherwise ordered by the court.

12 SECTION 53. AMENDATORY 10 O.S. 2001, Section 7003-8.2, is amended to read as  
13 follows:

14 Section 7003-8.2 In proceedings pursuant to this Code, the court may allow mileage, as in civil  
15 actions, to witnesses and reimbursement for expert witnesses ~~but such.~~ However, any mileage and  
16 reimbursement paid in accordance with this section shall not be tendered in advance of the hearing.

17 SECTION 54. AMENDATORY 10 O.S. 2001, Section 7003-8.3, is amended to read as  
18 follows:

19 Section 7003-8.3 A willful violation of any provision of an order of the court issued under the  
20 provisions of this Code shall constitute indirect contempt of court, and shall be punishable as such.  
21 Punishment for any such act of contempt shall not exceed a fine of Three Hundred Dollars (\$300.00),  
22 or imprisonment in the county jail for ~~not~~ more than thirty (30) days, or both such fine and  
23 imprisonment.  
24

1 SECTION 55. AMENDATORY 10 O.S. 2001, Section 7003-8.4, is amended to read as  
2 follows:

3 Section 7003-8.4 ~~A.~~ Except as otherwise provided by this section Code, the district attorney  
4 shall prepare and prosecute ~~any case or every hearing and~~ proceeding within the purview of the  
5 Oklahoma Children's Code, and shall act as petitioner in all cases.

6 ~~B. 1. A petition for termination of parental rights may be filed by the district attorney or the  
7 attorney of a child alleged or adjudicated deprived.~~

8 ~~2. If the child's attorney files a petition for the termination of the parental rights of the parents of  
9 the child, the district attorney shall join in the petition or motion for those petitions or motions required  
10 to be filed by the district attorney pursuant to the provisions of Section 15 of this act.~~

11 SECTION 56. AMENDATORY 10 O.S. 2001, Section 7003-8.5, is amended to read as  
12 follows:

13 Section 7003-8.5 Nothing contained in the Oklahoma Children's Code shall prevent a court from  
14 immediately assuming custody of a child and ordering whatever action may be necessary, including  
15 medical or ~~mental~~ behavioral health treatment, to protect the child's health, safety, or welfare.

16 SECTION 57. AMENDATORY 10 O.S. 2001, Section 7003-8.6, is amended to read as  
17 follows:

18 Section 7003-8.6 A. Any judge who is assigned to hear juvenile cases in counties having a  
19 population in excess of ~~one hundred thousand (100,000)~~ eighty thousand (80,000) and where funding  
20 is available may appoint a suitable person or persons to act as referee or referees on a full-time or part-  
21 time basis, to hold office at the pleasure of the judge. ~~Such referees~~ Referees shall be lawyers licensed  
22 to practice law in this state and shall be specially qualified for their duties. ~~The judge may direct that~~  
23 ~~any case, or all cases of a class or within a county to be designated by the judge, shall be heard in the~~  
24

1 first instance by a referee in the manner provided for the hearing of cases by the court. Upon the  
2 conclusion of the hearing in each case, the referee shall transmit to the court all papers relating to the  
3 case, together with the referee's findings of fact and conclusions of law, and recommendations in  
4 writing Reasonable compensation shall be fixed by the presiding judge of the administrative district.

5 B. ~~Notice of the referee's findings and recommendations shall be given to the parent, guardian or~~  
6 ~~custodian of the child, the child's attorney, guardian ad litem or court appointed special advocate,~~  
7 ~~foster parent or to any other person concerned whose case has been heard by the referee. A hearing by~~  
8 ~~the court shall be allowed upon the filing with the court of a request for such hearing, if the request is~~  
9 ~~filed within three (3) days after the service of such notice. In case no hearing by the court is requested,~~  
10 ~~the findings and recommendations of the referee, when confirmed by an order of the court, shall~~  
11 ~~become the decree of the court~~ All referees are subject to the administrative authority and assignment  
12 power of the chief judge of the juvenile court of the county. The duties and powers of referees shall be  
13 to hear and report all matters assigned by the chief juvenile judge and to recommend findings of fact,  
14 conclusions of law, temporary and interim orders, and final orders of judgment.

15 C. 1. Upon conclusion of the hearing, the referee shall provide a copy in writing of the  
16 recommended findings, conclusions, and orders to the parties, counsel, and the referring judge  
17 instanter.

18 2. Unless stayed by order of the referee or the reviewing judge, all orders of a referee shall  
19 become immediately effective and shall continue in full force and effect until vacated or modified  
20 upon rehearing by order of the reviewing judge. Any order entered by a referee becomes a final order  
21 of the reviewing court upon expiration of three (3) judicial days following its entry, unless a review  
22 was ordered or requested. The chief judge of the juvenile court may establish requirements that any or  
23  
24

1 all recommended orders of the referee must be expressly approved by the reviewing judge before  
2 becoming effective.

3 D. 1. Any party, as well as the Department of Human Services when the child is in the legal  
4 custody of the Department, may file a written objection to the referee's recommendations within three  
5 (3) judicial days after notice of the recommendations. The objection shall clearly specify the reason  
6 and grounds for the objection. On receipt of the objection, the reviewing court shall set a hearing date  
7 for the review. The objecting party shall promptly provide a copy of the objection and notice of the  
8 review to the Department and all parties to the action. Failure to file a timely request for district court  
9 review shall constitute a waiver of any and all objections to the recommendations of the referee.

10 2. The review of the district court shall be limited to a review of the record developed before the  
11 referee.

12 3. The court shall accept the findings of fact of the referee unless they are clearly erroneous.  
13 After a review of the objection, the court may confirm or reconfirm the recommendations, reject, or  
14 modify them in whole or in part, receive further evidence, or remand them with instructions.

15 SECTION 58. AMENDATORY 10 O.S. 2001, Section 7003-8.7, as amended by Section 1,  
16 Chapter 198, O.S.L. 2004 (10 O.S. Supp. 2008, Section 7003-8.7), is amended to read as follows:

17 Section 7003-8.7 A. ~~In any postadjudicatory hearing concerning the status of a~~ Upon notice to  
18 the parent or other person legally obligated to support the child and upon an opportunity to be heard  
19 and a finding of financial ability to pay, the court, if the court determines may order the parent is able  
20 to pay, shall order the parents of any deprived child or other person to:

21 1. Reimburse the Department of Human Services, in whole or in part, for any costs and expenses  
22 incurred by the Department in providing any services or authorizing actions taken pursuant to the  
23  
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1 Oklahoma Children's Code for the child including, but not limited to, all or some part of placement  
2 services, medical care and mental health services of a child, as authorized by law;

3 2. Reimburse any law enforcement agency, in whole or in part, for any costs or expenses  
4 incurred by the law enforcement agency for protective custody services or other authorized actions  
5 taken pursuant to the Oklahoma Children's Code; and

6 3. Reimburse the court fund, in whole or in part, for any disbursements made from the court  
7 fund in conjunction with the case, including, but not limited to, court-appointed attorney fees, expert  
8 witness fees, sheriff's fees, witness fees, transcripts and postage.

9 ~~B. 1. After a judicial determination that the parent of the child is able to pay, in whole or in part,  
10 the costs and reimbursements specified by this section, the court shall order payment of the costs and  
11 reimbursements. The court may order such payments and reimbursements to be paid in installments  
12 and shall set the amount and due date of each installment.~~

13 ~~2. The court may order the terms and conditions of the payment of costs and expenses described  
14 in subsection A of this section. When any parent is financially able but has willfully failed to pay the  
15 costs and reimbursements as ordered by the court pursuant to this section, the parent may be held in  
16 indirect contempt of court and, upon conviction, shall be punished pursuant to Section 566 of Title 21  
17 of the Oklahoma Statutes.~~

18 ~~3. Even though the court has previously found the parent indigent, if a parent is subsequently  
19 found to be financially able to pay costs and reimbursements, the court shall require payment of costs  
20 and reimbursements required by this section. The court may order such costs and reimbursements to  
21 be paid in installments.~~

1           ~~C. The court shall have all powers incident to such orders necessary for their enforcement,~~  
2 ~~including the power and authority to require bond or other security for the payment of such order; and~~  
3 ~~may resort to execution and the power of punishment for contempt for noncompliance with such order.~~

4           ~~D. 1. The court may order reimbursements to be paid directly to the organization or institution~~  
5 ~~having the care and custody of the child or children, or directly to the clerk of the court.~~

6           ~~2. All such funds ordered and paid to the clerk shall be accounted for; provided, that when~~  
7 ~~payments are made in advance for any child, and custody of the court is terminated before the end of~~  
8 ~~the period, then the clerk may refund, by proper voucher, the unused or unaccrued portion of such~~  
9 ~~payment; or the refund may be authorized and paid on claim properly verified and approved by the~~  
10 ~~judge.~~

11           ~~E. 1. The Department may effectuate an order for payment of any costs and expenses~~  
12 ~~authorized pursuant to this section against any asset of the parent. Any assignment, attachment,~~  
13 ~~garnishment, or lien against such assets shall be served upon the person in possession of the assets or~~  
14 ~~shall be recorded in the office of the county clerk in the county in which the parent resides or in which~~  
15 ~~the asset is located.~~

16           ~~2. Pursuant to the provisions of Section 236 of Title 56 of the Oklahoma Statutes, the~~  
17 ~~Department may contract on a contingency fee basis with private attorneys for the collection and~~  
18 ~~enforcement of orders for payment of costs and expenses against such assets. Any such third party~~  
19 ~~payment shall be paid directly to the Department.~~

20           SECTION 59. AMENDATORY   Section 2, Chapter 198, O.S.L. 2004, as last amended by  
21 Section 1, Chapter 99, O.S.L. 2008 (10 O.S. Supp. 2008, Section 7003-8.8), is amended to read as  
22 follows:  
23  
24

1 Section 7003-8.8 A. 1. When paternity of an alleged or adjudicated deprived child ~~is at issue~~  
2 has not been established, the court, within six (6) months after the filing of a deprived petition, shall  
3 either establish paternity or defer the issue of paternity establishment to the appropriate administrative  
4 or district court for any child for whom paternity has not been legally established according to ~~Section~~  
5 ~~7700-101 et seq. of this title~~ the Uniform Parentage Act.

6 2. When paternity is ~~an~~ at issue, an alleged father and mother of the child named in a deprived  
7 petition shall be given notice in the petition and summons that paternity may be established in a the  
8 deprived action. ~~The Oklahoma Department of Human Services Child Support Enforcement Division~~  
9 Services shall proceed with paternity establishment for any case deferred to the administrative or other  
10 district court division under this subsection.

11 3. After the establishment of paternity, the court shall address ~~the issue of~~ current child support  
12 pursuant to subsection B of this section. In addition, the court may:

- 13 a. order the father to pay child support for past months when no child support order  
14 was in effect according to the provisions of Section 83 of ~~this title~~ Title 10 of the  
15 Oklahoma Statutes, or  
16 b. reserve or refer the issue of prior support to ~~the Oklahoma Department of Human~~  
17 ~~Services Child Support Enforcement Division~~ Services.

18 4. The order establishing paternity shall be filed as a separate document and shall not be  
19 confidential. The court clerk of the district court where the ~~child support~~ paternity order has been filed  
20 shall provide, upon request, a copy of the order establishing paternity to a representative of ~~the~~  
21 ~~Oklahoma Department of Human Services Child Support Enforcement Division~~ Services. A court  
22 order for the release of the order establishing paternity or other information contained in the court  
23 record pertaining to paternity and child support shall not be required. The order may be captioned with  
24

1 a different case style in order to establish and enforce a child support order in an action other than the  
2 deprived proceeding.

3 B. 1. Each parent of any child named in a deprived petition shall be given notice in the petition  
4 and summons that child support may be ordered or modified in the deprived action.

5 2. Within six (6) months after the filing of a deprived petition, the court shall ~~either~~ address the  
6 issue of child support or defer the issue of establishment or enforcement of child support to the  
7 appropriate administrative or district court. ~~The Oklahoma Department of Human Services Child~~  
8 ~~Support Enforcement Division~~ Services shall proceed with the establishment or enforcement of child  
9 support orders for any case deferred to the administrative or other district court division under this  
10 subsection; provided, Oklahoma Child Support Services shall enforce all child support orders entered  
11 by the court.

12 3. a. If there is an existing order for child support, the existing order shall remain in  
13 effect unless the court finds the existing order is not in the best interests of the  
14 child or children involved.

15 b. The court shall use the child support guidelines as provided for in Sections 118  
16 and 119 of Title 43 of the Oklahoma Statutes in determining the amount each  
17 parent is to pay for care and maintenance of a child and issue an order describing  
18 the finding of the court.

19 c. The court may deviate from the child support guidelines when it is determined  
20 necessary in order for the parent to meet the obligations of a court-imposed  
21 ~~individual treatment and~~ individualized service plan or for other reasons as the  
22 court deems appropriate. If the court deviates from the amount of child support  
23  
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1 indicated by the child support guidelines, the court shall make specific findings of  
2 fact supporting such action.

3 d. Each parent shall be individually ordered to pay his or her percentage of the total  
4 monthly child support obligation including parents who reside together.

5 e. The court shall order the parent to provide medical insurance whenever the parent  
6 has insurance available through employment or other group plan, regardless of  
7 whether insurance is available at the time the order is entered.

8 f. The child support order shall contain an immediate income assignment provision  
9 pursuant to Section 115 of Title 43 of the Oklahoma Statutes.

10 g. A child support computation form as provided for in Section 120 of Title 43 of  
11 the Oklahoma Statutes shall be completed by the court, counsel of record, or may  
12 be referred to Oklahoma Child Support Services for completion. Upon being  
13 signed by the judge and, the computation form shall be incorporated as a part of  
14 the child support order.

15 h. (1) A standard child support order form shall be used in the deprived action.

16 The form shall be prescribed by ~~the Oklahoma Department of Human~~  
17 ~~Services Child Support Enforcement Division~~ Services and shall be  
18 published by the Administrative Office of the Courts.

19 (2) The child support order shall be filed as a separate document and shall not  
20 be confidential.

21 (3) The court clerk of the district court where the child support order has been  
22 filed shall provide, upon request, a copy of the support order to a  
23 representative of ~~the Oklahoma Department of Human Services Child~~

1 Support ~~Enforcement Division~~ Services. A court order for the release of  
2 the child support order or other information contained in the court record  
3 pertaining to child support shall not be required.

4 (4) The order may be captioned with a different case style in order to enforce  
5 the child support order in an action other than the deprived proceeding.

6 i. The child support order may be modified upon a material change in  
7 circumstances.

8 j. The child support order may be enforced by any method allowed by law.

9 k. After a deprived action is dismissed, the most recent child support order entered  
10 in the deprived action shall remain in full force and effect, unless the judge  
11 presiding over the deprived action orders otherwise. If there was no prior  
12 administrative or district court case, the deprived action child support order shall  
13 be docketed and filed in a new district court family division action and enforced  
14 for current child support and arrearages. If the judge presiding over the deprived  
15 action modified a preexisting child support order or if there was an existing  
16 administrative or district court case, the child support order entered in the  
17 deprived action shall be filed in the existing case and enforced for current child  
18 support and arrearages. The child support order may be modified after being  
19 docketed in district court.

20 C. All child support payments shall be paid through the Oklahoma Centralized Support Registry  
21 as provided for in Section 413 of Title 43 of the Oklahoma Statutes.

22 D. When a child's ~~placement~~ custody is changed from one parent or caretaker to another  
23 pursuant to the Oklahoma Children's Code, the change in ~~placement~~ custody shall transfer child  
24

1 support payments to the new caretaker unless the caretaker is receiving foster care payments or  
2 Temporary Assistance to Needy Families payments for the care of the child. Child support payments  
3 to the caretaker shall terminate when the child no longer resides with the caretaker.

4 E. The Department of Human Services shall promulgate rules necessary to implement the  
5 provisions of this section.

6 SECTION 60. AMENDATORY 10 O.S. 2001, Section 7004-1.1, is amended to read as  
7 follows:

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

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

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

- 15 a. place ~~such~~ the children in a children's shelter, a foster home ~~or a relative's home,~~  
16 group home, or in any licensed facility established for the care of children. In  
17 determining any placement for a child who has been removed from the custody of  
18 a custodial parent and placed with the Department in emergency ~~or protective~~  
19 custody, priority shall be given by the Department to the placement of such child  
20 with the noncustodial parent of the child unless such placement is not in the best  
21 interests of the child. ~~If it is determined by the Department that placement with~~  
22 ~~the noncustodial parent is not in the best interests of the child, custody shall be~~  
23 ~~consistent with the provisions of Section 21.1 of this title. If custody of the child~~

1 cannot be made pursuant to the provisions of Section 21.1 of this title, the reason  
2 for such determination shall be specified in the agency records concerning the  
3 child. In addition, such reasons shall be made known to the court by the  
4 Department,

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

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

20 d. provide ~~such~~ outpatient ~~mental~~ behavioral health care and treatment as may be  
21 necessary to ~~preserve the health and safety of an alleged deprived child in~~  
22 ~~emergency custody~~ and as prescribed by a qualified ~~mental~~ behavioral health  
23  
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1 professional. ~~Each child placed in the Department's emergency custody shall~~  
2 ~~receive,~~

3 e. provide, as soon as practicable, educational instruction through enrollment in a  
4 public school or an alternative program consistent with the needs and abilities of  
5 the child,

6 e. f. provide or prescribe treatment services for the family of an alleged deprived child placed  
7 in the ~~Department's~~ emergency custody of the Department if such services are  
8 voluntarily requested and the family is otherwise eligible under ~~application~~  
9 applicable law and rules promulgated by the Commission for the services offered,  
10 and

11 f. g. ~~provide for each child placed in the Department's emergency custody to receive, as soon~~  
12 ~~as practicable after the filing of the petition, an initial health screening to identify~~  
13 ~~any health problems that require immediate treatment, to diagnose infections and~~  
14 ~~communicable diseases and to evaluate injuries or other signs of neglect or abuse.~~  
15 ~~The Department shall provide such~~ medical care ~~as is necessary to preserve the~~  
16 ~~child's health and protect the health of others in contact with the child in~~  
17 accordance with the provisions of Chapter III of this Code; and

18 2. Provide for the care and treatment of an adjudicated deprived child placed in the ~~Department's~~  
19 temporary custody of the Department by an order of the ~~juvenile~~ court. In providing for ~~the~~ such care  
20 and treatment of an ~~adjudicated deprived child placed in the Department's custody,~~ the Department:

21 a. shall review and assess each ~~deprived child placed in its custody~~ to determine the  
22 type of placement and services consistent with the needs of the child in the nearest  
23 geographic proximity to the home of the child as possible. ~~Such review and~~

1 assessment shall include an investigation of the personal and family history of the  
2 child and the child's environment, and any necessary physical or mental  
3 examination. In making such the review, the Department may use any facilities,  
4 public or private, which offer to aid in the ~~determination of the correct placement~~  
5 ~~of the child~~ assessment,

6 b. shall develop and, ~~upon approval by the court~~, implement an ~~individual treatment~~  
7 ~~and individualized~~ service plan for each ~~deprived~~ child placed in the Department's  
8 custody in accord with the requirements of Section ~~7003-5.1 et seq. 1-4-704~~ of  
9 this title,

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

17 d. may admit a deprived child ~~in the Department's custody~~ to a hospital or mental  
18 behavioral health facility as provided in Section 5-507 of Title 43A of the  
19 Oklahoma Statutes and shall, if such child is found by the court to be a child in  
20 need of mental health treatment, place the child as provided in paragraph 2 of  
21 subsection D of Section 5-512 of Title 43A of the Oklahoma Statutes the Inpatient  
22 Mental Health and Substance Abuse Treatment of Minors Act,  
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- 1 e. may provide ~~such~~ outpatient ~~mental~~ behavioral health care and treatment as ~~may~~  
2 ~~be necessary to meet the treatment needs of a deprived child in the Department's~~  
3 ~~eustody and~~ as prescribed by a qualified ~~mental~~ behavioral health professional,  
4 and
- 5 f. shall, if ordered by the court, provide supervision of children adjudicated deprived  
6 who are placed by the court in the custody of a parent, relative, or other  
7 responsible person. Such supervision shall, be in accordance with ~~standards~~  
8 ~~established in rules promulgated by the Commission, consist of periodic visitation~~  
9 ~~with the child, the child's custodian, and such other persons as may be necessary~~  
10 ~~to determine compliance with the court-approved individual treatment and service~~  
11 ~~plan. Such supervision shall not exceed a period of six (6) months unless~~  
12 ~~extended by the court for good cause shown; Department,~~
- 13 g. provides medical care necessary to preserve the health of the child in accordance  
14 with the provisions of Chapter III of the Oklahoma Children's Code.

15 ~~3. Transfer any B. The Department may move a child in its custody from any authorized~~  
16 ~~placement to another authorized placement if such transfer is consistent with the treatment needs of the~~  
17 ~~child or as may be required in an emergency, subject to the provisions of Section 7003-5.4a 1-4-804 of~~  
18 ~~this title; The Department, in placing a child who has reentered foster care, shall consider previous~~  
19 foster placements as well as a kinship foster home placement if available. The placement shall be  
20 consistent with the best interests of the child.

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

- 23 a. ~~the guidance centers operated by the State Department of Health,~~
- 24

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

2           e. ~~community based private nonprofit agencies and organizations; and~~

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

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

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

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

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

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

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

21           E. The Department shall receive notice of all court proceedings regarding any child in its  
22 custody and shall, upon application, be allowed to intervene as a party for a specified purpose, to any  
23 court proceedings pertaining to the care and custody of the child.  
24

1        ~~B. F.~~ F. The Department may participate in federal programs relating to ~~deprived~~ abused and  
2 neglected children and services for such children; and apply for, receive, use and administer federal  
3 funds for such purposes.

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

7        SECTION 61.    AMENDATORY    10 O.S. 2001, Section 7004-1.3, is amended to read as  
8 follows:

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

17        1. All programs and services shall be designed to ensure the accessibility of the program to the  
18 persons served. Provision for transportation, child care and similar services necessary in order to assist  
19 persons to access the services shall be made. If the service is provided in an office setting, the service  
20 shall be available during the evening.

21        2. Programs and services shall be targeted to the areas of the state having the greatest need for  
22 them. The programs and services shall be designed to meet the needs of the area in which they are  
23  
24

1 located. Programs and services intended for statewide implementation shall be implemented first in  
2 those areas that have the greatest need for them.

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

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

8 B. The Department shall develop a five-year plan for children and youth services provided by  
9 the agency. The plan shall be reviewed annually and modified as necessary. Agency budget  
10 recommendations of the Department for services to children and youth shall be based upon  
11 documented needs, and the development of budget recommendations and priorities shall be closely  
12 integrated with agency and interagency program planning and management.

13 C. The Department shall annually review its programs and services and submit a report to the  
14 Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and  
15 the Supreme Court of the State of Oklahoma, analyzing and evaluating the effectiveness of the  
16 programs and services being carried out by the Department. Such report shall include, but not be  
17 limited to:

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

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

21 3. Statutory changes necessary;

22 4. Relevant information concerning the number of children in the Department's custody during  
23 the period covered by the report; and  
24

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

3 SECTION 62. AMENDATORY 10 O.S. 2001, Section 7004-1.5, is amended to read as  
4 follows:

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

7 B. The Department shall establish, in accordance with the provisions of this section, standards  
8 for becoming a kinship foster care family.

9 C. 1. a. When a child has been removed from the child's home and is in the care and custody of  
10 the Department, the Department shall attempt to place the child with a person determined by the  
11 Department to have a kinship relationship with the child if such placement is in the best interests of the  
12 child.

13 ~~b. 2.~~ In determining a kinship placement for a child who has been removed from the custody of  
14 a custodial parent and placed with the Department in emergency or protective custody, priority shall be  
15 given by the Department to the placement of ~~such~~ the child with the noncustodial parent of the child  
16 unless such placement is not in the best interests of the child. If it is determined by the Department  
17 that placement with the noncustodial parent is not in the best interests of the child, ~~custody~~ placement  
18 shall be consistent with the provisions of Section ~~21.1~~ 1-4-204 of this title. ~~If custody of the child~~  
19 ~~cannot be made pursuant to the provisions of Section 21.1 of this title, the reason for such~~  
20 ~~determination shall be specified in the agency records concerning the child. In addition, such reasons~~  
21 ~~shall be made known to the court by the Department. A child's~~ The health, safety, or welfare of a child  
22 shall be of paramount concern in any placement.  
23  
24

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

3       ~~C. D.~~ 1. Upon the completion of the records search to ascertain if there is an Oklahoma record  
4 of criminal history for the prospective kinship foster parent or any other adult residing in the  
5 prospective kinship foster parent's home, and subject to any other standards established by law or by  
6 the Department, a child may be placed in the kinship home. A kinship foster parent shall not be  
7 entitled to any payments for providing foster care until such foster parent receives final approval from  
8 the Department to be a kinship foster parent.

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

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

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

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

21       ~~D. E.~~ A person related by blood, marriage, adoption, and by tie or bond to a child, and/or to  
22 whom has been ascribed a family relationship role with the child's parents or the child may be eligible  
23 for approval as a kinship foster care parent.  
24

1        ~~E. F.~~ The Department shall determine whether the person is able to effectively care for the foster  
2 child by:

- 3            1. Reviewing personal and professional references;
- 4            2. Observing during a visit to the home of the kinship foster care family; and
- 5            3. Interviewing the kinship foster care parent.

6        ~~F. G.~~ 1. When the kinship foster parent is finally approved by the Department, in accordance  
7 with applicable state and federal law and rules promulgated by the Commission for Human Services  
8 regarding foster care services, the kinship foster care family shall be eligible to receive payment for the  
9 full foster care rate for the care of the child and any other benefits that might be available to foster  
10 parents, whether monetary or in services.

11            2. If a child is placed with a kinship foster parent prior to the home's final approval as a foster  
12 care home, the Department shall immediately refer ~~such~~ the child and family for assistance through the  
13 Temporary Assistance for Needy Families Program.

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

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

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

21        SECTION 63.    AMENDATORY    10 O.S. 2001, Section 7004-1.6, is amended to read as  
22 follows:  
23  
24

1 Section 7004-1.6 A. This section and Section 3230 of Title 70 of the Oklahoma Statutes shall  
2 be known and may be cited as the “Independent Living Act”.

3 B. The purpose of the Independent Living Act shall be:

4 1. To ensure that eligible individuals, who have been or are in the foster care program of the  
5 Department of Human Services due to abuse or neglect, receive the protection and support necessary to  
6 allow ~~the~~ those individuals to become self reliant and productive citizens through the provision of  
7 requisite services that include, but are not limited to, transitional planning, housing, medical coverage,  
8 and education; and

9 2. To break the cycle of abuse and neglect that obligates the state to assume custody of children.

10 C. Individuals eligible for services pursuant to the Independent Living Act include any  
11 individual up to twenty-one (21) years of age who has been in the custody of the Department of  
12 ~~Human Services~~ or a federally recognized Indian tribe due to abuse or neglect for any nine (9) of the  
13 twenty-four (24) months after the individual’s sixteenth birthday and before the individual’s eighteenth  
14 birthday.

15 D. Individuals who are eligible for services pursuant to the Independent Living Act and who are  
16 between eighteen (18) and twenty-one (21) years of age shall be eligible, ~~when funds become~~  
17 ~~available~~, for Medicaid coverage, provided such individuals were also in the custody of the  
18 Department of ~~Human Services~~ or a federally recognized Indian tribe on the date they reached eighteen  
19 (18) years of age. ~~The Legislature directs the Oklahoma Health Care Authority to submit a State~~  
20 ~~Medicaid Plan Amendment to the federal Health Care Financing Administration to provide medical~~  
21 ~~coverage for such individuals to become effective fiscal year 2003.~~

22 SECTION 64. AMENDATORY 10 O.S. 2001, Section 7004-1.7, is amended to read as  
23 follows:  
24

1 Section 7004-1.7 A. A pilot program to serve children at high risk of abuse and neglect shall be  
2 established by the Department of Human Services in consultation with an evaluation team created  
3 pursuant to this section if funds are available. ~~The pilot program shall begin no later than February 1,~~  
4 ~~2002, and end no later than May 1, 2005.~~

5 B. The pilot program shall:

6 1. Identify the populations of children at high risk of abuse and neglect and the characteristics of  
7 those children ~~at high risk of abuse and neglect~~, including, but not limited to, populations in which  
8 parental drug and/or alcohol abuse, mental illness, mental and/or physical disability, and domestic  
9 abuse are an issue;

10 2. Develop and design programs to provide services to children at high risk of abuse and  
11 neglect;

12 3. Develop methods for coordinating state and local services to assist high risk children and their  
13 families;

14 4. Allow and provide for participation of both urban and rural concerns in developing and  
15 designing such programs;

16 5. Monitor, evaluate, and review the programs implemented to serve populations of children at  
17 high risk of abuse and neglect; and

18 6. Include such other areas, programs, services, and information deemed necessary by the  
19 Department of Human Services to provide a comprehensive assessment of the needs and programs  
20 necessary to provide assistance to children at high risk of abuse and neglect.

21 C. An evaluation team shall determine the effectiveness of the pilot program, and make a  
22 ~~preliminary~~ report to the Legislature, ~~no later than February 1, 2005~~ and to the Department annually  
23 for as long as the program is funded. Such report shall cover:  
24

- 1 1. Effective programs that will serve children that are at high risk of abuse and neglect;
- 2 2. Statewide expansion of programs;
- 3 3. Funding sources;
- 4 4. Training of professionals to serve such populations;
- 5 5. Monitoring, evaluating and reviewing continued effectiveness of such programs;
- 6 6. Special needs of children at risk of abuse and neglect from parental addiction to drugs and
- 7 alcohol and parental mental illness and mental and/or physical disability and from domestic abuse; and
- 8 7. Recommendations regarding the issuance of grants and contracts for serving such high-risk
- 9 populations.

10 D. The evaluation team shall consist of not more than two representatives from the following  
11 entities who have expertise in child abuse prevention or a related field and who have an understanding  
12 of program evaluation techniques:

- 13 1. The Department of Human Services;
- 14 2. The Department of Mental Health and Substance Abuse Services;
- 15 3. The Oklahoma Commission on Children and Youth;
- 16 4. The Oklahoma Indian Affairs Commission;
- 17 5. The Oklahoma Institute for Child Advocacy;
- 18 6. The Oklahoma Court-Appointed Special Advocate Association;
- 19 7. The University of Oklahoma; and
- 20 8. Oklahoma State University.

21 E. 1. Upon receipt of recommendations ~~of the team evaluating the pilot project~~ from the  
22 evaluation team established pursuant to this section, which ~~indicates~~ indicate that the expansion of the  
23 pilot project on a statewide basis would be economically feasible and practical, the Commission for  
24

1 Human Services shall promulgate rules for developing a statewide program serving populations of  
2 children at high risk of abuse and neglect, provided funding is available for such expansion.

3 2. Upon promulgation of rules by the Commission, the provisions of this section shall become  
4 effective statewide.

5 F. The Department of ~~Human Services~~ may:

6 1. Contract for services necessary to carry out the duties of the Department pursuant to the  
7 provisions of this section; and

8 2. Accept the services of volunteer workers or consultants and reimburse them for their  
9 necessary expenses pursuant to the State Travel Reimbursement Act.

10 SECTION 65. AMENDATORY Section 7, Chapter 205, O.S.L. 2006, as amended by  
11 Section 4, Chapter 159, O.S.L. 2008 (10 O.S. Supp. 2008, Section 7004-1.8), is amended to read as  
12 follows:

13 Section 7004-1.8 ~~On or before January 1, 2007, the~~ The Department of Human Services shall  
14 ~~establish~~ maintain a performance-based incentive compensation program for employees exclusively  
15 working as child welfare specialists. All full-time child welfare specialists shall be eligible to  
16 participate in the performance-based incentive compensation program. Eligibility factors shall include,  
17 but not be limited to, child welfare specialists who have met or exceeded the suggested federal child  
18 welfare outcomes, received “exceeds standards” employee evaluations, as defined by the Office of  
19 Personnel Management, completed Department-sponsored field training, and obtained an advanced  
20 higher education degree in social work or closely related field. The eligibility of a child welfare  
21 specialist shall not be based upon the level of seniority that has been obtained by the child welfare  
22 specialist. The Oklahoma Commission for Human Services shall promulgate rules as necessary to  
23 implement the provisions of this section.  
24

1 SECTION 66. AMENDATORY 10 O.S. 2001, Section 7004-2.1, is amended to read as  
2 follows:

3 Section 7004-2.1 A. 1. The Department of Human Services shall, to the extent of funds  
4 available, directly or by grant or contract, develop and implement a diversity of community-based  
5 services and community-based care for children who are alleged or adjudicated deprived. Community-  
6 based services are prevention and remedial services including, but not limited to:

7 a. home-based counseling, therapy, and crisis intervention services,

8 b. nonresidential educational, vocational, social and psychological diagnostic and  
9 counseling services,

10 c. substance abuse treatment, sexual abuse treatment, emergency shelter and foster  
11 care, and other related protection, prevention and treatment services which are  
12 provided, whenever practicable, in or near a child's home community.

13 2. If a child is placed with a noncustodial parent, the noncustodial parent's home shall be  
14 construed to be the child's home community. Community-based care is care in a foster home, group  
15 home, community residential center or similar nonsecure facility consistent with the individualized  
16 treatment needs of the child and provided, whenever practicable, in or near a child's home community.

17 3. The Department is authorized to contract with any federal, state, local, or tribal governmental  
18 agency, or with any qualified private person, association, or agency to develop, administer, coordinate,  
19 or provide community-based services and community-based care.

20 B. The Department shall establish procedures for the letting of grants or contracts, and the  
21 conditions and requirements for the receipt of such grants or contracts, for community-based services  
22 and community-based care. A copy of ~~such~~ the procedures shall be made available to any member of  
23 the general public upon request.  
24

1 C. Requests for proposals developed by the Department shall be based upon documented client  
2 and service needs and identified priorities. The request for proposals shall clearly identify the program  
3 or services requirements, the population to be served, and performance expectations. The agency shall  
4 adopt clear, written guidelines to ensure uniformity in the management, monitoring, and enforcement  
5 of contracts for services. If in-state private providers are unable or unwilling to respond to the  
6 proposal, then out-of-state providers should be encouraged to respond.

7 D. Nothing in this section shall serve to limit the authority of the Department to secure federal  
8 funding for community-based services and community-based care or compliance by the Department  
9 with federal law and regulations governing the expenditure of such funds.

10 E. Any state-funded grant or contract for the establishment of community residential care or  
11 treatment facilities for children shall require, as a condition for receipt of such grant or contract,  
12 documented assurance from the agency or organization establishing such facility that appropriate  
13 arrangements have been made for providing the educational services to which residents of the facility  
14 are entitled pursuant to state and federal law.

15 F. The Department of Human Services is hereby authorized to, and shall, enter into cooperative  
16 agreements with the Department of Juvenile Justice for the use by both Departments of existing  
17 community-based programs, management information, and client tracking systems, and other shared  
18 resources as deemed necessary or appropriate by both Departments.

19 G. 1. The Department of Human Services is hereby authorized to expend a sum not to exceed  
20 One Million Four Hundred Thousand Dollars (\$1,400,000.00) from monies appropriated for that  
21 purpose from the Human Services Fund during each fiscal year for the purpose of:  
22  
23  
24

- 1           a.     providing subsidy payments to licensed nonprofit child care institutions within the  
2                     State of Oklahoma to furnish food, clothing, shelter, and upkeep for Oklahoma  
3                     children, and ~~to assist~~
- 4           b.     assisting the agency in developing a more comprehensive program to meet the  
5                     needs of each child in the program including, but not limited to, social services,  
6                     recreational activities and individual and family counseling with the goal of  
7                     returning the child to his or her family.

8           2. Such subsidy shall be made on a per capital basis not to exceed One Thousand Two Hundred  
9 Dollars (\$1,200.00) per year and shall be expended in twelve (12) monthly payments beginning July 1  
10 of the fiscal year. Nothing in this section shall preclude an individual from receiving federal matching  
11 funds for which he would otherwise be eligible.

12           SECTION 67. AMENDATORY 10 O.S. 2001, Section 7004-3.1, is amended to read as  
13 follows:

14           Section 7004-3.1 A. 1. The Department of Human Services is authorized to manage and  
15 operate the children's shelter located at in Oklahoma City, known and designated as the Pauline Mayer  
16 Children's Shelter, and the children's shelter located in Tulsa, known and designated as the Laura  
17 Dester Children's Shelter.

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

21           B. The Commission for Human Services shall establish and maintain ~~such~~ methods of  
22 administration, including those necessary to establish and maintain a merit system of personnel  
23  
24

1 administration, and shall prescribe ~~such~~ rules as ~~it deems~~ necessary for the efficient and effective  
2 operation of the children's facilities operated by the Department.

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

6 2. The Department shall promulgate, and in its hiring and employment practices, the Department  
7 shall adhere to, written minimum qualifications by position for personnel working with or around  
8 children in ~~said~~ such facilities. ~~Such minimum~~ Minimum qualifications shall be designed to assure  
9 that:

- 10 a. ~~such~~ personnel possess sufficient education, training, experience, and background  
11 to provide adequate and safe professional care and services to ~~said~~ children; ~~and~~  
12 ~~that the~~
- 13 b. children will not be exposed to abuse, deprivation, criminal conduct, or other  
14 unwholesome conditions attributable to employee incompetence or misconduct.

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

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

- 20 a. minimum fire, life, and health safety standards, and ~~compliance with~~
- 21 b. minimum standards governing general sanitation of the institution.

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

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

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

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

- 6 a. give assistance to local school districts in providing an education to children in  
7 facilities operated by the Department, ~~may~~
- 8 b. supplement ~~such~~ the education, and ~~may~~
- 9 c. provide facilities for such purposes.

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

13 SECTION 68. AMENDATORY 10 O.S. 2001, Section 7004-3.2, as amended by Section  
14 20, Chapter 327, O.S.L. 2002 (10 O.S. Supp. 2008, Section 7004-3.2), is amended to read as follows:

15 Section 7004-3.2 A. The ~~Commission for~~ Department of Human Services shall promulgate  
16 written rules, ~~outline~~ policies, and procedures governing the operation of those facilities operated by or  
17 under contract with the Department of ~~Human Services~~ wherein children may be ~~housed~~ placed. ~~Said~~  
18 ~~policies and procedures shall include, but not be limited to, standards of cleanliness, temperature and~~  
19 ~~lighting, availability of medical and dental care, provision of food, furnishings, clothing and toilet~~  
20 ~~articles, supervision, appropriate and permissible use of restriction and confinement, procedures for~~  
21 ~~enforcing rules of conduct consistent with due process of law and visitation privileges.~~

22 ~~B.~~ The policies prescribed shall, at a minimum, ensure that:  
23  
24

1 1. A child shall not be punished by physical force, deprivation of nutritious meals, ~~deprivation~~  
2 ~~of or~~ family visits, or solitary confinement;

3 2. A child shall have the opportunity to participate in physical exercise each day;

4 3. A child shall be allowed ~~daily access to showers and~~ his or her own clothing or individualized  
5 clothing ~~which is clean~~;

6 4. A child shall have constant access to writing materials and may send mail without limitation,  
7 censorship, or prior reading, and may receive mail without prior reading, except that mail may be  
8 opened in the presence of the child, without being read, to inspect for contraband or if authorized by  
9 the court for the protection of the child;

10 5. A child shall have ~~reasonable opportunity~~ a right to communicate and to visit with his or her  
11 family on a regular basis, and to communicate with persons in the community provided the  
12 communication or visitation is in the best interests of the child;

13 6. A child shall have ~~immediate~~ timely access to medical care as needed, ~~and shall receive~~  
14 ~~necessary psychological and psychiatric services~~;

15 7. A child in the custody or care of the Department shall be provided access to an education  
16 including teaching, educational materials, and books, ~~provided, that such policies shall provide~~  
17 ~~emphasis upon basic literacy skills, including but not limited to curricula requirements stressing~~  
18 ~~reading, writing, mathematics, science, vocational technical education, and other courses of instruction~~  
19 ~~designed to assure that such children will be capable of being assimilated into society as productive~~  
20 ~~adults capable of self-support and full participation~~;

21 8. A child shall have ~~reasonable~~ a right to access to an the child's attorney ~~upon request~~;

22 9. A child shall be afforded a grievance procedure, including an appeal procedure; ~~and~~  
23  
24

1           10. A child's ~~mental~~ behavioral health needs ~~and mental well-being will~~ shall be met, protected,  
2 and served through provision of guidance, counseling, and treatment programs, staffed by competent,  
3 professionally qualified persons, ~~servng under the supervision of qualified mental health professionals~~  
4 ~~as such term is defined by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act;~~  
5 and

6           11. Use of physical force, when authorized, shall be the least force necessary under the  
7 circumstances and shall be permitted only under the following circumstances:

- 8           a.     for self-protection,
- 9           b.     to separate children who are fighting,
- 10          c.     to restrain children in danger of inflicting harm to themselves or others, or
- 11          d.     to deter children who are in the process of leaving the facility without  
12               authorization.

13           C. Any contract or agreement entered into by the Department of ~~Human Services~~ for the  
14 residential care and treatment of children in the custody of the Department of ~~Human Services~~ shall  
15 provide that the contractor ~~shall~~ comply with the provisions of subsections A and B of this section ~~and~~  
16 ~~the provisions of this part.~~

17           SECTION 69. AMENDATORY 10 O.S. 2001, Section 7004-3.4, as amended by Section 6,  
18 Chapter 445, O.S.L. 2002 (10 O.S. Supp. 2008, Section 7004-3.4), is amended to read as follows:

19           Section 7004-3.4 A. 1. The Commission for Human Services is authorized and directed to  
20 establish the Office of Client Advocacy within the Department and to employ ~~such~~ personnel ~~as may~~  
21 ~~be~~ necessary to carry out the purposes of this section and the duties listed in this section. ~~Such~~  
22 ~~personnel~~ Personnel may be dismissed only for cause.

1        ~~1.~~ 2. The chief administrative officer of the Office of Client Advocacy shall be the Advocate  
2 General, who shall be an attorney selected from a list of three names submitted by the Oklahoma  
3 Commission on Children and Youth. The Advocate General shall be a member of the Oklahoma Bar  
4 Association and shall have a minimum of three (3) years' experience as an attorney. The compensation  
5 of the Advocate General shall be no less than that of the classification of Attorney III as established in  
6 the Merit System of Personnel Administration classification and compensation plan, but shall be an  
7 unclassified position.

8        ~~2.~~ 3. The duties and responsibilities of the Advocate General are as follows ~~to~~ to:

- 9            a.        supervise personnel assigned to the Office of Client Advocacy,
- 10           b.        monitor and review grievance procedures and hearings,
- 11           c.        establish and maintain a fair, simple, and expeditious system for resolution of

12                            grievances of:

- 13                        (1)        all children in the custody of the Department of Human Services  
14                            regarding:

- 15    (a)        the substance or application of any written or unwritten policy or  
16    rule of the Department or ~~of an~~ agent of the Department, or

- 17    (b)        any decision or action by an employee or ~~an~~ agent of the  
18    Department, or of any child in the custody of the Department,

- 19                        (2)        foster parents relating to the provision of foster care services pursuant to  
20                            this section and Section ~~7204.1~~ 1-9-117 of this title, and

- 21                        (3)        all persons receiving services from the Developmental Disabilities  
22                            Services Division of the Department of Human Services,

- 1 d. investigate allegations of abuse, neglect, sexual abuse, and sexual exploitation, as  
2 those terms are defined in the Oklahoma ~~Child Abuse Reporting and Prevention~~  
3 ~~Act~~ Children's Code, by a ~~caretaker of children~~ person responsible for a child,  
4 regardless of custody:
- 5 (1) residing outside their own homes other than children in foster care,  
6 (2) in a day treatment program as defined in Section 175.20 of ~~this title~~ Title  
7 10 of the Oklahoma Statutes, and submit a report of the results of the  
8 investigation to the appropriate district attorney and to the State  
9 Department of Health,
- 10 (3) receiving services from a community services worker as that term is  
11 defined in Section 1025.1 of Title 56 of the Oklahoma Statutes, and  
12 (4) residing in a state institution listed in Section 1406 of ~~this title~~ Title 10 of  
13 the Oklahoma Statutes,
- 14 e. establish a system for investigating allegations of ~~caretaker~~ misconduct, by a  
15 person responsible for a child, not rising to the level of abuse, neglect, sexual  
16 abuse, or sexual exploitation with regard to any child or resident listed in  
17 subparagraph d of this paragraph,
- 18 f. coordinate any hearings or meetings of Departmental administrative review  
19 committees conducted as a result of unresolved grievances or as a result of  
20 investigations,
- 21 g. make recommendations to the Director, and provide regular or special reports  
22 regarding grievance procedures, hearings and investigations to the Director, the  
23  
24

1 Commission, the Office of Juvenile System Oversight and other appropriate  
2 persons as necessary,

3 h. forward to the Office of Juvenile Systems Oversight, for the information of the  
4 Director of that office, a copy of the final report of any grievance which is not  
5 resolved in the favor of the complainant,

6 i. perform such other duties as required by the Director of the Department or the  
7 Commission, and

8 j. develop policies and procedures as necessary to implement the duties and  
9 responsibilities assigned to the Office of Client Advocacy.

10 B. The Office of Client Advocacy shall make a complete written report of their investigations.

11 The investigation report, together with its recommendations, shall be submitted to the appropriate  
12 district attorney's office.

13 C. 1. Except as otherwise provided by the Oklahoma ~~Child Abuse Reporting and Prevention~~  
14 ~~Act Children's Code~~, the reports required by Section ~~7103~~ 1-2-101 of this title or any other  
15 information acquired pursuant to the Oklahoma ~~Child Abuse Reporting and Prevention Act Children's~~  
16 ~~Code~~ shall be confidential and may be disclosed only as provided in Section ~~7111~~ 1-2-108 of this title  
17 and the Oklahoma Children's Code.

18 ~~1. 2.~~ Except as otherwise provided by the Oklahoma ~~Child Abuse Reporting and Prevention Act~~  
19 ~~Children's Code~~, any violation of the confidentiality requirements of the Oklahoma ~~Child Abuse~~  
20 ~~Reporting and Prevention Act Children's Code~~ shall, upon conviction, be a misdemeanor punishable  
21 by up to six (6) months in jail, by a fine of Five Hundred Dollars (\$500.00), or by both such fine and  
22 imprisonment.  
23  
24

1        ~~2.~~ 3. Any records or information disclosed as provided by this subsection shall remain  
2 confidential. The use of any information shall be limited to the purpose for which disclosure is  
3 authorized. Rules promulgated by the Commission for Human Services shall provide for disclosure of  
4 relevant information concerning Office of Client Advocacy investigations to persons or entities acting  
5 in an official capacity with regard to the subject of the investigation.

6        ~~3.~~ 4. Nothing in this section shall be construed as prohibiting the Office of Client Advocacy or  
7 the Department from disclosing such confidential information as may be necessary to secure  
8 appropriate care, treatment, or protection of a child alleged to be abused or neglected.

9        D. 1. The Office of Client Advocacy shall investigate any complaint alleging that an employee  
10 of the Department or ~~of~~ a child-placing agency has threatened a foster parent with removal of a child  
11 from the foster parent, harassed a foster parent, or refused to place a child in a licensed or certified  
12 foster home, or disrupted a child placement as retaliation or discrimination towards a foster parent who  
13 has:

- 14            a.        filed a grievance pursuant to Section ~~7213~~ 1-9-120 of this title,
- 15            b.        provided information to any state official or Department employee, or
- 16            c.        testified, assisted, or otherwise participated in an investigation, proceeding, or  
17                            hearing against the Department or child-placing agency.

18        2. The provisions of this subsection shall not apply to any complaint by a foster parent regarding  
19 the result of a criminal, administrative, or civil proceeding for a violation of any law, rule, or contract  
20 provision by that foster parent, or the action taken by the Department or a child-placement agency in  
21 conformity with the result of any such proceeding.

22        3. The Office of Client Advocacy shall at all times be granted access to any foster home or any  
23 child-placing agency which is certified, authorized, or funded by the Department.  
24

1 SECTION 70. AMENDATORY 10 O.S. 2001, Section 7004-3.5, is amended to read as  
2 follows:

3 Section 7004-3.5 A. A youth service shelter facility may provide shelter and care to a minor  
4 mother, who is the victim of domestic abuse or is seeking relief from domestic abuse for herself or on  
5 behalf of any of her children or both herself and any of her children.

6 B. A youth service shelter facility may provide such shelter or care only during an emergency  
7 constituting an immediate danger to the physical health or safety of the minor mother or any of her  
8 children or both the minor mother and any of her children. Such shelter or care shall not extend  
9 beyond thirty (30) days unless the facility receives an order issued by a court to continue ~~such~~ services  
10 or the parent or guardian of the minor mother consents to ~~such~~ services.

11 C. The provisions of Section 856 of Title 21 of the Oklahoma Statutes shall not apply to any  
12 youth service shelter facility and any person operating such facility with regards to providing shelter  
13 and care pursuant to the provisions of this section to a minor mother and any of her children who is a  
14 runaway from her parent or legal guardian.

15 D. The show cause hearing provided for in ~~Part 2 of Article III~~ IV of this Code shall be provided  
16 for the minor mother, who is seeking relief from domestic abuse for herself or on behalf of any of her  
17 children.

18 SECTION 71. AMENDATORY 10 O.S. 2001, Section 7005-1.1, is amended to read as  
19 follows:

20 Section 7005-1.1 A. The court shall make and keep records of all cases brought before it. The  
21 court ~~shall~~ may devise and cause to be printed ~~such~~ forms for ~~social and legal~~ records and such other  
22 papers as may be required.

23 B. As used in the Oklahoma Children's Code:  
24

1 1. "Records" shall include but not be limited to written or printed documents, papers, logs,  
2 reports, files, case notes, films, photographs, audio or visual tape recordings, and shall include  
3 information entered into and maintained in an automated or computerized information system;

4 2. "Juvenile court record" means ~~legal and social~~ all records, other than adoption records,  
5 including but not limited to agency, law enforcement, and district attorney's records, filed with the  
6 court that are related to a child who is the subject of a court proceeding pursuant to the provisions of  
7 the Oklahoma Children's Code;

8 3. "Agency record" means records prepared, obtained, or maintained by a public or private  
9 agency with regard to a child who is or has been under its care, custody, or supervision or to a family  
10 member or other person living in the home of such child and shall include but not be limited to:

- 11 a. any study, plan, recommendation, assessment, or report made or authorized to be  
12 made by such agency for the purpose of determining or describing the history,  
13 diagnosis, custody, condition, care, or treatment of such child, or  
14 b. ~~any safety analysis records made in the course of any investigation or inquiry~~  
15 ~~conducted by an agency to determine whether a child is or may be a deprived~~  
16 ~~child, a delinquent child, a child in need of supervision or a child in need of~~  
17 ~~treatment~~ that have been prepared and obtained in response to a report of alleged  
18 child abuse or neglect and include assessment reports and reports to the district  
19 attorney with all supporting documentation attached and any addendums;

20 4. "District attorney's records" means any records prepared or obtained by an office of a district  
21 attorney relating to juvenile cases and any records prepared or obtained for the prosecution of crimes  
22 against children that constitute a legal or social record of a child as defined by this section;  
23  
24

1           5. "Law enforcement records" means any contact, incident or similar reports, arrest records,  
2 disposition records, detention records, fingerprints, or photographs related to a child and shall include  
3 but not be limited to reports of investigations or inquiries conducted by a law enforcement agency to  
4 determine whether a child is or may be subject to the provisions of this title as a deprived child, a  
5 ~~delinquent child~~, a child in need of supervision, or a ~~child~~ minor in need of treatment. Law  
6 enforcement records pertaining to juveniles shall be maintained separately from records pertaining to  
7 adults;

8           6. "Nondirectory education records" means any records maintained by a public or private  
9 school, including a technology center school, regarding a child who is or has been a student at the  
10 school which are categorized as private or confidential records pursuant to ~~the federal Family~~  
11 ~~Educational Rights and Privacy Act of 1974 and any rules promulgated pursuant to said act~~ and state  
12 law;

13           7. "Legal record" means any petition, docket, motion, finding, order, judgment, pleading, paper,  
14 or other document, other than social records, filed with the court;

15           8. "Social record" means family social studies and histories, medical reports, psychological and  
16 psychiatric evaluations or assessments, clinical or other treatment reports ~~or studies~~, educational  
17 records, or home studies, and agency records other than legal records filed with the court even if  
18 attached to court reports prepared by the Department; and

19           9. "Participating agency" means any public or private agency that has entered into a contract or  
20 an interagency agreement under the Interlocal Cooperation Act in accordance with the rules and  
21 guidelines adopted pursuant to Section 620.6 of this title for the purpose of accessing and sharing  
22 information necessary for the care, treatment, and supervision of children and youth.  
23  
24

1 SECTION 72. AMENDATORY 10 O.S. 2001, Section 7005-1.2, is amended to read as  
2 follows:

3 Section 7005-1.2 A. Except as provided by this section and except as otherwise specifically  
4 provided by state and federal laws, the following records are confidential and shall not be open to the  
5 general public or inspected or their contents disclosed:

- 6 1. Juvenile court records;
- 7 2. Agency records;
- 8 3. District attorney's records;
- 9 4. Law enforcement records;
- 10 5. Nondirectory education records; and
- 11 6. Social records.

12 B. The limitation of subsection A of this section shall not apply to statistical information and  
13 other abstract information obtained pursuant to the provisions of the Oklahoma Children's Code.

14 C. Except as authorized by Section 620.6 of ~~this title~~ Title 10 of the Oklahoma Statutes and this  
15 ~~article chapter~~ and except as otherwise specifically provided by state and federal laws ~~pertaining to the~~  
16 ~~confidentiality of records and information and the inspection, release, disclosure, correction or~~  
17 ~~expungement of such information, including, but not limited to, state and federal laws pertaining to~~  
18 ~~education records, medical records, drug or alcohol treatment records, law enforcement, or social~~  
19 ~~service records, the records listed in subsection A of this section shall be confidential and shall be~~  
20 ~~inspected, released, disclosed, corrected or expunged only pursuant to an order of the court. Except as~~  
21 ~~otherwise provided in Section 601.6 of this title, no~~ A subpoena or subpoena duces tecum purporting to  
22 compel testimony or disclosure of such information or record shall be ~~valid~~ invalid.

1 D. ~~An~~ 1. In a proceeding where the child custody or visitation is at issue, the safety analysis  
2 records of the Department shall be produced to the court when a parent, legal guardian, or child who is  
3 the subject of such record obtains a court order directing the production of the records.

4 2. The person or party seeking the records shall proceed by filing a motion for production of  
5 safety analysis records which contains the following averments:

- 6 a. the movant is a parent, legal guardian, or child who is the subject of the safety  
7 analysis records,  
8 b. child custody or visitation is at issue,  
9 c. that upon receipt from the court, the safety analysis records shall be kept  
10 confidential and disclosed only to the movant, the attorneys of the movant, those  
11 persons employed by or acting on behalf of the movant and the attorneys of the  
12 movant whose aid is necessary to the prosecution or defense of the child custody  
13 or visitation issue, and  
14 d. that a copy of the motion is being provided to the parties, the attorney of the  
15 child, if any, and the guardian ad litem, if any.

16 3. Upon filing the motion for production of safety analysis records, the court may, in its  
17 discretion, enter an ex parte order for production of safety analysis records that shall be substantially in  
18 the following form:

19 CONFIDENTIAL RECORDS DISCLOSURE AND PROTECTIVE ORDER

20 NOW on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the court finds that child custody or visitation is at issue  
21 in the above styled and numbered proceeding and the disclosure of the safety analysis records of the  
22 Oklahoma Department of Human Services pursuant to Section 1-6-102 of this title is necessary and  
23 relevant to the court's determination of the child's best interests. The court therefore orders as follows:  
24

- 1           a. The Oklahoma Department of Human Services (“Department” or “DHS”) shall  
2           produce a copy of its safety analysis records to this court on or before \_\_\_\_\_ day of  
3           \_\_\_\_\_, 20\_\_.
- 4           b. The Department shall be permitted to redact or omit information in its safety  
5           analysis records which may identify the reporter of alleged child abuse or neglect.
- 6           c. All information contained in the safety analysis records of the Department is  
7           confidential under Oklahoma law and shall be disclosed only to the parties, the  
8           attorneys of the parties, and those persons employed by or acting on behalf of the  
9           parties and the attorneys of the parties whose aid is necessary to the prosecution  
10           or defense of the child custody or visitation issue.
- 11           d. No confidential information whether contained in pleadings, briefs, discovery, or  
12           other documents shall be filed except under seal with the legend “THIS  
13           DOCUMENT CONTAINS CONFIDENTIAL INFORMATION AND IS  
14           SUBJECT TO A PROTECTIVE ORDER OF THE COURT”.
- 15           e. No person or entity shall utilize any information contained in the safety analysis  
16           records for any purpose other than the prosecution or defense of the child custody  
17           or visitation issues in this case.
- 18           f. The release by counsel or any other person for any reason of identifiers such as  
19           social security or tax ID numbers that may be contained in the Department  
20           records and which belong to any person or entity is strictly prohibited.
- 21           g. Any violation of this order shall be subject to prosecution for contempt of court.

22                    IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

23           4. This subsection shall not apply to:

24

- a. deprived child proceedings brought pursuant to the Oklahoma Children's Code,
- b. discovery of safety analysis records by a person or entity who is not the subject of those records, or
- c. discovery of safety analysis records in criminal, other civil, or administrative proceedings.

5. The party who has obtained a court order for the safety analysis records of the Department shall provide the Department with the names and other identifying information concerning the subjects of the safety analysis records.

6. Upon receipt of a court order to produce its safety analysis records, the Department shall be given a minimum of five (5) judicial days to deliver the records to the court.

7. The safety analysis records provided by the Department to the court pursuant to this subsection shall not be subject to judicial review and shall be released by the court only to the litigants in the case under a protective order.

8. A court order entered pursuant to this subsection which purports to require the Department to produce all agency records shall be deemed to require only the production of the safety analysis records of the Department.

9. An employee of the Department shall not be compelled to testify about the safety analysis records except upon a court order directing such testimony. Any subpoena or subpoena duces tecum purporting to compel disclosure of safety analysis records or testimony concerning such records without a court order shall be invalid.

10. Except as provided by this subsection or other law, confidential records may be inspected, released, disclosed, corrected, or expunged only by the procedure set forth in subsection E of this section.

1        E. When confidential records may be relevant in a criminal, civil, or administrative proceeding,  
2 an order of the court authorizing the inspection, release, disclosure, correction, or expungement of  
3 confidential records shall be entered by the court only after a judicial review of the records and a  
4 determination by a judge of the district court designated pursuant to this subsection, with due regard  
5 for the confidentiality of the records and the privacy of persons identified in the records, that a  
6 compelling reason exists and such inspection, release or disclosure is necessary for the protection of a  
7 legitimate public or private interest. of necessity pursuant to the following procedure:

8            1. Except for district attorney's A petition or motion shall be filed with the court describing with  
9 specificity the confidential records, any order authorizing being sought and setting forth in detail the  
10 compelling reason why the inspection, release, disclosure, release or inspection of such correction, or  
11 expungement of confidential records pursuant to this subsection may be conditioned on such terms and  
12 restrictions as should be ordered by the court deems necessary and appropriate. A petition or motion  
13 that does not contain the required specificity or detail may be subject to dismissal by the court;

14            2. Upon the filing of a the petition for an order of the court pursuant to this section or motion,  
15 the court shall set a date for a hearing and shall provide three (3) judicial days' require notice of not  
16 less than twenty (20) days to the agency or person holding the records and the person who is the  
17 subject of the record if such person is eighteen (18) years of age or older or to the parents of a child  
18 less than eighteen (18) years of age who is the subject of the record, to the attorneys, if any, of such  
19 person, child or parents and any other interested party as ordered by the court. The hearing may be  
20 closed at the court's discretion. The court may also enter an ex parte order compelling the person or  
21 agency holding the records to either produce the records to the court on or before the date set for  
22 hearing or file an objection or appear for the hearing. The court may shorten the time allowed for  
23 notice due to exigent circumstances;  
24

1 3. ~~Upon the filing of a petition for an order of the court pursuant to this section, the judge of the~~  
2 ~~court having jurisdiction to issue the order authorized by this section shall request the presiding judge~~  
3 ~~of the judicial district to designate another judge to review~~ At the hearing, should the court find that a  
4 compelling reason does not exist for the confidential records and make a determination as to whether  
5 any information contained in the records may be inspected, released, disclosed, corrected or expunged.  
6 ~~Any order issued by the judge of the court having jurisdiction to issue such order shall be based on and~~  
7 ~~consistent with the determination of the judge reviewing~~ to be judicially reviewed, the matter shall be  
8 dismissed; otherwise, the court shall order that the confidential records be produced for a judicial  
9 review. The hearing may be closed at the discretion of the court; and

10 4. The judicial review of the records shall include a determination, with due regard for the  
11 confidentiality of the records and the privacy of persons identified in the records, as to whether an  
12 order should be entered authorizing the inspection, release, disclosure, correction, or expungement of  
13 the records based upon the need for the protection of a legitimate public or private interest.

14 ~~E. Any agency or person may seek an order from the juvenile court prohibiting the release of~~  
15 ~~information subject to disclosure without an order of the court pursuant to Section 620.6 of this title~~  
16 ~~and this article.~~ F. The court may, for good cause shown, prohibit the release of such information  
17 confidential records or testimony or authorize a release of the confidential information or testimony  
18 upon such conditions as the court deems necessary and appropriate, subject to the provisions of  
19 subsection D of this section.

20 ~~F. The court may authorize a designated person to review juvenile court~~ G. Any public or  
21 private agency, entity, or professional person required to produce confidential reports and records and  
22 collect statistical information and other abstract information for research purposes. Such authorization  
23 shall be in writing and state specifically the type of information which may be reviewed.  
24

1        ~~Each person granted permission to inspect confidential reports and records for research purposes~~  
2 ~~shall present a notarized statement to the court stating that the names of children, parents and such~~  
3 ~~other persons required by the court to be confidential will remain confidential pursuant to this section~~  
4 ~~may require payment of fees from the party seeking the records prior to any records being produced,~~  
5 ~~including a research fee not exceeding Twenty Dollars (\$20.00) per hour and a copy fee not to exceed~~  
6 ~~fifty cents (\$0.50) per page and Five Dollars (\$5.00) per copy of each video tape or disk; provided, the~~  
7 ~~court may waive such costs in a criminal action based upon indigence of a defendant. The Department~~  
8 ~~shall not be permitted to assess fees for records produced pursuant to subsection D of this section.~~

9        ~~G. H.~~ Nothing in Section 620.6 of ~~this title~~ Title 10 of the Oklahoma Statutes and this ~~article~~  
10 chapter shall be construed as:

11        1. Authorizing the inspection of records or the disclosure of information contained in records  
12 relating to the provision of benefits or services funded, in whole or in part, with federal funds, except  
13 in accord with federal statutes and regulations governing the receipt or use of such funds;

14        2. Authorizing the disclosure of papers, records, books or other information relating to the  
15 adoption of a child required to be kept confidential. The disclosure of such information shall be  
16 governed by the provisions of the Oklahoma Adoption Code;

17        3. Abrogating any privilege, including the attorney-client privilege, or affecting any limitation  
18 on such privilege found in any other statutes;

19        4. Limiting or otherwise affecting access of parties to a deprived proceeding to records filed  
20 with or submitted to the court;

21        5. Limiting or otherwise affecting access of agencies to information subject to disclosure,  
22 review, or inspection by contract or as a condition for the receipt of public funds or participation in any  
23 program administered by the agency;  
24

1 6. Prohibiting the Department of Human Services from summarizing the outcome of an  
2 investigation to the person who reported a known or suspected instance of child abuse or neglect or to  
3 any person providing services to a child who is or is alleged to be a victim of child abuse;

4 7. Authorizing the disclosure of ~~the identity or location~~ information of which identifies any  
5 person who has reported an allegation of known or suspected child abuse or neglect unless such  
6 disclosure is specifically ordered by the court; or

7 8. Prohibiting the Department of Human Services from providing a summary of allegations and  
8 findings of an investigation involving a child care facility that does not disclose identities but that  
9 permits parents to evaluate the facility;

10 9. Prohibiting the disclosure of confidential information to any educational institution, facility,  
11 or educator to the extent necessary to enable the educator to better provide educational services and  
12 activities for a child and provide for the safety of students; or

13 10. Prohibiting the Department from obtaining, without a court order, nondirectory education  
14 records pertaining to a child in the legal custody of the Department.

15 ~~H. The confidential records listed in subsection A of this section may be inspected and their~~  
16 ~~contents disclosed without a court order to a school district in which the child who is the subject of the~~  
17 ~~record is currently enrolled. The inspection of records and disclosure authorized by this subsection~~  
18 ~~may be limited to summaries or to information directly necessary for the purpose of such inspection or~~  
19 ~~disclosure. Upon request by the school district, or as otherwise required to be provided by the~~  
20 ~~Department pursuant to the Oklahoma Child Abuse Reporting and Prevention Act, the agency in~~  
21 ~~possession of the records shall provide the requested information to the school district. Any records~~  
22 ~~disclosed as provided by this subsection shall remain confidential. The use of any information shall be~~  
23 ~~limited to the purposes for which disclosure is authorized.~~

1 SECTION 73. AMENDATORY 10 O.S. 2001, Section 7005-1.3, as amended by Section 1,  
2 Chapter 153, O.S.L. 2005 (10 O.S. Supp. 2008, Section 7005-1.3), is amended to read as follows:

3 Section 7005-1.3 A. Juvenile court records and Department of Human Services agency records  
4 pertaining to a child may be inspected, and their contents shall be disclosed, without a court order to  
5 the following persons upon showing of proper credentials and pursuant to their lawful duties:

6 1. The court having the child currently before it in any proceeding pursuant to this title, any  
7 district court or tribal court to which such proceedings may be transferred, employees and officers of  
8 the court in the performance of their duties, including but not limited to guardians ad litem appointed  
9 by the court, and court-appointed special advocates;

10 2. ~~Employees of court-appointed special advocate programs, as defined in Section 7001-1.3 of~~  
11 ~~this title, in the course of their official duties pertaining to recruiting, screening, training, assigning~~  
12 ~~cases, supervising and supporting volunteers in their roles as guardian ad litem, pursuant to Section~~  
13 ~~7003-3.7 of this title;~~

14 3. ~~Members of postadjudication review boards established pursuant to the provisions of Section~~  
15 ~~1116.2 of this title, the Child Death Review Board, and multidisciplinary personnel. In addition to~~  
16 ~~juvenile court records, members of such postadjudication review boards may inspect, without a court~~  
17 ~~order, information that includes, but is not limited to:~~

- 18 a. ~~psychological and medical records,~~
  - 19 b. ~~placement history and information, including the names and addresses of foster~~  
20 ~~parents,~~
  - 21 c. ~~family assessments,~~
  - 22 d. ~~treatment or service plans, and~~
  - 23 e. ~~school records;~~
- 24

1 4. A district attorney, United States Attorney, or Attorney General of this or another state and  
2 the employees of such offices in the course of their official duties pursuant to this title or the  
3 prosecution of crimes against children, or upon their request in their official capacity as advisor in a  
4 grand jury proceeding;

5 ~~5. 3. The attorney representing a child who is the subject of a proceeding pursuant to the~~  
6 ~~provisions of this title, including the attorney representing a child pursuant to the provisions of~~  
7 ~~subsection C of Section 7002 1.2 of this title or representing a child pursuant to the provisions of~~  
8 ~~subsection A of Section 7112 of this title. Such attorney may also access other records listed in~~  
9 ~~subsection A of Section 7005 1.2 of this title for use in the legal representation of the child or other~~  
10 proceeding where child custody or visitation is at issue;

11 ~~6. 4. Employees of juvenile bureaus in the course of their official duties pursuant to this title,~~  
12 ~~and employees of the Department of Human Services in the course of their official duties;~~

13 ~~7. 5. Employees of a law enforcement agency of this or another state or military enclave and~~  
14 ~~employees of a child protective service of another state or military enclave in the course of their~~  
15 ~~official duties pertaining to investigations of a report of known or suspected child abuse or neglect or~~  
16 ~~crimes against children or for the purpose of determining whether to place a child in protective~~  
17 ~~custody;~~

18 ~~8. Persons and agencies authorized by Section 7005 1.7 of this title;~~

19 ~~9. 6. The Oklahoma Commission on Children and Youth as provided by Sections 601.2 and~~  
20 ~~601.6 of this title~~ Title 10 of the Oklahoma Statutes;

21 ~~10. The Department of Human Services or other public or private agency or individual having~~  
22 ~~court-ordered custody or custody pursuant to Department of Human Services placement of the child~~  
23 ~~who is the subject of the record;~~

1       ~~11.~~ 7. The Office of Juvenile Affairs;

2       ~~12.~~ The child who is the subject of the record and the parents, legal guardian, custodian or foster  
3 parent of such child;

4       ~~13.~~ 8. A federally recognized Indian tribe in which the child who is the subject of the record is a  
5 member or is eligible to become a member of the tribe and is the biological child of a member of an  
6 Indian tribe pursuant to the provisions of the Federal Indian Child Welfare Act, ~~P.L. 95-608~~, and the  
7 Oklahoma Indian Child Welfare Act; provided such Indian tribe, in the course of its official duties, is:

- 8           a.     investigating a report of known or suspected child abuse or neglect or crimes  
9                     against children or for the purpose of determining whether to place a child in  
10                    protective custody,
- 11           b.     providing services to or for the benefit of a child including, but not limited to,  
12                    protective, emergency, social and medical services, or
- 13           c.     the tribe, the tribal court or the tribal child welfare program has asserted  
14                    jurisdiction or intervened in any case in which the child is the subject of the  
15                    proceedings or is a party to the proceedings pursuant to the authority provided in  
16                    the Oklahoma Indian Child Welfare Act.

17       The records that are to be provided to Indian tribes under this subsection shall include all case  
18 records, reports, and documents as defined in Section ~~7005-1.1~~ 1-6-101 of this title;

19       ~~14.~~ 9. The Governor or to any person the Governor designates, in writing;

20       ~~15.~~ 10. Any federal official of the United States Department of Health and Human Services;

21       ~~16.~~ 11. Any member of the Legislature approved in writing by the Speaker of the House of  
22 Representatives or the President Pro Tempore of the Senate;

1 ~~17. Persons authorized by and in the manner provided in the Oklahoma Child Abuse Reporting~~  
2 ~~and Prevention Act;~~

3 ~~18. 12.~~ A foster parent, with regard to records concerning the social, medical, psychological, or  
4 educational needs of a child currently placed with that foster parent or of a child being considered for  
5 placement with that foster parent;

6 ~~19. 13.~~ An employee of any state or federal corrections or law enforcement agency in the  
7 performance of ~~such employee's~~ the official duties of the employee concerning presentence  
8 investigations or supervision of a parent of an alleged or adjudicated deprived child, or the legal  
9 guardian, custodian, or any other adult member of the child's home who is responsible for the health,  
10 safety, or welfare of the child; and

11 ~~20. 14.~~ An employee of a state agency of this or another state in the performance of ~~such~~  
12 ~~employee's~~ the official duties of the employee concerning the establishment of paternity or the  
13 establishment or enforcement of a child support order or other entitlement for the benefit of a child;  
14 provided, disclosure shall be limited to information directly related to the purpose of such disclosure.

15 B. In addition to the persons listed in subsection A of this section, juvenile court records may be  
16 inspected, and their contents shall be disclosed, without a court order to the following persons upon  
17 showing of proper credentials and pursuant to their lawful duties:

18 1. Employees of court-appointed special advocate programs, as defined in Section 1-1-105 of  
19 this title, in the course of their official duties pertaining to recruiting, screening, training, assigning  
20 cases, supervising, and supporting volunteers in their roles as guardian ad litem pursuant to Section 1-  
21 4-306 of this title;

22 2. Members of postadjudication review boards established pursuant to the provisions of Section  
23 1116.2 of Title 10 of the Oklahoma Statutes, the Child Death Review Board, and multidisciplinary  
24

1 personnel. In addition to juvenile court records, members of such postadjudication review boards may  
2 inspect, without a court order, information that includes, but is not limited to:

- 3       a.       psychological and medical records,
- 4       b.       placement history and information, including the names and addresses of foster  
5       parents,
- 6       c.       family assessments,
- 7       d.       treatment or service plans, and
- 8       e.       school records;

9       3. The Department of Human Services or other public or private agency or individual having  
10 court-ordered custody or physical custody pursuant to Department placement of the child who is the  
11 subject of the record;

12       4. The child who is the subject of the record and the parents, legal guardian, custodian, or foster  
13 parent of such child; and

14       5. A person authorized by the court to conduct bona fide research, provided such research may  
15 not publish the names or identities of parents, children, or other persons contained in the records.

16       C. In addition to the persons and entities named in subsection A of this section, Department of  
17 Human Services agency records may be inspected, and their contents shall be disclosed, without a  
18 court order to the following persons upon showing of proper credentials and pursuant to their lawful  
19 duties:

20       1. Postadjudicatory review boards, court-appointed special advocates, and members of the Child  
21 Death Review Board;

22       2. Any district court which has ordered a home study by the Department in an action for divorce,  
23 annulment, custody of a child, or appointment of a legal guardian of a child, or any subsequent  
24

1 proceeding in such actions; provided, however, the Department may limit disclosure in the home study  
2 to summaries or to information directly related to the purpose of the disclosure;

3 3. Members of multidisciplinary teams or multidisciplinary personnel designated by the  
4 Department, investigating a report of known or suspected child abuse or neglect or providing services  
5 to a child or family which is the subject of the report;

6 4. A physician who has before him or her a child whom the physician reasonably suspects may  
7 be abused or neglected or any health care or mental health professionals involved in the evaluation or  
8 treatment of the child or the parents, legal guardian, foster parent, custodian, or other family members  
9 of the child;

10 5. Any public or private agency or person authorized by the Department to diagnose, or provide  
11 care, treatment, supervision, or other services to a child who is the subject of a report or record of child  
12 abuse or neglect; provided, the Department may limit such disclosure to summaries or to information  
13 directly necessary for the purpose of such disclosure;

14 6. Any person or agency for research purposes, if all of the following conditions are met:

- 15 a. the person or agency conducting the research is employed by the State of  
16 Oklahoma or is under contract with this state and is authorized by the Department  
17 to conduct the research, and
- 18 b. the person or agency conducting the research ensures that all documents  
19 containing identifying information are maintained in secure locations and access  
20 to the documents by unauthorized persons is prohibited; that no identifying  
21 information is included in documents generated from the research conducted; and  
22 that all identifying information is deleted from documents used in the research  
23 when the research is completed;
- 24

1        7. The Oklahoma Health Care Authority; and

2        8. A medical examiner when such person is determining the cause of death of a child.

3        D. In accordance with the rules promulgated for such purpose pursuant to Section 620.6 of this  
4 title, records listed in subsection A of Section ~~7005-1.2~~ 1-6-102 of this title may be inspected and their  
5 contents disclosed without a court order to participating agencies.

6        ~~C. Records and their contents disclosed without an order of the court as provided by this section~~  
7 ~~shall remain confidential. The use of such information shall be limited to the purposes for which~~  
8 ~~disclosure is authorized. It shall be unlawful and a misdemeanor for any person to furnish any record~~  
9 ~~or disclose any information contained therein for commercial, political or any other unauthorized~~  
10 ~~purpose~~

11        E. Where more than one child is included in a juvenile court record, the court may order the  
12 names and information of the other children redacted as a condition of granting access or copies of the  
13 record. Alternatively, the court may prohibit disclosure of the record where redaction is not practical  
14 or possible.

15        SECTION 74. AMENDATORY 10 O.S. 2001, Section 7005-1.6, is amended to read as  
16 follows:

17        Section 7005-1.6 If a child is reported to a law enforcement agency as a missing child, or a  
18 custodial parent, legal guardian or legal custodian of a child requests the issuance of a fingerprint card  
19 ~~pursuant to the provisions of the Oklahoma Minor Identification Act~~, the provisions of the Oklahoma  
20 Minor Identification Act shall apply. With the voluntary and informed consent of the parent, legal  
21 guardian, or legal custodian of the child, fingerprints obtained and maintained pursuant to the  
22 Oklahoma Minor Identification Act may be used by law enforcement officers.  
23  
24

1 SECTION 75. AMENDATORY Section 4, Chapter 351, O.S.L. 2007, as amended by  
2 Section 3, Chapter 293, O.S.L. 2008 (10 O.S. Supp. 2008, Section 7005-1.9), is amended to read as  
3 follows:

4 Section 7005-1.9 A. For purposes of this section, the term “near death” means the child is in  
5 serious or critical condition, as certified by a physician, as a result of abuse or neglect.

6 B. ~~In cases involving the death or near death of a child when~~ When a person responsible for ~~the~~  
7 a child has been charged by information or indictment with committing a crime resulting in the death  
8 or near death of the child, there shall be a presumption that the best interest of the public ~~will be~~ is  
9 served by public disclosure of certain information concerning ~~the~~:

10 1. The circumstances of the investigation of the death or near death of the child; and ~~any~~

11 2. Any other investigations concerning that child, or other children while living in the same  
12 household, within:

13 a. three (3) years of the death or near death, and

14 b. one (1) year after the death or near death ~~concerning that child, or other children~~  
15 ~~while living in the same household.~~

16 C. 1. At any time subsequent to seven (7) days, but no more than thirty (30) days, of the date  
17 the person responsible for the child has been criminally charged, the Department of Human Services,  
18 the district attorney, the district court clerk, and the judge having jurisdiction over the case, upon  
19 request, shall release certain information to the public as follows:

20 a. a confirmation shall be provided by the Department as to whether a report has  
21 been made concerning the alleged victim or other children while living in the  
22 same household and whether an investigation has begun,  
23  
24

- 1           b.       confirmation shall be provided by the Department as to whether previous reports  
2                    have been made and the dates thereof, a summary of those previous reports, the  
3                    dates and outcome of any investigations or actions taken by the Department in  
4                    response to a previous report of child abuse or neglect, and the specific  
5                    recommendation made to the district attorney and any subsequent action taken by  
6                    the district attorney,
- 7           c.       the dates of any judicial proceedings prior to the death or near death of the child,  
8           d.       recommendations submitted by each participant in writing at the judicial  
9                    proceedings including recommendations made at the hearing as they relate to  
10                  custody or placement of a child, and  
11           e.       the rulings of the court.

12           2. Specific recommendations made and services rendered by the Department described in any  
13 progress reports of a pending case submitted to the court may be disclosed by the Department.

14           D. 1. At any time subsequent to seven (7) days after the date the person responsible for the child  
15 has been criminally charged, the Oklahoma Commission on Children and Youth shall, upon request,  
16 release certain information to the public within sixty (60) days of the request as follows:

- 17           a.       a confirmation shall be provided by the Commission as to whether a report of  
18                    suspected child abuse or neglect has been made concerning the alleged victim or  
19                    other children while living in the same household and whether an investigation  
20                    has begun,
- 21           b.       confirmation shall be provided by the Commission as to whether previous reports  
22                    of suspected child abuse or neglect have been made and the dates thereof, a  
23                    summary of those previous reports, the dates and outcome of any investigations or  
24

1 actions taken by the Department and the Commission in response to any previous  
2 report of child abuse or neglect, and the specific recommendation made to the  
3 district attorney and any subsequent action taken by the district attorney,

- 4 c. the dates of any judicial proceedings prior to the death or near death of the child,
- 5 d. recommendations submitted by the Department and the Commission shall be  
6 provided in writing including recommendations made at the hearing as they relate  
7 to custody or placement of a child, and
- 8 e. the rulings of the court.

9 2. Specific recommendations made by the Commission described in any progress reports of a  
10 pending case submitted to the court may be disclosed by the Commission.

11 E. Any disclosure of information pursuant to this section shall not identify or provide an  
12 identifying description of any complainant or reporter of child abuse or neglect, and shall not identify  
13 the name of the child victim's siblings or other children living in the same household, the parent or  
14 other person responsible for the child, or any other member of the household, other than the person  
15 criminally charged.

16 SECTION 76. AMENDATORY 10 O.S. 2001, Section 7006-1.1, is amended to read as  
17 follows:

18 Section 7006-1.1 A. ~~Pursuant to the provisions of the Oklahoma Children's Code, the finding~~  
19 ~~that a child is delinquent, in need of supervision or deprived shall not deprive the parents of the child~~  
20 ~~of their parental rights, but a court may terminate the rights of a parent to a child in the following~~  
21 ~~situations; provided, however, the paramount consideration in proceedings concerning termination of~~  
22 ~~parental rights shall be the health, safety or welfare and best interests of the child~~ A court shall not  
23 terminate the rights of a parent to a child unless:  
24

1 1. The child has been adjudicated to be deprived either prior to or concurrently with a  
2 proceeding to terminate parental rights; and

3 2. Termination of parental rights is in the best interests of the child.

4 B. The court may terminate the rights of a parent to a child based upon the following legal  
5 grounds:

6 1. ~~Upon a written consent of a parent, including a parent who is a minor, acknowledged as~~  
7 ~~provided in paragraph 4 of subsection B of Section 7503-2.1 of this title, who desires to terminate such~~  
8 ~~parent's parental rights; provided that the court finds that such termination is in the best interests of the~~  
9 ~~child~~ the duly acknowledged written consent of a parent, who voluntarily agrees to termination of  
10 parental rights.

11 a. The voluntary consent for termination of parental rights shall be signed under oath  
12 and recorded before a judge of a court of competent jurisdiction and accompanied  
13 by the judge's certificate that the terms and consequences of the consent were  
14 fully explained in detail in English and were fully understood by the parent or that  
15 the consent was translated into a language that the parent understood.

16 b. A voluntary consent for termination of parental rights is effective when it is  
17 signed and may not be revoked except upon clear and convincing evidence that  
18 the consent was executed by reason of fraud or duress.

19 c. However, notwithstanding the provisions in this paragraph, in any proceeding for  
20 a voluntary termination of parental rights to an Indian child, the consent of the  
21 parent may be withdrawn for any reason at any time prior to the entry of a final  
22 decree of termination. Any consent given prior to, or within ten (10) days after,  
23 the birth of an Indian child shall not be valid;

1           2. A finding that a parent who is entitled to custody of the child has abandoned the child. ~~For~~  
2 ~~purposes of this paragraph the term “abandonment” includes, but is not limited to, the following:~~

3           a. ~~the parent has left the child alone or in the care of another who is not the parent of~~  
4 ~~the child without identifying the child or furnishing a means of identification for~~  
5 ~~the child, the whereabouts of the parents are unknown, and the child's identity~~  
6 ~~cannot be ascertained by the exercise of reasonable diligence,~~

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

10          e. ~~the parent fails to establish and/or maintain a substantial and positive relationship~~  
11 ~~with the child for a period of six (6) consecutive months out of the last fourteen~~  
12 ~~(14) months immediately preceding the filing of a petition for termination of~~  
13 ~~parental rights. For purposes of this paragraph, "establish and/or maintain a~~  
14 ~~substantial and positive relationship" includes, but is not limited to:~~

15           (1) ~~frequent and regular contact with the minor through frequent and regular~~  
16 ~~visitation and/or frequent and regular communication to or with the child,~~  
17 ~~and~~

18           (2) ~~the exercise of parental rights and responsibilities.~~

19           ~~Incidental or token visits or communications shall not be sufficient to establish~~  
20 ~~and/or maintain a substantial and positive relationship with the child;~~

21           3. A finding that the child is an abandoned infant;

22           4. A finding that the parent of a child:

- a. has voluntarily placed physical custody of the child with the Department of Human Services or with a child-placing agency for out-of-home placement,
- b. has not complied with the placement agreement, and
- c. has not demonstrated during such period a firm intention to resume physical custody of the child or to make permanent legal arrangements for the care of the child;

5. A finding that:

- a. ~~the child has been adjudicated to be deprived, and~~
- b. ~~such condition is caused by or contributed to by acts or omissions of the parent, and~~
- c. ~~termination of parental rights is in the best interests of the child, and~~
- d. the parent has failed to show that correct the condition which led to the deprived adjudication of a the child deprived has been corrected although the parent has been given not less than the time specified by Section 7003 5.5 of this title to correct the condition, and
- b. the parent has been given at least three (3) months to correct the condition;

6. A finding that ~~a subsequent child has been born to a parent whose parental rights to any other child has been terminated by the court; provided, that the applicant shall show that the condition which led to the making of the finding which resulted in the termination of such parent's parental rights to the other child has not been corrected. As used in this paragraph, the term "applicant" shall include, but not be limited to, a district attorney or the child's attorney;~~

- a. the rights of the parent to another child have been terminated, and

1           b.     the conditions that led to the prior termination of parental rights have not been  
2                     corrected;

3           7. A finding that a parent who does not have custody of the child has, ~~for a period of at least six~~  
4 ~~(6) out of the~~ twelve (12) ~~consecutive months out of the last fourteen (14) months~~ immediately  
5 preceding the filing of a the petition for termination of parental rights, willfully failed, or refused or  
6 has neglected to contribute to the support of ~~such~~ the child:

- 7           a.     ~~in substantial compliance with~~ as specified by an order entered by a court of  
8                     competent jurisdiction adjudicating the duty, amount and manner of support, or  
9           b.     where an order of child support does not exist, according to ~~such parent's~~ the  
10                    financial ability of the parent to contribute to ~~such~~ the child's support ~~if no~~  
11                    provision for support is provided in an order.

12           Incidental or token support shall not be construed or considered in establishing whether a parent has  
13           maintained or contributed to the support of the child;

14           8. A ~~conviction in a criminal action pursuant to the provisions of Sections 1021.3, 1111 or 1123~~  
15 ~~of Title 21 of the Oklahoma Statutes, or Section 7115 of this title~~ finding that the parent has been  
16 convicted in a court of competent jurisdiction in any state of any of the following acts:

- 17           a.     permitting a child to participate in pornography,  
18           b.     rape, or rape by instrumentation,  
19           c.     lewd molestation of a child under sixteen (16) years of age,  
20           d.     child abuse or neglect,  
21           e.     enabling child abuse or neglect,  
22           f.     causing the death of a child as a result of the physical or sexual abuse or chronic  
23                    abuse or chronic neglect of the child,  
24

- 1           g.     causing the death of a sibling of the child as a result of the physical or sexual
- 2                     abuse or chronic abuse or chronic neglect of the child's sibling,
- 3           h.     murder of any child or aiding or abetting, attempting, conspiring, or soliciting to
- 4                     commit murder of any child,
- 5           i.     voluntary manslaughter of any child,
- 6           j.     a felony assault that has resulted in serious bodily injury to the child or another
- 7                     child of the parents, or
- 8           k.     murder or voluntary manslaughter of the child's parent or aiding or abetting,
- 9                     attempting, conspiring, or soliciting to commit murder of the child's parent;

10   9. ~~A conviction in a criminal action that the parent:~~

- 11           a.     ~~caused the death of a child as a result of the physical or sexual abuse or chronic~~
- 12                     ~~abuse or chronic neglect of such child,~~
- 13           b.     ~~caused the death of a sibling of the child as a result of the physical or sexual abuse~~
- 14                     ~~or chronic abuse or chronic neglect of such sibling,~~
- 15           e.     ~~committed the murder of any child or aided or abetted, attempted, conspired or~~
- 16                     ~~solicited to commit murder of any child,~~
- 17           d.     ~~committed voluntary manslaughter of another child of the parent, or aided or~~
- 18                     ~~abetted, attempted, conspired or solicited to commit voluntary manslaughter of~~
- 19                     ~~another child of the parent, or~~
- 20           e.     ~~committed a felony assault that has resulted in serious bodily injury to the child or~~
- 21                     ~~another child of the parent;~~

22   10. ~~A finding in a deprived child action either that:~~

- 1 a. the parent has ~~physically or sexually~~ abused or neglected the child or a sibling of  
2 such ~~the~~ child or failed to protect the child or a sibling of such ~~the~~ child from  
3 ~~physical or sexual~~ abuse or neglect that is heinous or shocking ~~to the court~~;
- 4 b. ~~the child or sibling of such child has suffered severe harm or injury as a result of~~  
5 ~~such physical or sexual abuse~~;
- 6 c.

7 10. A finding that the parent has ~~physically or sexually~~ previously abused or neglected the child  
8 or a sibling of such ~~the~~ child or failed to protect the child or a sibling of such ~~the~~ child from ~~physical or~~  
9 ~~sexual~~ abuse or neglect and the child or a sibling of the child has been subjected to subsequent to a  
10 ~~previous finding that such parent has physically or sexually abused the child or a sibling of such child~~  
11 ~~or failed to protect the child or a sibling of such child from physical or sexual abuse~~;

- 12 d. ~~the child has been adjudicated a deprived child, pursuant to the provisions of the~~  
13 ~~Oklahoma Children's Code, as a result of a single incident of severe sexual abuse,~~  
14 ~~severe neglect or the infliction of serious bodily injury or torture to the child, a~~  
15 ~~sibling of the child, or a child within the household where the child resides, by the~~  
16 ~~parent of the child, or~~
- 17 e. ~~the parent has inflicted chronic abuse, chronic neglect or torture on the child, a~~  
18 ~~sibling of the child or another child within the household where the child resides;~~

19 11. ~~The~~ A finding that the child was conceived as a result of rape or an act committed outside of  
20 ~~this state which if committed in this state would constitute rape. This paragraph shall only apply to the~~  
21 ~~parent who committed the rape or act and whose child has been placed out of the home~~ perpetrated by  
22 ~~the parent whose rights are sought to be terminated~~;

23 12. A finding that ~~all of the following exist~~:

24

- 1 a. ~~the child has been adjudicated deprived, and~~
- 2 b. ~~eustody of the child has been placed outside the home of a natural or adoptive~~
- 3 ~~parent, guardian or extended family member, and~~
- 4 e. the parent whose rights are sought to be terminated ~~has been~~ is incarcerated, and
- 5 d. the continuation of parental rights would result in harm to the child based on
- 6 consideration of the following factors, among others:
- 7 a. the duration of incarceration and its detrimental effect on the parent/child
- 8 relationship;
- 9 b. any previous ~~incarcerations;~~ convictions resulting in involuntary confinement in a
- 10 secure facility.
- 11 c. ~~any~~ the parent's history of criminal behavior, including crimes against children;
- 12 d. the age of the child;
- 13 e. ~~the~~ any evidence of abuse or neglect or failure to protect from abuse or neglect of
- 14 the child or siblings of the child by the parent; ~~and,~~
- 15 f. the current relationship between the parent and the child, and
- 16 g. the manner in which the parent has exercised parental rights and duties in the past,
- 17 ~~and~~
- 18 e. ~~termination of parental rights is in the best interests of the child.~~

19 Provided, that the incarceration of a parent shall not in and of itself be sufficient to deprive a

20 parent of parental rights;

21 13. A finding that all of the following exist:

- 22 a. ~~the child has been adjudicated deprived~~ parent has a diagnosed cognitive disorder,
- 23 an extreme physical incapacity, or a medical condition, including behavioral
- 24

1 health which renders the parent incapable of adequately and appropriately  
2 exercising parental rights, duties, and responsibilities within a reasonable time  
3 considering the age of the child, and

4 b. allowing the parent to have custody of would cause the child has been placed  
5 outside the home of a natural or adoptive parent, guardian or extended family  
6 member, and

7 e. the parent whose rights are sought to be terminated has a mental illness or mental  
8 deficiency, as defined by Section 6-201 of Title 43A of the Oklahoma Statutes,  
9 which renders the parent incapable of adequately and appropriately exercising  
10 parental rights, duties and responsibilities, and

11 d. the continuation of parental rights would result in harm or threatened harm to the  
12 child, and

13 e. the mental illness or mental deficiency of the parent is such that it will not  
14 respond to treatment, therapy or medication and, based upon competent medical  
15 opinion, the condition will not substantially improve, and

16 f. termination of parental rights is in the best interests of the child actual harm or  
17 harm in the near future.

18 Provided, a A parent's refusal or pattern of noncompliance with treatment, therapy, medication,  
19 or assistance from outside the home can be used as evidence that the parent is incapable of adequately  
20 and appropriately exercising parental rights, duties, and responsibilities.

21 A finding that a parent has a mental illness or mental deficiency diagnosed cognitive disorder, an  
22 extreme physical incapacity, or a medical condition, including behavioral health or substance  
23 dependency shall not in and of itself deprive the parent of his or her parental rights; and  
24

1 14. ~~The parent of the child has a history of extensive, abusive and chronic use of drugs or~~  
2 ~~alcohol and has resisted treatment for this problem during a three year period immediately prior to the~~  
3 ~~filing of the petition which brought that child to the court's attention;~~

4 ~~15. A child has been placed in foster care by the Department of Human Services for fifteen (15)~~  
5 ~~of the most recent twenty two (22) months preceding the filing of the petition. For purposes of this~~  
6 ~~paragraph, a child shall be considered to have entered foster care on the earlier of A finding that:~~

- 7 a. ~~the condition that led to the deprived adjudication date, or has been the subject of~~  
8 ~~a previous deprived adjudication of this child or a sibling of this child, and~~  
9 b. ~~the date that is sixty (60) days after the date on which the child is removed from~~  
10 ~~the home parent has been given an opportunity to correct the conditions which led~~  
11 ~~to the determination of the initial deprived child.~~

12 ~~B. C.~~ An order directing the termination of parental rights is a final appealable order.

13 ~~C. D.~~ The provisions of this section shall not apply to adoption proceedings and actions to  
14 terminate parental rights which do not involve a petition for deprived status of the child. Such  
15 proceedings and actions shall be governed by the Oklahoma Adoption Code.

16 ~~D. 1. A petition for termination of parental rights may be filed by the district attorney or the~~  
17 ~~attorney of a child alleged to be or adjudicated deprived.~~

18 ~~2. A petition for termination of parental rights shall be filed by the district attorney for those~~  
19 ~~petitions required to be filed pursuant to the provisions of Section 7003-4.7 of this title.~~

20 ~~3. If a child's attorney files a petition for the termination of the parental rights of the parents of~~  
21 ~~the child, the district attorney shall join in the petition or motion for those petitions or motions required~~  
22 ~~to be filed by the district attorney pursuant to the provisions of Section 7003-4.7 of this title.~~

1 SECTION 77. AMENDATORY 10 O.S. 2001, Section 7006-1.2, is amended to read as  
2 follows:

3 Section 7006-1.2 A. 1. Prior to ~~the a~~ hearing on the ~~application to terminate the~~ petition or  
4 motion for termination of parental rights of a parent or putative father filed pursuant to Section 7006-  
5 1.1 of this title, notice of the date, time, and place of the hearing ~~on the application~~ and a copy of the  
6 ~~application~~ petition or motion to terminate parental rights shall be served upon the parent ~~or putative~~  
7 father who is the subject of the ~~application in the same manner as summons is served in civil cases, not~~  
8 ~~less than fifteen (15) calendar days prior to the hearing~~ termination proceeding by personal delivery, by  
9 certified mail, or by publication as provided for in Section 1-4-304 of this title.

10 2. The notice shall contain the ~~name of the parent, putative father, or, if the father is unknown,~~  
11 ~~the name of the child, the date of birth of the child, the date of the hearing, and the ground or grounds~~  
12 ~~for which application for termination of parental rights is sought. The notice shall apprise the parent or~~  
13 ~~putative father of the parent's legal rights and shall include a clear statement that failure to appear at the~~  
14 ~~hearing shall constitute a denial of interest in the child, which denial may result, without further notice~~  
15 ~~of this proceeding or any subsequent proceeding, in the granting of the application for the termination~~  
16 ~~of the parent's or putative father's parental rights and in the child's adoption~~ following or substantially  
17 similar language: "FAILURE TO PERSONALLY APPEAR AT THIS HEARING CONSTITUTES  
18 CONSENT TO THE TERMINATION OF YOUR PARENTAL RIGHTS TO THIS CHILD OR  
19 THESE CHILDREN. IF YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED, YOU  
20 MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR CHILDREN NAMED IN  
21 THE PETITION OR MOTION ATTACHED TO THIS NOTICE."

22 3. a. ~~If the identity or whereabouts of a parent or putative father are unknown, the court~~  
23 ~~must determine whether the parent or putative father can be identified or located.~~  
24

1 Following an inquiry pursuant to subsection B of this section, if the court finds  
2 that the identity or whereabouts of the parent or putative father cannot be  
3 ascertained, and this fact is attested to by affidavit of the other parent, legal  
4 guardian or custodian of the child, it shall order that notice be given by  
5 publication and, if the identity is known, that a copy be mailed to the last known  
6 address of the parent or putative father.

7 b. (1) If, in an inquiry pursuant to this section, the woman who gave birth to the  
8 child fails to disclose the identity of a possible father or reveal his  
9 whereabouts, she must be advised that a subsequent proceeding for  
10 adoption may be delayed or subject to challenge if a possible father is not  
11 given notice of the proceeding and that the lack of information about the  
12 father's medical and genetic history may be detrimental to the child.

13 (2) In addition, the willful and deliberate falsification of the sworn affidavit  
14 by the parent shall be deemed perjury and shall, upon conviction thereof,  
15 be punishable as otherwise provided by law.

16 e. The notice shall be published once pursuant to the laws relating to the service of  
17 notice by publication in the county in which the action to terminate parental rights  
18 is brought, and the hearing shall not be held for at least Notice shall be served  
19 upon the parent not less than fifteen (15) calendar days after the date of  
20 publication of the notice. When notice is given by publication, an order  
21 terminating parental rights shall not become final for a period of fifteen (15)  
22 calendar days from the date of the order prior to the hearing.

1       4. ~~A parent or putative father may waive such person's right to notice pursuant to this section.~~  
2 ~~The waiver, signed by the parent or putative father, shall include a statement affirming that the person~~  
3 ~~signing the waiver understands that the waiver shall constitute grounds for the termination of the~~  
4 ~~parental rights of the parent or putative father. A putative father may waive his right to notice Any~~  
5 ~~actual notice of termination of parental rights shall state that the duty of the parent to support his or her~~  
6 ~~minor child will not be terminated except for adoption as provided by paragraph 3 of subsection B of~~  
7 ~~Section 1-4-906 of this title.~~

8       5. The failure of a parent who has been served with notice under this section to personally  
9 appear at the hearing shall constitute consent to the termination of parental rights by the parent given  
10 notice. When a parent who appears voluntarily or pursuant to notice is directed by the court to  
11 personally appear for a subsequent hearing on a specified date, time and location, the failure of that  
12 parent to personally appear, or to instruct his or her attorney to proceed in absentia at the trial, shall  
13 constitute consent by that parent to termination of his or her parental rights.

14       B. 1. ~~If, at any time in a proceeding for termination of a relationship of parent and child, the~~  
15 ~~court finds that a parent, an unknown father or putative father of the child may not have received~~  
16 ~~notice, the court shall determine whether he or she can be identified and his or her whereabouts~~  
17 ~~ascertained. The determination must be based on evidence that includes inquiry of appropriate persons~~  
18 ~~in an effort to determine the whereabouts of the parent or identity of an unknown father or putative~~  
19 ~~father for the purpose of providing notice.~~

20       2. ~~The inquiry required by this subsection must include whether:~~

- 21           a. ~~the woman who gave birth to the child was married at the probable time of~~  
22           ~~conception of the child, or at a later time,~~

- 1           b.     ~~the woman was cohabitating with a man at the probable time of conception of the~~  
2                     ~~child,~~
- 3           e.     ~~the woman has received payments or promises of support, other than from a~~  
4                     ~~governmental agency, with respect to the child or because of her pregnancy,~~
- 5           d.     ~~the woman has named any individual as the father on the birth certificate of the~~  
6                     ~~child or in connection with an application for or receipt of public assistance, and~~
- 7           e.     ~~any individual has formally or informally acknowledged or claimed paternity of~~  
8                     ~~the child in a jurisdiction in which the woman resided during or since her~~  
9                     ~~pregnancy, or in which the child has resided or resides, at the time of the inquiry.~~

10           ~~3. If inquiry pursuant to the provisions of this subsection identifies as the father or putative~~  
11 ~~father of the child an individual who has not received notice of the proceeding, the court shall require~~  
12 ~~notice to be served upon him pursuant to the provisions of A of this section.~~

13           ~~C. When notice is given by publication pursuant to the provisions of this section, the order~~  
14 ~~terminating parental rights shall contain language in compliance with the requirements of Oklahoma~~  
15 ~~District Court Rule 16 The court shall have the power to vacate an order terminating parental rights if~~  
16 ~~the parent whose parental rights were terminated pursuant to subsection A of this section files a motion~~  
17 ~~to vacate the order within thirty (30) days after the order is filed with the court clerk.~~

18           ~~2. Notice of the motion shall be given to all the parties and their attorneys and the court shall set~~  
19 ~~the matter for hearing expeditiously.~~

20           ~~3. The burden of proof is on the defaulting parent to show that he or she had no actual notice of~~  
21 ~~the hearing, or due to unavoidable casualty or misfortune the parent was prevented from either~~  
22 ~~contacting his or her attorney, if any, or from attending the hearing or trial.~~

1        4. If the motion to vacate the order terminating parental rights due to a failure to appear is found  
2 to have merit, the statutory consent shall be set aside and a new trial conducted.

3        SECTION 78.    AMENDATORY    10 O.S. 2001, Section 7006-1.3, is amended to read as  
4 follows:

5        Section 7006-1.3 A. The termination of parental rights terminates the parent-child relationship,  
6 including ~~the~~:

7            1. The parent's right to the custody of the child and ~~the~~;

8            2. The parent's right to visit the child, ~~the~~;

9            3. The parent's right to control the child's training and education, ~~the~~;

10           4. The necessity for the parent to consent to the adoption of the child, ~~the~~;

11           5. The parent's right to the earnings of the child,; and ~~the~~

12           6. The parent's right to inherit from or through the child.

13        Provided, that nothing herein shall in any way affect the right of the child to inherit from the parent.

14        B. 1. Except for adoptions as provided in paragraph 3 of this subsection, termination of parental  
15 rights shall not terminate the duty of either parent to support his or her minor child.

16        2. Any ~~actual notice of termination of parental rights and~~ order terminating parental rights shall  
17 indicate that the duty of the parent to support his or her minor child will not be terminated ~~except for~~  
18 ~~adoption~~ unless the child is subsequently adopted as provided by paragraph 3 of this subsection.

19        3. Child support orders shall be entered by the court that terminates parental rights and shall  
20 remain in effect until the court of termination receives notice from the placing agency that a final  
21 decree of adoption has been entered and then issues an order terminating child support and dismissing  
22 the case.

23        SECTION 79.    AMENDATORY    10 O.S. 2001, Section 7103, is amended to read as follows:  
24

1 Section 7103. A. 1. Every:

- 2 a. ~~physician or surgeon, including doctors of medicine and dentistry, licensed~~  
3 ~~osteopathic physicians, residents and interns, examining, attending or treating a~~  
4 ~~child under the age of eighteen (18) years,~~
- 5 b. ~~registered nurse examining, attending or treating such a child in the absence of a~~  
6 ~~physician or surgeon,~~
- 7 e. ~~teacher of any child under the age of eighteen (18) years, and~~
- 8 d. ~~other person~~

9 having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or  
10 neglect, shall report the matter promptly to the Department of Human Services. ~~Such reports~~ Reports  
11 may be made by telephone, in writing, personally or by any other method ~~prescribed by the~~  
12 ~~Department. Any report of abuse or neglect made pursuant to this section shall be made in good faith.~~

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

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

19 4. The reporting obligations under this section are individual, and no employer, supervisor, or  
20 administrator shall ~~impede or inhibit~~ interfere with the reporting obligations of any employee or other  
21 person. ~~No employer, supervisor or administrator of any employee or other person required to provide~~  
22 ~~information pursuant to this section shall discharge, or in any manner discriminate or retaliate against,~~  
23 the employee or other person who in good faith ~~provides such~~ reports suspected child abuse ~~reports or~~  
24

1 ~~information, testifies, or is about to testify or neglect, or who provides testimony in any proceeding~~  
2 ~~involving child abuse or neglect; provided, that the person did not perpetrate or inflict such abuse or~~  
3 ~~neglect. Any employer, supervisor or administrator who discharges, discriminates or retaliates against~~  
4 ~~the employee or other person shall be liable for damages, costs and attorney fees. Internal procedures~~  
5 ~~to facilitate child abuse or neglect reporting and inform employers, supervisors and administrators of~~  
6 ~~reported suspected child abuse or neglect may be established provided that they are not inconsistent~~  
7 ~~with the provisions of this section and that such procedures shall not relieve the employee or such~~  
8 ~~other person from the individual reporting obligations required by this section.~~

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

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

- 20 ~~1. The names and addresses of the child and the child's parents or other persons responsible for~~  
21 ~~the child's health, safety or welfare;~~
  - 22 ~~2. The child's age;~~
  - 23 ~~3. The nature and extent of the abuse or neglect, including any evidence of previous injuries;~~
- 24

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

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

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

9 ~~D. C.~~ 1. Any person who knowingly and willfully makes a false report pursuant to the  
10 provisions of this section or a report that the person knows lacks factual foundation may be reported by  
11 ~~the Department of Human Services~~ to local law enforcement for criminal investigation and, upon  
12 conviction thereof, shall be guilty of a misdemeanor.

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

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

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

4       F. D. Nothing contained in this section shall be construed to exempt or prohibit any person from  
5 reporting any suspected child abuse or neglect pursuant to subsection A of this section.

6       SECTION 80.    AMENDATORY    Section 15, Chapter 205, O.S.L. 2006 (10 O.S. Supp.  
7 2008, Section 7104.1), is amended to read as follows:

8       Section 7104.1 A judge of the district court ~~shall have the authority to~~ may request an  
9 investigation be conducted by the Oklahoma State Bureau of Investigation or other law enforcement  
10 agency in cases where ~~it has been determined~~ the court reasonably believes that criminally injurious  
11 conduct including, but not limited to, physical or sexual abuse of a child has occurred.

12       SECTION 81.    AMENDATORY    10 O.S. 2001, Section 7105, as amended by Section 2,  
13 Chapter 184, O.S.L. 2005 (10 O.S. Supp. 2008, Section 7105), is amended to read as follows:

14       Section 7105. A. Any person ~~participating in good faith and exercising due care in the making~~  
15 ~~of a report pursuant to the provisions of the Oklahoma Child Abuse Reporting and Prevention Act, or~~  
16 ~~any person~~ who, in good faith and exercising due care, reports suspected child abuse or neglect, or who  
17 allows access to a child by persons authorized to investigate a report concerning the child shall have  
18 immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such  
19 participant shall have the same immunity with respect to participation in any judicial proceeding  
20 resulting from such report.

21       B. For purposes of any proceeding, civil or criminal, the good faith of any ~~physician, surgeon,~~  
22 ~~osteopathic physician, resident, intern, physician's assistant, registered nurse, or any other health care~~  
23  
24

1 ~~professional~~ person in making a report pursuant to the provisions of Section ~~7104~~ 1-2-101 of this title  
2 shall be presumed.

3 C. A child advocacy center that is accredited by the National Children's Alliance, and the  
4 employees thereof, who are acting in good faith and exercising due care shall have immunity from  
5 civil liability that may be incurred or imposed through participation in the investigation process and  
6 any judicial proceeding resulting from the investigation process.

7 SECTION 82. AMENDATORY 10 O.S. 2001, Section 7105.1, is amended to read as  
8 follows:

9 Section 7105.1 ~~A. The Department of Human Services shall seek to promote the safety of~~  
10 ~~children and the integrity and preservation of their families by conducting investigations or~~  
11 ~~assessments on a priority basis in response to reports of child abuse or neglect.~~

12 ~~B.~~ The Oklahoma Commission on Children and Youth and the Oklahoma Youth Services  
13 Association, in cooperation with the Department of Human Services, shall:

- 14 1. Identify community-based prevention and intervention-related services and facilitate access to  
15 such services for children and families at risk of future abuse or neglect; and
- 16 2. Assist in the development and coordination of community-based programs that work to  
17 reduce the potential for abuse and neglect in at-risk families.

18 SECTION 83. AMENDATORY 10 O.S. 2001, Section 7106, as amended by Section 16,  
19 Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2008, Section 7106), is amended to read as follows:

20 Section 7106. A. 1. Any county office of the Department of Human Services receiving a child  
21 abuse or neglect report ~~as provided in Section 7103 of this title~~ shall promptly respond to the report by  
22 initiating an investigation of the report or an assessment of the family in accordance with priority  
23 guidelines established by the Department of ~~Human Services~~. The Department may ~~assign priorities to~~  
24

1 prioritize reports of alleged child abuse or neglect based on the severity and immediacy of the alleged  
2 harm to the child. The Department shall adopt ~~the~~ a priority system pursuant to rules promulgated by  
3 the Commission for Human Services. The primary purpose of the investigation or assessment shall be  
4 the protection of the child.

5 2. ~~The Department, when feasible, shall designate certain staff in each county office to only~~  
6 ~~handle reports requiring an investigation and shall designate other staff to conduct assessments in~~  
7 ~~response to reports which do not require an investigation.~~

8 3. If an investigation or assessment conducted by the Department ~~of Human Services~~ in  
9 response to any report of child abuse or neglect shows that the incident reported was the result of the  
10 reasonable exercise of parental discipline involving the use of ordinary force, including, but not limited  
11 to, spanking, switching, or paddling, the investigation or assessment will proceed no further. ~~If such~~  
12 ~~incident was the result of the reasonable exercise of parental discipline involving the use of ordinary~~  
13 ~~force, including, but not limited to, spanking, switching or paddling, and~~ all records regarding the  
14 incident shall be expunged.

15 B. ~~As necessary to complete a thorough investigation or assessment, the county office or the~~  
16 ~~Department shall determine:~~

- 17 1. ~~The nature, extent and cause of the abuse or neglect, if applicable;~~
  - 18 2. ~~The identity of the person responsible for the abuse or neglect, if applicable;~~
  - 19 3. ~~The names and conditions of any other children in the home;~~
  - 20 4. ~~An evaluation of the parents or persons responsible for the health, safety or welfare of the~~  
21 ~~child;~~
  - 22 5. ~~The adequacy of the home environment;~~
- 23  
24

1 ~~6. The relationship of the child to the parents or persons responsible for the health, safety or~~  
2 ~~welfare of the child;~~

3 ~~7. Any service needs of the child and the parents or persons responsible for the health, safety or~~  
4 ~~welfare of the child and any other children in the home to reduce the potential for abuse and neglect;~~  
5 ~~and~~

6 ~~8. All other pertinent data.~~

7 C. 1. The investigation or assessment shall include a visit to the ~~child's home~~ of the child,  
8 unless there is reason to believe that there is an extreme safety risk to the child or worker or it appears  
9 that the referral has been made in bad faith, ~~and~~. The visit shall also include an interview with and  
10 examination of the subject child. ~~The interview with and examination of the child and~~ may be  
11 conducted at any reasonable time and at any place including, but not limited to, the child's school. ~~It~~  
12 ~~shall be the responsibility of the~~ The Department of Human Services to shall notify the ~~parents of a~~  
13 person responsible for the health, safety, and welfare of the child that the child who has been  
14 interviewed at a school. The investigation or assessment may include an interview with the ~~child's~~  
15 parents of the child or any other person responsible for ~~a child's~~ the health, safety, or welfare of the  
16 child and an interview with and examination of any child in the home.

17 2. The investigation or assessment may include a medical, psychological, or psychiatric  
18 examination of any child in ~~that~~ the home. If admission to the home, school, or any place where the  
19 child may be located cannot be obtained, then the district court having jurisdiction, upon application by  
20 the district attorney and upon cause shown, shall order the ~~parents or other persons~~ person responsible  
21 for the health, safety, or welfare of the child, or the person in charge of any place where the child may  
22 be located, to allow entrance for the interview, the examination, and the investigation or assessment. If  
23 the ~~parents or other persons~~ person responsible for the ~~child's~~ health, safety, or welfare ~~do~~ of the child

1 ~~does not consent to a medical, psychological, or psychiatric examination of the child that is requested~~  
2 ~~by the county office or the Department, the district court having jurisdiction, upon application by the~~  
3 ~~district attorney and upon cause shown, shall order the examination to be made at the times and places~~  
4 ~~designated by the court. As necessary in the course of conducting an investigation, the Department~~  
5 ~~may request and obtain, without a court order, copies of the prior medical records of a child including,~~  
6 ~~but not limited to, hospital records and medical and dental records. The physician-patient privilege~~  
7 ~~shall not constitute grounds for failure to produce such records.~~

8 3. The investigation or assessment may include an inquiry into the possibility that the child, a  
9 ~~parent~~ or a person responsible for the ~~child's~~ health, safety, or welfare of the child has a history of  
10 mental illness. If a ~~parent or the~~ person responsible for the child's health, safety, or welfare does not  
11 allow the ~~county office or the~~ Department to have access to ~~mental~~ behavioral health records or  
12 treatment plans, requested by the ~~county office or the~~ Department, which may ~~relate~~ be relevant to the  
13 alleged abuse or neglect, the district court having jurisdiction, upon application by the district attorney  
14 and upon good cause shown, shall by order allow the ~~county office or the~~ Department to have access to  
15 the records pursuant to terms and conditions prescribed by the court.

16 4. a. If the court determines that the ~~parent or person responsible for the child's health,~~  
17 ~~safety or welfare~~ subject of the behavioral health records is indigent, the court  
18 shall appoint an attorney to represent ~~the parent or person responsible for the~~  
19 ~~child's health, safety or welfare~~ that person at the hearing to obtain ~~mental~~  
20 behavioral health records.

21 b. A ~~parent or~~ person responsible for the child's health, safety, or welfare of the child  
22 is entitled to notice and a hearing when the ~~county office or the~~ Department seeks  
23  
24

1 a court order to allow a ~~medical~~, psychological or psychiatric examination or  
2 access to ~~mental~~ behavioral health records.

3 c. Access to ~~mental~~ behavioral health records does not constitute a waiver of  
4 confidentiality.

5 5. The investigation of a report of sexual abuse or serious physical abuse or both sexual abuse  
6 and serious physical abuse shall be conducted, when appropriate and possible, using a  
7 multidisciplinary team approach as provided by Section 1-9-102 of this title. Law enforcement and the  
8 Department shall exchange investigation information.

9 C. 1. Every physician or surgeon making a report of abuse or neglect as required by this section  
10 or examining a child to determine the likelihood of abuse or neglect and every hospital or related  
11 institution in which the child was examined or treated shall provide copies of the results of the  
12 examination or copies of the examination on which the report was based and any other clinical notes,  
13 X rays, photographs, and other previous or current records relevant to the case to law enforcement  
14 officers conducting a criminal investigation into the case and to employees of the Department  
15 conducting an assessment or investigation of alleged abuse or neglect in the case.

16 2. As necessary in the course of conducting an assessment or investigation, the Department may  
17 request and obtain, without a court order, copies of all prior medical records of a child including, but  
18 not limited to, hospital records, medical, and dental records. The physician-patient privilege shall not  
19 constitute grounds for failure to produce such records.

20 D. ~~The Department shall conduct an assessment in response to reports initially referred for an~~  
21 ~~investigation, if it is determined that a complete investigation is not required.~~

1 ~~E. The Department shall immediately commence an investigation if it is determined, at any time~~  
2 ~~during the assessment process, that an investigation is warranted as provided for in the priority~~  
3 ~~guidelines established by the Department.~~

4 ~~F. If, before the assessment or investigation is complete, the opinion of the child protective~~  
5 ~~services worker is Department determines that immediate removal of the child is necessary to protect~~  
6 ~~the child from further abuse or neglect, the child protective services worker Department shall~~  
7 ~~recommend that the child be taken into custody pursuant to the Oklahoma Children's Code.~~

8 ~~G. 1. E. The county office Department shall make a complete written report of the~~  
9 ~~investigation. The investigation report, together with its recommendations, shall be submitted to the~~  
10 ~~appropriate district attorney's office.~~

11 ~~2. Reports of assessment recommendations shall not be required to be submitted to appropriate~~  
12 ~~district attorneys unless such district attorneys request that copies of the assessment recommendations~~  
13 ~~be submitted to them. Immediately after the effective date of this act, the Department shall send~~  
14 ~~written notice to all district attorneys in this state informing them of their right to request and receive~~  
15 ~~copies of the assessment recommendations.~~

16 ~~H. F. The Department, where appropriate and in its discretion, shall identify prevention and~~  
17 ~~intervention-related services available in the community and arrange for such services to be provided~~  
18 ~~to the family when an investigation or assessment indicates the family would benefit from such~~  
19 ~~services, or the Department may provide such services directly. The Department shall thoroughly~~  
20 ~~document in the record its attempts to provide, or arrange for the provision of, voluntary services and~~  
21 ~~the reasons these services are important to reduce the risk of future abuse or neglect to the child shall~~  
22 ~~determine within sixty (60) days whether the family has accessed such services. If the family~~  
23 ~~continues to refuse refuses voluntary services or does not access such services, and it is determined by~~  
24

1 the ~~child protective services worker~~ Department that the ~~child needs to be protected~~ child's  
2 surroundings endanger the health, safety, or welfare of the child, the Department may ~~initiate an~~  
3 ~~investigation~~ recommend that the child be placed in protective or emergency custody or that a petition  
4 be filed.

5 ~~I. Except as otherwise provided by the Oklahoma Child Abuse Reporting and Prevention Act,~~  
6 ~~the investigation of a child abuse or neglect report shall comply with the provisions of Section 7003-~~  
7 ~~1.1 of this title.~~

8 ~~J. G.~~ If the Department has reason to believe that a ~~parent of the child or other person~~  
9 responsible for the health, safety, and welfare of the child may remove the child from the state before  
10 the investigation is completed, the Department may request the district attorney to file an application  
11 for a temporary restraining order in any district court in the State of Oklahoma without regard to  
12 continuing jurisdiction of the child. ~~After a hearing on the application~~ Upon cause shown, the court  
13 may enter a temporary restraining order prohibiting the parent or other person from removing the child  
14 from the state pending completion of the assessment or investigation ~~if the court finds that the county~~  
15 ~~office or the Department has probable cause to conduct the investigation.~~

16 ~~K. H.~~ The Director of the Department of ~~Human Services~~ or designee ~~shall have the authority to~~  
17 may request an investigation be conducted by the Oklahoma State Bureau of Investigation or other law  
18 enforcement agency in cases where it ~~has been determined~~ reasonably believes that criminally  
19 injurious conduct including, but not limited to, physical or sexual abuse of a child has occurred.

20 SECTION 84. AMENDATORY 10 O.S. 2001, Section 7107, is amended to read as follows:

21 Section 7107. A. ~~Except as otherwise provided by the Oklahoma Child Abuse Reporting and~~  
22 ~~Prevention Act, the~~ The reports required by Section 7103 1-2-101 of this title ~~or any~~ and all other  
23 information acquired pursuant to the Oklahoma ~~Child Abuse Reporting and Prevention Act~~ Children's  
24

1 Code shall be confidential and may be disclosed only as provided in Section 7111 of this title and the  
2 Oklahoma Children's by this Code, applicable state or federal law, regulation, or court order.

3 B. ~~Except as otherwise provided by the Oklahoma Child Abuse Reporting and Prevention Act,~~  
4 ~~any violation of the confidentiality requirements of the Oklahoma Child Abuse Reporting and~~  
5 ~~Prevention Act~~ The confidential records and information that are authorized to be disclosed pursuant to  
6 this Chapter shall remain confidential and the use of such information shall be limited to the purposes  
7 for which disclosure is authorized. Persons or agencies obtaining records pursuant to this Chapter are  
8 prohibited from disclosing the contents of such records to another person or agency unless specifically  
9 authorized to do so by law or by the terms of a court order.

10 C. The disclosure of any confidential records or information made by the Department of Human  
11 Services pursuant to law or court order shall not be deemed a waiver of confidentiality or privilege,  
12 and any recipient of such records or information shall protect them against unauthorized disclosure and  
13 maintain them confidentially and in compliance with state and federal law.

14 D. Any person or agency who knowingly permits, assists, or encourages the release, disclosure,  
15 or use of confidential records or information for any commercial, political, or unauthorized purpose  
16 may be prosecuted for contempt of court or for a misdemeanor, which shall, upon conviction, be a  
17 ~~misdemeanor~~ punishable by up to six (6) months in jail, by a fine of Five Hundred Dollars (\$500.00),  
18 or by both such fine and imprisonment.

19 SECTION 85. AMENDATORY 10 O.S. 2001, Section 7108, as amended by Section 1,  
20 Chapter 435, O.S.L. 2004 (10 O.S. Supp. 2008, Section 7108), is amended to read as follows:

21 Section 7108. ~~A.~~ At the initial time of contact with a ~~parent or other~~ person responsible for a  
22 ~~child's~~ health, safety, or welfare of a child who is the subject of an investigation pursuant to the  
23 Oklahoma ~~Child Abuse Reporting and Prevention Act~~ Children's Code, the ~~child protective services~~  
24

1 ~~worker~~ Department of Human Services shall advise ~~such~~ the person of the specific complaint or  
2 allegation made against the person. If the ~~worker~~ Department is unable to locate the ~~parent or other~~  
3 person, as soon as possible after initiating the investigation of the ~~parent or other~~ person, the ~~child~~  
4 ~~protective services worker~~ Department shall provide to the ~~parent or~~ person a brief and easily  
5 understood written description of the investigation process. ~~Such notice~~ Notice shall include:

6 1. A statement that the investigation is being undertaken by the Department of ~~Human Services~~  
7 pursuant to the requirements of the Oklahoma ~~Child Abuse Reporting and Prevention Act~~ Children's  
8 Code in response to a report of child abuse or neglect;

9 2. A statement that the identity of the person who reported the incident of abuse is confidential  
10 and may not even be known to the Department since the report could have been made anonymously;

11 3. A statement that the investigation is required by law to be conducted in order to enable the  
12 Department of ~~Human Services~~ to identify incidents of abuse or neglect in order to provide protective  
13 or preventive social services to families who are in need of such services;

14 4. A statement that, upon completion of the investigation, ~~the parent or other person will receive~~  
15 a letter will be sent from the Department which will inform ~~such parent or other~~ the person:

- 16 a. that the Department has found insufficient evidence of abuse or neglect, or  
17 b. that there appears to be probable cause to suspect the existence of child abuse or  
18 neglect in the judgment of the Department;

19 5. An explanation of the procedures of the Department of ~~Human Services~~  
20 investigation of alleged child abuse or neglect, including:

- 21 a. a description of the circumstances under which the Department would seek to  
22 remove the child from the home through the judicial system, and  
23  
24

1           b.       an explanation that the law requires the Department to refer all reports of ~~alleged~~  
2                   ~~criminal~~ child abuse or neglect to a law enforcement agency for a separate  
3                   determination of whether a criminal violation occurred;

4           6. The procedures to follow if there is a complaint regarding the actions of the Department or to  
5 request a review of the findings made by the Department during or at the conclusion of the  
6 investigation;

7           7. The ~~person's~~ right of the person to review ~~all~~ records filed with the court ~~concerning the~~  
8 ~~investigation, provided the review shall not include the name of the person who filed the report~~  
9 ~~specified in Section 7103 of this title, and provided the review would not jeopardize an ongoing~~  
10 ~~criminal investigation or adjudicatory hearing~~ in the event an action is filed;

11           8. The ~~person's~~ right of the person to seek legal counsel;

12           9. References to the statutory and regulatory provisions governing child abuse and neglect and  
13 how the person may obtain copies of those provisions; ~~and~~

14           10. The process the person may use to acquire ~~access to~~ visitation with the child if the child is  
15 removed from the home; and

16           11. A statement that a failure to appear for court proceedings may result in the termination of the  
17 person's parental rights to the child.

18           ~~B. If the Department determines that a family assessment may be needed, the Department shall,~~  
19 ~~at the time of the initial contact, provide the parent of the child with the following information:~~

20           ~~1. The purpose of the contact with the family;~~

21           ~~2. The name of the child protective services worker responding and such person's office~~  
22 ~~telephone number; and~~

1       ~~3. The assessment process to be followed during the Department's intervention with the family~~  
2 ~~including the possibility that the family may be referred for prevention or intervention related services~~  
3 ~~and that the family may be expected to participate in such services.~~

4       SECTION 86. AMENDATORY 10 O.S. 2001, Section 7109, is amended to read as follows:

5       Section 7109. A. The Department of Human Services may provide information to a person or  
6 agency that provides professional services such as medical examination of or therapeutic intervention  
7 with a victim of abuse or neglect. This information may include, but is not limited to:

- 8           1. The investigative determination; or  
9           2. The services offered and provided.

10       B. The Department shall forward to any hospital or any physician, including, but not limited to,  
11 doctors of medicine and dentistry, licensed osteopathic physicians, residents and interns, reporting the  
12 abuse or neglect of a child pursuant to Section ~~7103~~ 1-2-101 of this title, information including the  
13 investigative determination, the services offered or provided, and such other information deemed  
14 necessary by the Department. ~~Such~~ The information shall be entered and maintained in the ~~child's~~  
15 medical records of the child.

16       ~~C. 1. The Department of Human Services shall forward to the school principal of the school in~~  
17 ~~which a child is enrolled making a child abuse report pursuant to Section 7103 of this title a summary~~  
18 ~~of any confirmed report of sexual abuse or severe physical abuse of the Department concerning the~~  
19 ~~child. The summary shall include a brief description of the circumstances of sexual abuse or serious~~  
20 ~~physical abuse, the name of the parent or person responsible for the child's health or welfare, and the~~  
21 ~~name of a Department employee who serves as a contact person regarding the case.~~

22       ~~2. The Department shall not release data that would identify the person who made the initial~~  
23 ~~child abuse or neglect report, other than an employee of the Department, or who cooperated in a~~  
24

1 subsequent investigation unless a court of competent jurisdiction orders release of the information for  
2 good cause shown.

3 ~~3. The school principal shall forward to the receiving school all confirmed reports of sexual~~  
4 ~~abuse and severe physical abuse received from the Department whenever a child transfers from one~~  
5 ~~school district to another, and shall notify the Department of the child's new school, and address, if~~  
6 ~~known.~~

7 ~~4. Records maintained and transmitted pursuant to this section shall be confidential and shall be~~  
8 ~~maintained and transmitted in the same manner as Special Education records or other such records,~~  
9 ~~pursuant to Title 70 of the Oklahoma Statutes. Access to such records may be made available by the~~  
10 ~~principal or designee to a person designated to assist in the treatment of or with services provided to~~  
11 ~~the child. Such records shall be destroyed when the student reaches eighteen (18) years of age.~~

12 ~~D. The transmission of and access to such records shall not constitute a waiver of~~  
13 ~~confidentiality.~~

14 ~~E. It shall be unlawful pursuant to the Oklahoma Child Abuse Reporting and Prevention Act for~~  
15 ~~the Commission for Human Services, or any employee working under the direction of the Department~~  
16 ~~of Human Services, any other public officer or employee, or any court appointed special advocate to~~  
17 ~~furnish or permit to be taken off of the records any information therein contained for commercial,~~  
18 ~~political or any other unauthorized purpose.~~

19 ~~F. Any person to whom disclosure is made shall not disclose to any other person reports or other~~  
20 ~~information obtained pursuant to this section.~~

21 ~~G. The Department shall submit the summary of confirmed sexual abuse or severe physical~~  
22 ~~abuse of a child on forms developed by the Department. Such forms shall contain a warning that the~~  
23  
24

1 ~~information contained therein is confidential and may only be released to a person designated by the~~  
2 ~~principal to assist in the treatment of or with services provided to a child.~~

3 SECTION 87. AMENDATORY 10 O.S. 2001, Section 7110, as last amended by Section 5,  
4 Chapter 258, O.S.L. 2006 (10 O.S. Supp. 2008, Section 7110), is amended to read as follows:

5 Section 7110. A. 1. In coordination with the Child Abuse Training and Coordination Council,  
6 each district attorney shall develop a multidisciplinary child abuse team in each county of the district  
7 attorney or in a contiguous group of counties.

8 2. The lead agency for the team shall be chosen by the members of the team. The team shall  
9 intervene in reports involving child sexual abuse or child physical abuse or neglect.

10 B. The multidisciplinary child abuse team members shall include, but ~~need~~ not be limited to:

11 1. Mental health professionals licensed pursuant to the laws of this state or licensed professional  
12 counselors;

13 2. Police officers or other law enforcement agents with a role in, or experience or training in  
14 child abuse and neglect investigation;

15 3. Medical personnel with experience in child abuse and neglect identification;

16 4. Child protective services workers within the Department of Human Services;

17 5. Multidisciplinary child abuse team coordinators, or Child Advocacy Center personnel; and

18 6. The district attorney or assistant district attorney.

19 C. 1. To the extent that resources are available to each of the various multidisciplinary child  
20 abuse teams throughout the state, the functions of the team shall include, but not be limited to, the  
21 following specific functions:

- 22 a. whenever feasible, law enforcement and child welfare staff shall conduct joint  
23 investigations in an effort to effectively respond to child abuse reports,  
24

- 1           b.       develop a written protocol for investigating child sexual abuse and child physical  
2           abuse or neglect cases and for interviewing child victims. The purpose of the  
3           protocol shall be to ensure coordination and cooperation between all agencies  
4           involved so as to increase the efficiency in handling such cases and to minimize  
5           the stress created for the allegedly abused child by the legal and investigatory  
6           process. In addition, each team shall develop confidentiality statements and  
7           interagency agreements signed by member agencies that specify the cooperative  
8           effort of the member agencies to the team,
- 9           c.       freestanding multidisciplinary child abuse teams shall be approved by the Child  
10          Abuse Training and Coordination Council. The ~~Child Abuse Training and~~  
11          ~~Coordination~~ Council shall conduct an annual review of freestanding  
12          multidisciplinary teams to ensure that the teams are functioning effectively.  
13          Teams not meeting the minimal standards as promulgated by the ~~Child Abuse~~  
14          ~~Training and Coordination~~ Council shall be removed from the list of functioning  
15          teams in the state,
- 16          d.       increase communication and collaboration among the professionals responsible  
17          for the reporting, investigation, prosecution and treatment of child abuse and  
18          neglect cases,
- 19          e.       eliminate duplicative efforts in the investigation and the prosecution of child  
20          abuse and neglect cases,
- 21          f.       identify gaps in service or all untapped resources within the community to  
22          improve the delivery of services to the victim and family,
- 23  
24

- 1           g.       encourage the development of expertise through training. Each team member and
- 2                   those conducting child abuse investigations and interviews of child abuse victims
- 3                   shall be trained in the multidisciplinary team approach, conducting legally sound
- 4                   and age-appropriate interviews, effective investigation techniques and joint
- 5                   investigations as provided through the Child Abuse Training and Coordination
- 6                   Council or other resources,
- 7           h.       formalize a case review process and provide data as requested to the Child Abuse
- 8                   Training and Coordination Council for freestanding teams, and
- 9           i.       standardize investigative procedures for the handling of child abuse and neglect
- 10                   cases.

11           2. All investigations of child sexual abuse and child physical abuse or neglect and interviews of  
12 child abuse or neglect victims shall be carried out by appropriate personnel using the protocols and  
13 procedures specified in this section.

14           3. If trained personnel are not available in a timely fashion and, in the judgment of a law  
15 enforcement officer or the Department of Human Services, there is reasonable cause to believe a delay  
16 in investigation or interview of the child victim could place the child in jeopardy of harm or threatened  
17 harm to a child's health or welfare, the investigation may proceed without full participation of all  
18 personnel. This authority applies only for as long as reasonable danger to the child exists. A  
19 reasonable effort to find and provide a trained investigator or interviewer shall be made.

20           D. 1. A multidisciplinary child abuse team may enter into an agreement with the Child Death  
21 Review Board within the Oklahoma Commission on Children and Youth and, in accordance with rules  
22 promulgated by the Oklahoma Commission on Children and Youth, conduct case reviews of deaths  
23 and near deaths of children within the geographical area of that multidisciplinary child abuse team.

1           2. Any multidisciplinary child abuse team reviewing deaths and near deaths of children shall  
2 prepare and make available to the public, on an annual basis, a report containing a summary of the  
3 activities of the team relating to the review of the deaths and near deaths of children and a summary of  
4 the extent to which the state child protection system is coordinated with foster care and adoption  
5 programs and whether the state is efficiently discharging its child protection responsibilities. The  
6 report shall be completed no later than December 31 of each year.

7           E. Nothing in this section shall preclude the use of hospital team reviews for client-specific  
8 purposes and multidisciplinary teams, either of which were in existence prior to July 1, 1995; provided,  
9 however, such teams shall not be subject to the provisions of paragraph 1 of subsection A of this  
10 section.

11           F. 1. Child advocacy centers shall be classified, based on the child population of a district  
12 attorney's district, as follows:

- 13           a. nonurban centers in districts with child populations that are less than sixty  
14           thousand (60,000),
- 15           b. midlevel nonurban centers in districts with child populations equal to or greater  
16           than sixty thousand (60,000), but not including Oklahoma and Tulsa Counties,  
17           and
- 18           c. urban centers in Oklahoma and Tulsa Counties.

19           2. The multidisciplinary child abuse team used by the child advocacy center for its accreditation  
20 shall meet the criteria required by a national association of child advocacy centers and, in addition, the  
21 team shall:

- 22           a. choose a lead agency for the team,

- b. intervene in reports involving child sexual abuse and may intervene in child physical abuse or neglect,
- c. promote the joint investigation of child abuse reports between law enforcement and child welfare staff, and
- d. formalize standardized investigative procedures for the handling of child abuse and neglect cases.

G. Multidisciplinary child abuse teams and child advocacy centers shall have full access to any service or treatment plan and any personal data known to the Department which is directly related to the implementation of this section.

SECTION 88. AMENDATORY 10 O.S. 2001, Section 7110.1, as amended by Section 3, Chapter 487, O.S.L. 2002 (10 O.S. Supp. 2008, Section 7110.1), is amended to read as follows:

Section 7110.1 A. 1. There is hereby created in the Department of Human Services a revolving fund to be designated the "Child Abuse Multidisciplinary Account".

2. The account shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to the provisions of this section and Section ~~7110.2~~ 1-9-104 of this title.

3. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by the Department for the purposes provided in Sections ~~7110~~ 1-9-102 and ~~7110.2~~ 1-9-104 of this title.

4. Expenditures from the account shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. The account shall be administered by the Department for the benefit of children of Oklahoma and made available to eligible:

- 1 1. Coordinated multidisciplinary child abuse teams;
- 2 2. Nonurban child advocacy centers;
- 3 3. Mid-level nonurban child advocacy centers; and
- 4 4. Urban child advocacy centers.

5 C. 1. The Child Abuse Multidisciplinary Account shall consist of:

- 6 a. all monies received by the Department pursuant to the provisions of Section  
7 ~~7110.2~~ 1-9-104 of this title,
- 8 b. interest attributable to investment of money in the Account, and
- 9 c. money received by the Department in the form of gifts, grants, reimbursements,  
10 or from any other source intended to be used for the purposes specified or  
11 collected pursuant to the provisions of this section and Section ~~7110~~ 1-9-102 of  
12 this title.

13 2. The monies deposited in the Child Abuse Multidisciplinary Account shall at no time become  
14 monies of the state and shall not become part of the general budget of the Department or any other  
15 state agency. Except as otherwise authorized by this section, no monies from the Account shall be  
16 transferred for any purpose to any other state agency or any account of the Department or be used for  
17 the purpose of contracting with any other state agency or reimbursing any other state agency for any  
18 expense.

19 SECTION 89. AMENDATORY 10 O.S. 2001, Section 7110.2, as last amended by Section  
20 6, Chapter 258, O.S.L. 2006 (10 O.S. Supp. 2008, Section 7110.2), is amended to read as follows:

21 Section 7110.2 A. ~~4~~. The Department of Human Services shall allocate monies available in the  
22 Child Abuse Multidisciplinary Account (CAMA):

23 ~~2. Funds shall be allocated to:~~

1 a. ~~one~~

2 1. One functioning freestanding multidisciplinary child abuse team per county, as provided in  
3 Section ~~7110~~ 1-9-102 of this title;

4 b. ~~one;~~

5 2. One hospital team pursuant to subsection E of Section ~~7110~~ 1-9-102 of this title; and

6 c. ~~one~~

7 3. One child advocacy center, accredited by the National Children's Alliance, per district  
8 attorney's district.

9 (1) A child advocacy center shall:

10 a. be eligible for Child Abuse Multidisciplinary Account (CAMA) funding upon  
11 accreditation by the National Children's Alliance. ~~In addition, the child advocacy~~  
12 ~~center must,~~

13 b. secure a third-year interim review to determine whether the child advocacy center  
14 continues to meet the National Children's Alliance standards in effect at the time  
15 of its last accreditation. If a child advocacy center fails the third-year review, the  
16 center ~~will~~ shall remain eligible for CAMA funding, but ~~must~~ shall have another  
17 review conducted in the fourth year. If the child advocacy center fails the fourth-  
18 year review, the center shall be ineligible to receive CAMA funding until such  
19 time as the center receives reaccreditation from the National Children's Alliance.

20 (2) ~~The accredited center shall, and~~

21 c. remain the center for the district attorney's district as long as the center is  
22 accredited and eligibility is maintained pursuant to the provisions of Section ~~7110~~  
23 1-9-102 of this title. If a center does not remain eligible pursuant to the  
24

1 provisions of Section ~~7110~~ 1-9-102 of this title, endorsement by the district  
2 attorney as the child advocacy center for the district may be sought by any entity  
3 beginning with the calendar year after the center is determined to be ineligible.  
4 The two centers in district number (4) and district number (13) that were  
5 accredited as of the effective date of this act shall continue to receive funding at  
6 the nonurban level. Should one of the exempted centers close or no longer meet  
7 the criteria for a child advocacy center pursuant to the provisions of Section ~~7110~~  
8 1-9-102 of this title, the center shall not be allowed to reopen in that district or to  
9 receive CAMA funds. The remaining center shall become the sole child  
10 advocacy center for the district attorney's district.

11 ~~3.~~ B. Funding distribution pursuant to the provisions of this ~~subsection~~ section shall be  
12 determined:

13 a. by

14 1. By multiplying the number of applicants in each category by the corresponding weight as  
15 follows:

16 (1)

17 a. freestanding multidisciplinary child abuse team - 1,

18 (2)

19 b. hospital team - 1,

20 (3)

21 c. nonurban centers – 4,

22 (4)

23 d. mid-level nonurban centers – 6, and  
24

1                   (5)

2           e.     urban centers – 24,

3           b.     ~~adding;~~

4           2. Adding together the weighted results for all categories;

5           e. ~~dividing;~~

6           3. Dividing the weighted result for each category by the sum of the weighted results for all

7 categories; and

8           d. ~~equally~~

9           4. Equally distributing funding to each applicant in the corresponding category based on the

10 amounts obtained by multiplying the total available funding by the calculated percentages.

11           ~~B. C.~~ 1. Pursuant to the provisions of Section ~~7110.1~~ 1-9-103 of this title, by January 31, 2003,  
12 and by January 31 of each year thereafter, the Department shall disburse monies from the Child Abuse  
13 Multidisciplinary Account to eligible multidisciplinary child abuse teams and to eligible child  
14 advocacy centers. A child advocacy center ~~must~~ shall be in compliance with the provisions of Section  
15 ~~7110~~ 1-9-102 of this title to be eligible for Child Abuse Multidisciplinary Account funding. The  
16 disbursement shall be a single, annual disbursement, for the collection period of the preceding year  
17 beginning October 1 through September 30.

18           2. The Department of ~~Human Services~~, the Child Abuse Training and Coordinating Council and  
19 the Children's Advocacy Centers of Oklahoma, Inc., shall meet annually, after September 30, 2002, to  
20 review the amount of CAMA funds to be disbursed.

21           ~~C. D.~~ A team or center may carry over funding for a period of one (1) year after allocation, such  
22 one-year period to begin in January and end in December of the same year; provided, however, funds  
23 not used within twenty-four (24) months of the original allocation will be deducted from the contract  
24

1 amount for the next contract year. If a team or center is ineligible for funding in an upcoming year,  
2 unused funds from the current or previous years shall be returned to the CAMA account for use in  
3 subsequent years.

4 ~~D.~~ E. The Department of Human Services is hereby authorized to receive one half of one  
5 percent (0.5%) in administrative costs from the CAMA account.

6 SECTION 90. AMENDATORY 10 O.S. 2001, Section 7111, is amended to read as follows:

7 Section 7111. A. There is hereby established within the Department of Human Services an  
8 information system for the maintenance of all reports of child abuse, sexual abuse, and neglect made  
9 pursuant to the provisions of the Oklahoma ~~Child Abuse Reporting and Prevention Act~~ Children's  
10 Code.

11 B. The ~~Division of Children and Family Services~~ Division of the Department of ~~Human~~  
12 ~~Services~~ shall be responsible for maintaining a suitably cross-indexed system of all the reports.

13 C. The records maintained shall contain, but shall not be limited to:

- 14 1. All information in the written report required by ~~Section 7103~~ 1-2-101 of this title;
- 15 2. A record of the final disposition of the report including services offered and services  
16 accepted;
- 17 3. The plan for rehabilitative treatment; and
- 18 4. Any other relevant information.

19 D. Data and information maintained and related to individual cases shall be confidential and  
20 shall be made available only as authorized by state or federal law.

21 E. The Commission for Human Services shall promulgate rules governing the availability of  
22 such data and information.

23  
24

1 F. Rules promulgated by the Commission shall encourage cooperation with other states in  
2 exchanging reports in order to effect a national registration system.

3 G. No person shall allow the data and information maintained to be released except as  
4 authorized by ~~Article V~~ Chapter VI of the Oklahoma Children's Code.

5 H. Records obtained by the Department shall be maintained by the Department until otherwise  
6 provided by law.

7 SECTION 91. AMENDATORY 10 O.S. 2001, Section 7113, is amended to read as follows:

8 Section 7113. In any proceeding resulting from a report made pursuant to ~~the provisions of the~~  
9 ~~Oklahoma Child Abuse Report and Prevention Act~~ Section 1-2-101 of this title or in any proceeding  
10 where such a report or any contents of the report are sought to be introduced into evidence, such report,  
11 contents, or other fact related thereto or to the condition of the child or victim who is the subject of the  
12 report shall not be excluded on the ground that the matter is or may be the subject of a  
13 physician-patient privilege or similar privilege or rule against disclosure.

14 SECTION 92. AMENDATORY 10 O.S. 2001, Section 7115.1, is amended to read as  
15 follows:

16 Section 7115.1 A. A parent subject to the provisions of this act shall not be prosecuted for child  
17 abandonment or child neglect under the provisions of ~~Sections 851, 852, 853, 858.1 and 858.3 of Title~~  
18 ~~21 of the Oklahoma Statutes, subsections C and D of Section 7115 of Title 10 of the Oklahoma~~  
19 ~~Statutes, paragraph 3 of subsection B of Section 7102 of Title 10 of the Oklahoma Statutes, or any~~  
20 ~~other~~ statute which makes child abandonment or child neglect a crime, when the allegations of child  
21 abandonment or child neglect are based solely on the relinquishment of a child seven (7) days of age or  
22 younger to a medical services provider or a child rescuer as defined in this section.  
23  
24

1 B. The following entities shall, without a court order, take possession of a child seven (7) days  
2 of age or younger if the child is voluntarily delivered to the entity by the parent of the child and the  
3 parent did not express an intent to return for the child:

- 4 1. A medical services provider; or
- 5 2. A child rescuer.

6 C. Any entity identified in subsection B of this section to which a parent seeks to relinquish a  
7 child pursuant to the provisions of this section may:

8 1. Request, but not demand, any information about the child that the parent is willing to share.  
9 The entity is encouraged to ask about, but not demand, the details of any relevant medical history  
10 relating to the child or the ~~child's~~ parents of the child. The entity shall respect the wish of the parent if  
11 the parent desires to remain anonymous; and

12 2. Provide the parent with printed information relating to the ~~parents'~~ rights of the parents,  
13 including both parents, with respect to reunification with the child and sources of counseling for the  
14 parents, if desired.

15 D. Once a child has been relinquished to any entity identified in subsection B of this section, the  
16 entity receiving the child shall:

17 1. Perform or provide for the performance of any act necessary to protect the physical health or  
18 safety of the child; and

19 2. Notify the local office of the Department of ~~Human Services~~ that a parent of a child seven (7)  
20 days of age or younger, in the best judgment of the receiving entity, has relinquished such child and  
21 that the entity has taken possession of the child.

22 E. Upon being made aware that a medical services provider or child rescuer has possession of a  
23 child under the provisions of this act, the Department of Human Services shall immediately check with  
24

1 law enforcement authorities to determine if a child has been reported missing and whether the missing  
2 child could be the relinquished child.

3 F. The Department of ~~Human Services~~ shall design and disseminate:

4 1. A simplified form for the recording of medical or other information that a relinquishing  
5 parent wishes to share with the entity to whom the child is being relinquished;

6 2. Easily understood printed materials that give information about parents' rights with regard to  
7 reunification with a child including, but not limited to, information on how a parent can contact the  
8 appropriate entity regarding reunification, and information on sources of counseling for relinquishing  
9 parents; and

10 3. Media information, including printed material, that creates public awareness about the  
11 provisions of this act.

12 G. For purposes of this section:

13 1. "Medical services provider" means a person authorized to practice the healing arts, including  
14 a physician's assistant or nurse practitioner, a registered or practical nurse and a nurse aide; and

15 2. "Child rescuer" means any employee or other designated person on duty at a police station,  
16 fire station, child protective services agency, hospital, or other medical facility.

17 H. A medical services provider or child rescuer with responsibility for performing duties  
18 pursuant to this section shall be immune from any criminal liability that might otherwise result from  
19 the ~~entity's~~ actions of the entity, if acting in good faith in receiving a relinquished child. In addition,  
20 such medical provider or child rescuer shall be immune from any civil liability that might otherwise  
21 result from merely receiving a relinquished child.

22 SECTION 93. AMENDATORY 10 O.S. 2001, Section 7202, is amended to read as follows:  
23  
24

1 Section 7202. ~~For purposes of the Oklahoma Foster Care and Out of Home Placement Act, it is~~  
2 ~~the intent of the Legislature that:~~

3 ~~1. Parents have a natural, legal and moral right, as well as a duty, to care for and support their~~  
4 ~~children, and such rights are protected by state and federal laws;~~

5 ~~2. The state has an interest in and a responsibility to children whose parents do not adequately~~  
6 ~~provide proper care, supervision and protection for them. When circumstances within a family~~  
7 ~~threaten a child's safety or welfare, or when such circumstances deprive a child of proper parental~~  
8 ~~supervision, the state's interest in the child's welfare and in the protection of the public takes~~  
9 ~~precedence over the natural right and authority of the parent;~~

10 ~~3. Parents have a duty and responsibility to take part in any treatment and service plan, or any~~  
11 ~~other order of the court, which will enable the return of a child to the child's home or which will allow~~  
12 ~~a child to remain in the child's own home when the parent is the perpetrator of abuse and neglect;~~

13 4. a.

14 ~~A. When a child is placed into foster care, the child shall be placed, when the safety and well-~~  
15 ~~being of the child can be assured, with relatives, or other persons having a kinship relationship with the~~  
16 ~~child, who are determined to be suitable, capable and willing to serve as caretakers for the child.~~

17 b. ~~For a deprived child, a placement with suitable relatives or other persons having a~~  
18 ~~kinship relationship with the child shall only be made when such placement is in~~  
19 ~~the best interests of the child. For a delinquent child or a child in need of~~  
20 ~~supervision, a placement with suitable relatives or other persons having a kinship~~  
21 ~~relationship with the child shall only be made when such placement is in the best~~  
22 ~~interests of the child and when such placement is consistent with the state's~~  
23 ~~interest in the protection of the public.~~

1 e.

2 B. A kinship placement shall be made ~~when the placement~~ that meets the treatment needs of the  
3 child and supports the case plan goals for that child and the ~~child's family~~ of that child;

4 ~~5. Each child shall be assured the care, guidance, and supervision in a permanent home or foster~~  
5 ~~home which will serve the best interests of the child's moral, emotional, mental, social, and physical~~  
6 ~~well being;~~

7 ~~6. When a child is placed in a foster home, the foster parent shall be allowed to integrate the~~  
8 ~~child into the family setting, make the foster child an integral part of the family, and care for the foster~~  
9 ~~child as the foster parent would for the foster parent's own child;~~

10 ~~7. When a child is placed in a foster home, the foster parent shall have a right to exercise~~  
11 ~~parental substitute authority over the child. The ability to exercise parental substitute authority shall~~  
12 ~~not be construed to authorize corporal punishment on the foster child by the foster parent;~~

13 ~~8. A foster parent has a recognizable interest in the familial relationship that the foster parent~~  
14 ~~establishes with a foster child who has been in the foster parent's care and custody, and shall therefore~~  
15 ~~be considered an essential participant with regard to decisions related to the care, supervision,~~  
16 ~~guidance, rearing and other foster care services provided to such child;~~

17 ~~9. Permanent placement shall be achieved as soon as possible for every child in out-of-home~~  
18 ~~placement pursuant to the conditions and restrictions of the Oklahoma Foster Care and Out of Home~~  
19 ~~Placement Act;~~

20 10. a. The best interests of the child shall be the standard for recommendations made by  
21 the Department of Human Services and the courts for deprived action  
22 determinations with regard to whether a child should be reunified with the child's  
23  
24

1 family, should be permanently removed from the home, or should remain in the  
2 home in which the child has been abused or neglected.

3 b. For delinquent children and children in need of supervision, the best interests of  
4 the child consistent with the state's interest in the protection of the public shall be  
5 the standard for recommendations made by the Department of Juvenile Justice  
6 and the courts for determinations with regard to whether a delinquent child or a  
7 child in need of supervision should be reunified with the child's family, should be  
8 permanently removed from the home, or should remain in the home;

9 ~~11. The goal of reunification of a child who has been adjudicated deprived with the parents or  
10 any other person responsible for the child's welfare shall be abandoned when, after a reasonable period  
11 of time, pursuant to the conditions and restrictions of the Oklahoma Foster Care and Out of Home  
12 Placement Act and the Oklahoma Children's Code, there is sufficient evidence that the conduct of the  
13 parents toward the child, or the conduct of the parents during the child's out-of-home placement,  
14 including, but not limited to, compliance with a treatment and service plan or court order, is  
15 determined not to be in the child's best interests, and abandonment of such goal is determined to be in  
16 the child's best interests. In such cases, the district attorney and the court shall provide for termination  
17 of parental rights in an expeditious manner if the grounds, situations or conditions exist to support  
18 termination of parental rights and the child is otherwise available for adoption;~~

19 ~~12. When two or more children in foster care are siblings, every reasonable attempt should be  
20 made to place them in the same home. In making a permanent placement, such children should be  
21 placed in the same permanent home or, if the siblings are separated, should be allowed contact or  
22 visitation with other siblings; provided, however, the best interests of each sibling shall be the standard  
23 for determining whether they should be placed in the same foster placement or permanent placement,~~  
24

1 ~~or allowed contact or visitation with other siblings, and is in the best interests of the child; provided~~  
2 ~~however, if the child is determined to be an Indian Child, as defined by the federal and state Indian~~  
3 ~~Child Welfare Acts, the placement preferences specified by Section 1915 of Title 25 of the United~~  
4 ~~States Code and Section 40.2 of Title 10 of the Oklahoma Statutes shall apply.~~

5 SECTION 94. AMENDATORY 10 O.S. 2001, Section 7204, is amended to read as follows:

6 ~~Section 7204. A. The Department of Human Services and the Department of Juvenile Justice~~  
7 ~~shall each establish a program of foster care for children in the custody of the state agency.~~

8 ~~B. Each Department, in implementing the foster care program within its jurisdictional area,~~  
9 ~~shall:~~

10 ~~1. Recruit their respective foster families for children in the custody of the state agency;~~

11 ~~2. Contract with foster parents and child placing agencies to provide foster care services to~~  
12 ~~children within the custody of the state agency;~~

13 ~~3. Exercise supervision over all foster placements with whom the state agency has a contract for~~  
14 ~~foster care services;~~

15 ~~4. Exercise oversight of all foster children within the custody of the state agency who are in out-~~  
16 ~~of home placement, including, but not limited to, foster children placed in foster homes by a child-~~  
17 ~~placing agency;~~

18 ~~5. Advise and cooperate with the governing boards of all child placing agencies and with foster~~  
19 ~~parents;~~

20 ~~6. Assist the staff of all child placing agencies, foster parents and foster families by advising~~  
21 ~~them on methods and procedures relating to child care, parental substitute authority, behavioral~~  
22 ~~management techniques, and improvement of services;~~  
23  
24

1 ~~7. Establish rules and standards for providing foster care services in addition to those required~~  
2 ~~by the Oklahoma Child Care Facilities Licensing Act;~~

3 ~~8. Require initial and ongoing foster parent training and education programs related to the area~~  
4 ~~of parental substitute authority and behavioral management techniques, including, but not limited to,~~  
5 ~~restraining and holding techniques, parent-child conflict resolution techniques, stress management, and~~  
6 ~~any other appropriate technique to teach a foster parent how to control potentially violent behavior in a~~  
7 ~~manner appropriate to the age and development of a foster child;~~

8 ~~9. Provide foster parents with a statewide, toll-free telephone number, titled the Foster Parent~~  
9 ~~Hotline, for obtaining information related to foster care services and for the filing of any complaints or~~  
10 ~~grievances;~~

11 ~~10. Cooperate, collaborate and assist postadjudication review boards in the review of the~~  
12 ~~placement of each child in foster care in order to achieve the goals in the treatment and service plan~~  
13 ~~required for each child by this title;~~

14 ~~11. Provide for insurance coverage pursuant to the provisions of the Oklahoma Foster Care and~~  
15 ~~Out-of-Home Placement Act;~~

16 ~~12. Provide for collection, through assignment, attachment, garnishment, liens, or other legal~~  
17 ~~process, of the cost for out-of-home placement services provided through the state agency from the~~  
18 ~~parents, guardian, or other person responsible for the care and support of a child in the custody of the~~  
19 ~~state agency;~~

20 ~~13. Cooperate and work with a foster parent in integrating a foster child into a foster family~~  
21 ~~setting. The state agency shall provide a foster parent with information, on an ongoing basis, pertinent~~  
22 ~~to the care, guidance, supervision and rearing of a foster child;~~

23 ~~14. Apprise the foster family of changes in laws, rules and policy changes on a timely basis;~~  
24

1 ~~15. Cooperate with and help promote foster parent associations. The state agency shall provide~~  
2 ~~foster parent associations with data, information and guidelines on the obligations, responsibilities and~~  
3 ~~opportunities of foster parenting and shall keep the associations and members apprised of changes in~~  
4 ~~laws and rules relevant to foster parenting;~~

5 ~~16. Through the individualized service planning process, develop a permanency plan for each~~  
6 ~~child in custody who is placed in foster care with the goal of placement of the child in a home~~  
7 ~~environment that can be reasonably expected to be stable and permanent; and~~

8 ~~17. Exercise and perform such other acts as may be necessary to implement the Oklahoma~~  
9 ~~Foster Care and Out of Home Placement Act.~~

10 ~~C. The Neither the Department of Human Services and the Department of Juvenile Justice nor a~~  
11 ~~child-placing agency shall not be liable for any costs or expenses expended voluntarily by a foster~~  
12 ~~parent for a foster child which are in excess of the funds authorized for providing foster care services~~  
13 ~~to the foster child.~~

14 SECTION 95. AMENDATORY 10 O.S. 2001, Section 7204.1, is amended to read as  
15 follows:

16 Section 7204.1 A. 1. A foster parent may report to the Office of Client Advocacy of the  
17 Department of Human Services an allegation that an employee of the Department or of a child-placing  
18 agency has threatened the foster parent with removal of a child from the foster parent, harassed or  
19 refused to place a child in a licensed or certified foster home, or disrupted a child placement as  
20 retaliation or discrimination towards a foster parent who has:

- 21 a. filed a grievance pursuant to Section ~~7213~~ 1-9-120 of this title,  
22 b. provided information to any state official or Department employee, or  
23  
24

1 c. testified, assisted, or otherwise participated in an investigation, proceeding or  
2 hearing against the Department or child-placing agency.

3 2. The provisions of this subsection shall not be construed to include any complaints from foster  
4 ~~parents resulting from administrative, civil or criminal action taken by the employee or Department or~~  
5 ~~child-placing agency for violations of law or rules, or contract provisions by the foster parent~~ apply to  
6 any complaint by a foster parent regarding the result of a criminal, administrative, or civil proceeding  
7 for a violation of any law, rule, or contract provision by that foster parent, or the action taken by the  
8 Department or a child-placing agency in conformity with the result of any such proceeding.

9 3. A reporter shall not be relieved of the duty to report incidents of alleged child abuse or  
10 neglect pursuant to the Oklahoma ~~Child Abuse Reporting and Prevention Act~~ Children's Code.

11 4. The Advocate General shall establish rules and procedures for evaluating reports of  
12 complaints pursuant to paragraph 1 of this subsection and for conducting an investigation of such  
13 reports.

14 B. 1. The Office of Client Advocacy shall prepare and maintain written records from the  
15 reporting source that shall contain the following information to the extent known at the time the report  
16 is made:

- 17 a. the names and addresses of the child and the person responsible for the child's
- 18 welfare,
- 19 b. the nature of the complaint, and
- 20 c. the names of the persons or agencies responsible for the allegations contained in
- 21 the complaint.

22 2. Any investigation conducted by the Office of Client Advocacy pursuant to such information  
23 shall not duplicate and shall be separate from the investigation mandated by the Oklahoma ~~Child~~

1 ~~Abuse Reporting and Prevention Act~~ Children's Code or other investigation of the Department having  
2 notice and hearing requirements.

3 3. At the request of the reporter, the Office of Client Advocacy shall keep the identity of the  
4 reporter strictly confidential from the operation of the Department, until the Advocate General  
5 determines what recommendations shall be made to the Commission for Human Services and to the  
6 Director of the Department of ~~Human Services~~.

7 C. The Commission shall ensure that a person making a report in good faith under this section is  
8 not adversely affected solely on the basis of having made such report.

9 D. Any person who knowingly and willfully makes a false or frivolous report or complaint or a  
10 report that the person knows lacks factual foundation, pursuant to the provisions of this section, may be  
11 subject to loss of foster parent certification ~~or licensure status~~.

12 SECTION 96. AMENDATORY 10 O.S. 2001, Section 7205, is amended to read as follows:

13 Section 7205. A. Except as otherwise provided by this section, no child in the custody of the  
14 Department of Human Services ~~or the Department of Juvenile Justice~~ shall be placed with any foster  
15 placement unless the foster placement ~~has~~:

16 1. Has a current license or authorization issued pursuant to the Oklahoma Child Care Facilities  
17 Licensing Act; ~~or meets~~

18 2. Meets licensing standards as required by the Oklahoma Child Care Facilities Licensing Act  
19 and is otherwise approved for foster care by the state agency for children within its custody.

20 B. Except as otherwise provided by this section, no person, corporation, or other legal entity  
21 shall receive a child for foster care or provide foster care services to a child unless such legal entity has  
22 a license or meets licensing standards as required by the Oklahoma Child Care Facilities Licensing  
23 Act, and is otherwise approved by the state agency for children within its custody.  
24

1 C. The provisions of this section shall not be construed to prohibit foster placement of children  
2 in foster homes licensed or approved by Indian tribes, pursuant to the terms in Section 40.8 of ~~this title~~  
3 Title 10 of the Oklahoma Statutes.

4 SECTION 97. AMENDATORY 10 O.S. 2001, Section 7206, as amended by Section 3,  
5 Chapter 159, O.S.L. 2008 (10 O.S. Supp. 2008, Section 7206), is amended to read as follows:

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

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

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

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

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

18 5. Information regarding the amount of payments to be made for foster care services, including  
19 but not limited to a description of the process involved in receiving payments, including projected time  
20 frames, information related to reimbursements for eligible costs and expenses for which the foster  
21 parent may be reimbursed and any information concerning the accessibility and availability of funds  
22 for foster parents;

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

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

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

11           1. The names and telephone numbers of the child's case worker, the foster parents' case worker,  
12 the case workers' supervisors, and the contact within the state agency central office, or the name and  
13 telephone number of the contact person within the child-placing agency and any other medical,  
14 psychological, social or other pertinent information relating to foster care;

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

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

19           4. For foster parents of deprived children, the name and telephone number of any  
20 postadjudication review board established in the county of residence of the foster parent or the nearest  
21 postadjudication review board and the court having jurisdiction over the child;

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

1 6. Information detailing the ~~foster parents'~~ ability of the foster parent to submit information and  
2 written reports to the court, ~~or~~ and to ~~petition~~ request the court ~~directly~~ for review of a decision by the  
3 state agency or the child-placing agency to remove a foster child who has been placed with the foster  
4 parent, in accordance with the limitations and requirements of Section ~~7208~~ 1-4-805 of this title; and

5 7. A copy of the policies and procedures of the Department or child-placing agency which  
6 pertain to placement operations of the agency, and which may be necessary to properly inform the out-  
7 of-home placement providers of the duties, rights and responsibilities of the out-of-home placement  
8 providers and the Department.

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

13 2. The child-placing agency shall visit each foster child no less than once every month with no  
14 less than two visits per quarter in the foster placement.

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

17 4. a. A complete written review of the placement, well-being, and progress of any  
18 foster child in foster care with a child-placing agency shall be made by the child-  
19 placing agency as required by the ~~state agency with which the child-placing~~  
20 ~~agency has a contract~~ Department.

21 b. If a child-placing agency is providing foster care services for a child pursuant to a  
22 written agreement or contract with the parents or guardian of a child, the child-  
23 placing agency shall provide a copy of the written review to the parents or  
24

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

3 SECTION 98. AMENDATORY 10 O.S. 2001, Section 7206.1, is amended to read as  
4 follows:

5 Section 7206.1 A. A statement of foster parent's rights shall include, but not be limited to, the  
6 right to:

7 1. Be treated with dignity, respect, and consideration as a professional member of the child  
8 welfare team;

9 2. Be notified of and be given appropriate, ongoing education and continuing education and  
10 training to develop and enhance foster parenting skills;

11 3. Be informed about ways to contact the state agency or the child-placing agency in order to  
12 receive information and assistance to access supportive services for any child in the foster parent's  
13 care;

14 4. Receive timely financial reimbursement for providing foster care services;

15 5. Be notified of any costs or expenses for which the foster parent may be eligible for  
16 reimbursement;

17 6. Be provided a clear, written explanation of the individual treatment and service plan  
18 concerning the child in the foster parent's home, listing components of the plan pursuant to the  
19 provisions of the Oklahoma Children's Code and the Oklahoma Foster Care and Out-of-Home  
20 Placement Act;

21 7. Receive, at any time during which a child is placed with the foster parent, additional or  
22 necessary information that is relevant to the care of the child;

1 8. Be notified of scheduled review meetings, permanency planning meetings, and special  
2 staffing concerning the foster child in order to actively participate in the case planning and decision-  
3 making process regarding the child;

4 9. Provide input concerning the plan of services for the child and to have that input be given full  
5 consideration in the same manner as information presented by any other professional on the team;

6 10. Communicate with other foster parents in order to share information regarding the foster  
7 child. In particular, receive any information concerning the number of times a foster child has been  
8 moved and the reasons why, and the names and telephone numbers of the previous foster parent if the  
9 previous foster parent has authorized such release;

10 11. Communicate with other professionals who work with the foster child within the context of  
11 the team including, but not limited to, therapists, physicians, and teachers;

12 12. Be given, in a timely and consistent manner, any information regarding the child and the  
13 child's family which is pertinent to the care and needs of the child and to the making of a permanency  
14 plan for the child. Disclosure of information shall be limited to that information which is authorized  
15 by the provisions of ~~Article V~~ Chapter VI of the Oklahoma Children's Code for foster parents ~~and~~  
16 ~~Article VII of the Oklahoma Juvenile Code~~;

17 13. Be given reasonable notice of any change in or addition to the services provided to the child  
18 pursuant to the child's individual treatment and service plan;

19 14. a. Be given written notice of:

20 (1) plans to terminate the placement of the child with the foster parent  
21 pursuant to Section ~~7208~~ 1-4-805 of this title, and

22 (2) the reasons for the changes or termination in placement, ~~and~~.

1           b.       The notice shall be waived only in emergency cases pursuant to Section ~~7208~~ 1-4-  
2                   805 of this title;

3           15. Be notified by the applicable state agency in a timely and complete manner of all court  
4 hearings, including notice of the date and time of any court hearing, the name of the judge or hearing  
5 officer hearing the case, the location of the hearing, and the court docket number of the case;

6           16. Be informed of decisions made by the court, the state agency or the child-placing agency  
7 concerning the child;

8           17. Be considered as a preferred placement option when a foster child who was formerly placed  
9 with the foster parent is to reenter foster care at the same level and type of care, if that placement is  
10 consistent with the best interest of the child and other children in the ~~foster parent's home~~ of the foster  
11 parent;

12           18. Be provided a fair, timely, and impartial investigation of complaints concerning the ~~foster~~  
13 ~~parent's certification~~ of the foster parent;

14           19. Be provided the opportunity to request and receive a fair and impartial hearing regarding  
15 decisions that affect certification retention or placement of children in the home;

16           20. Be allowed the right to exercise parental substitute authority;

17           21. Have timely access to the ~~state agency's and child placement agency's~~ appeals process of the  
18 state agency and child placement agency and the right to be free from acts of harassment and  
19 retaliation by any other party when exercising the right to appeal;

20           22. Be given the number of the statewide toll-free Foster Parent Hotline ~~established in Section~~  
21 ~~7204 of this title~~; and

22           23. File a grievance and be informed of the process for filing a grievance.  
23  
24

1 B. The Department of Human Services, ~~the Office of Juvenile Justice~~, and a child-placing  
2 agency under contract with the Department shall be responsible for implementing this section.

3 C. Nothing in this section shall be construed to create a private right of action or claim on the  
4 part of any individual, the Department of ~~Human Services~~, the Office of Juvenile Affairs, or any child-  
5 placing agency.

6 SECTION 99. AMENDATORY 10 O.S. 2001, Section 7207, is amended to read as follows:

7 Section 7207. ~~A.~~ In determining placement of a deprived child in foster care:

8 1. The Department of Human Services or the court, if the court does not place the child with the  
9 Department of ~~Human Services~~, and any child-placing agency shall be governed by the best interests  
10 of the child; and

11 2. ~~Such~~ The child may express a preference as to placement and the preference may be given  
12 with or without the parents, foster parents, guardians, or any other parties being present. The  
13 Department of ~~Human Services~~, the court, or the child-placing agency shall determine whether the best  
14 interests of the child will be served by the child's preference. The Department of ~~Human Services~~, the  
15 court, or the child-placing agency shall not be bound by the child's preference and may consider other  
16 facts in determining the placement.

17 ~~B. In determining placement of a delinquent child or a child in need of supervision in foster~~  
18 ~~care:~~

19 ~~1. The Department of Juvenile Justice or the court, if the court does not place custody of the~~  
20 ~~child with the Department of Juvenile Justice, and a child-placing agency shall be governed by the best~~  
21 ~~interests of the child consistent with the state's interest in the protection of the public; and~~

22 ~~2. Such child may express a preference as to placement. The Department of Juvenile justice, the~~  
23 ~~court, or the child placing agency shall determine whether the best interests of the child, consistent~~  
24

1 ~~with the state's interest in the protection of the public, will be served by the child's preference. The~~  
2 ~~state agency, the court, or the child placing agency shall not be bound by the child's preference and~~  
3 ~~may consider other facts in determining the placement.~~

4 ~~C. If a deprived child, a delinquent child or child in need of supervision expresses a preference,~~  
5 ~~the preference may be given with or without the parents, foster parents, guardians, or any other parties~~  
6 ~~being present.~~

7 SECTION 100. AMENDATORY 10 O.S. 2001, Section 7208, as amended by Section 7,  
8 Chapter 445, O.S.L. 2002 (10 O.S. Supp. 2008, Section 7208), is amended to read as follows:

9 Section 7208. A. ~~In making placements in foster care, the Department of Human Services, the~~  
10 ~~Department of Juvenile Justice and any child placing agency shall, if possible, arrange for a~~  
11 ~~preplacement visit for any child five (5) years of age or older with the persons who will be providing~~  
12 ~~foster care. Persons involved in the preplacement visits should make every effort to discuss with the~~  
13 ~~child how the care, supervision, and guidance, including, but not limited to, parental substitute~~  
14 ~~authority, shall be achieved.~~

15 ~~B. If a child placed in the custody of a child-placing agency or in the custody of a state agency~~  
16 ~~the Department of Human Services by the court has resided with a foster parent for three (3) or more~~  
17 ~~months:~~

18 1. Except in an emergency, the ~~state agency~~ Department or child-placing agency shall:

- 19 a. give a minimum of five (5) judicial days' advance notice to the foster ~~care family~~  
20 parent and to the court before removing a child from such ~~family's care~~ foster  
21 placement, and  
22 b. at the time of such notification, provide the foster ~~family~~ parent with a written  
23 statement of the reasons for removing a child; ~~and~~

1           2. An oral or written opinion may be provided to the court by a party or foster parent in support  
2 of or in opposition to any change in the child's placement that is planned or under consideration by the  
3 Department or child-placing agency;

4           3. The court shall resolve any concerns raised by a party or foster parent regarding a planned  
5 change in the child's placement during any hearing in which the concerns are brought to the attention  
6 of the court or the court may schedule an informal placement review hearing that shall be heard within  
7 fifteen (15) judicial days from the date the concerns are brought to the attention of the court. The court  
8 may, in its discretion, stay a proposed change in placement until the informal placement review  
9 hearing is held; and

10          4. The foster parent shall, at any hearing, be entitled to submit to the court written reports or  
11 present testimony concerning the strengths, needs, behavior, important experiences, and relationships  
12 of the child, in addition to such other information the court may request.

13          ~~C. B.~~ When a child, under the jurisdiction of a court pursuant to the Oklahoma Children's Code,  
14 is placed in the custody of the Department of Human Services, or a child, under the jurisdiction of a  
15 court pursuant to the Juvenile Justice Code is placed in the custody of the Department of Juvenile  
16 Justice, or is placed in the custody of or any child-placing agency, the state agency Department or  
17 child-placing agency shall have discretion to determine an appropriate foster placement for the child.  
18 Except as provided in this section, the state agency Department or child-placing agency may remove a  
19 child in its custody from a foster placement whenever the state agency Department or child-placing  
20 agency determines that removal is in the best interests of the deprived child, or the delinquent child or  
21 the child in need of supervision, consistent with the state's interest in the protection of the public.

22          ~~D. C.~~ 1. In order to promote stability for foster children and limit repeated movement of such  
23 children from one foster placement to another, the ~~state agency~~ Department or child-placing agency,  
24

1 except as otherwise provided by this subsection, shall not change the foster home placement of a child  
2 without the approval of the court in the following circumstances:

- 3 a. ~~the child has been moved once since the last court hearing~~ court or other party  
4 receiving notice from the Department of the movement of the child has filed a  
5 written request for an informal hearing, as provided in Section ~~7003-5.4a~~ 1-4-804  
6 of this title, ~~or~~
- 7 b. the court has stayed a planned change in a child's placement pending a judicial  
8 review due to a verbal or written objection made by a party or by a foster parent  
9 during a court proceeding, or
- 10 c. a foster parent with whom the child has resided for more than six (6) months  
11 objects, in writing pursuant to the provisions of this subsection, after notice of the  
12 removal of the child by the ~~state agency~~ Department or the child-placing agency.

13 2. The objection shall be filed with the court by the foster parent and served on the ~~state agency~~  
14 Department or child-placing agency within five (5) judicial days after receipt of the notice from the  
15 ~~state agency~~ Department or child-placing agency regarding removal of the child. The court shall  
16 provide for notice to other parties in the case.

17 3. Timely filing and service of the objection shall stay removal of the child pending review of  
18 the court unless the ~~state agency~~ Department's or child-placing agency's stated reason for removal is:

- 19 a. due to an emergency situation. As used in this ~~subparagraph~~ paragraph,

20 "emergency ~~situation~~" means a removal that is:

21 (1)

- 1           a.     pursuant to an order of the court entered during or following a hearing including,  
2                     but not limited to, an order authorizing placement of a child with a parent or  
3                     sibling,
- 4           b.     at the request of the foster parent,
- 5           c.     for emergency medical or ~~mental~~ behavioral health treatment,  
6                     (2)
- 7           d.     due to substantial noncompliance by the foster parent with applicable contract  
8                     requirements and agreements such that the health, safety, or welfare of the child is  
9                     ~~endangered~~ in imminent danger, or  
10                    (3)
- 11          e.     due to a pending investigation of allegations of abuse or neglect of a child by a  
12                     foster parent or other person residing in the foster family home, ~~or~~
- 13          b.     ~~reunification with a parent that contributed to the child being deprived, with the~~  
14                     ~~prior approval of the court.~~

15           4. The court shall conduct an informal placement review hearing within fifteen (15) ~~working~~  
16     judicial days on any objection filed by a party or foster parent pursuant to this section. The court may  
17     order that the child remain in or be returned to the home of the objecting foster ~~parent's home~~ parent if  
18     the court finds that the placement decision of the Department of Human Services or child-placing  
19     ~~agency's decision to remove the child~~ agency was arbitrary ~~or was~~, inconsistent with the child's  
20     ~~treatment and service permanency plan~~ or not in the best interests of the child.

21           ~~5. At the hearing, the Department of Human Services shall inform the court as to the reason why~~  
22     ~~the foster child is being removed from the foster home. The Department of Human Services shall also~~  
23  
24

1 ~~inform the court as to the number of times a foster child has been moved within the foster family~~  
2 ~~system.~~

3 ~~6. The court, in the court record, shall explain the reasons why the removal of a foster child from~~  
4 ~~the foster home is in the best interests of the foster child.~~

5 ~~E. The Department of Human Services shall not remove a foster child from a foster home solely~~  
6 ~~on the grounds that a foster parent has exercised substitute parental authority.~~

7 SECTION 101. AMENDATORY 10 O.S. 2001, Section 7209, as last amended by Section  
8 1, Chapter 159, O.S.L. 2008 (10 O.S. Supp. 2008, Section 7209), is amended to read as follows:

9 Section 7209. A. 1. Except as otherwise provided by law, the Department of Human Services  
10 or the ~~Department of~~ Office of Juvenile Justice Affairs shall not place a child in ~~out-of-home~~  
11 ~~placement~~ a foster home prior to completion of:

- 12 a. a foster parent eligibility assessment on the foster parent applicant,
- 13 b. a national criminal history records search based upon submission of fingerprints  
14 for any adult residing in the home, as required by the Oklahoma Child Care  
15 Facilities Licensing Act and the Oklahoma ~~Foster Care and Out-of-Home~~  
16 ~~Placement Act~~ Children's Code, and
- 17 c. a check of any child abuse registry maintained by a state in which the prospective  
18 foster parent or any adult living in the home of the prospective foster parent has  
19 resided in the preceding five (5) years.

20 Provided, however, the state agencies may place a child in the home of a foster parent, pending  
21 completion of the national criminal history records search, if the foster parent and every adult residing  
22 in the home of the foster parent have resided in this state for at least five (5) years immediately  
23 preceding placement. The director of such state agency or designee may authorize an exception to the  
24

1 fingerprinting requirement for any person residing in the home who has a severe physical condition  
2 which precludes such person from being fingerprinted.

3       2.       a.       The Department of ~~Human Services~~ shall be the lead agency for disseminating  
4 fingerprint cards to courts and child-placing agencies for obtaining and requesting  
5 a national criminal history records search based upon submission of fingerprints  
6 from the Oklahoma State Bureau of Investigation. The ~~Department of~~ Office of  
7 ~~Juvenile Justice~~ Affairs may directly request national criminal history records  
8 searches as defined by Section 150.9 of Title 74 of the Oklahoma Statutes from  
9 the Oklahoma State Bureau of Investigation for the purpose of obtaining the  
10 national criminal history of any individual for which such a search is required  
11 pursuant to this section.

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

20       c.       Either the Department of ~~Human Services~~ or the Office of Juvenile Affairs,  
21 whichever is applicable, shall contract with the Oklahoma State Bureau of  
22 Investigation to obtain national criminal history records searches based upon  
23 submission of fingerprints.  
24

1 d. (1) ~~If the Department of Human Services or the Office of Juvenile Affairs is~~  
2 considering placement of a child with an individual in an emergency  
3 situation and after normal business hours, the Department may request  
4 local law enforcement to conduct a criminal history records search based  
5 upon submission of the individual's name, race, sex, date of birth, and  
6 social security number.

7 (2) Within five (5) business days of the name-based search, the Department  
8 shall submit fingerprints on the individual to the Oklahoma State Bureau  
9 of Investigation. In the event the individual refuses to submit to a name-  
10 based or fingerprint search, the Department shall either not place or shall  
11 remove the child from the individual's home.

12 e. Upon request for a national criminal history records search based upon  
13 submission of fingerprints, the Oklahoma State Bureau of Investigation shall  
14 forward one set of fingerprints to the Federal Bureau of Investigation for the  
15 purpose of conducting such a national criminal history records search.

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

20 B. ~~4.~~ A child-placing agency shall not place a child who is in the custody of the agency in ~~out-~~  
21 ~~of home placement~~ a foster home until completion of a foster parent eligibility assessment ~~or~~ and a  
22 national criminal history records search based upon submission of fingerprints has been completed for  
23 each individual residing in the home in which the child will be placed, as required pursuant to the  
24

1 Oklahoma Child Care Facilities Licensing Act or the Oklahoma ~~Foster Care and Out-of-Home~~  
2 ~~Placement Act~~ Children's Code, and a check of any child abuse registry maintained by a state in which  
3 the prospective foster parent or any adult living in the home of the prospective foster parent has resided  
4 in the past five (5) years; provided, however, the child-placing agency may place a child in a foster  
5 family home pending completion of the national criminal history records search if the foster parent and  
6 every adult residing in the home have resided in this state for at least five (5) years immediately  
7 preceding the placement.

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

10 C. 1. Whenever a court awards custody of a child to an individual or a child-placing agency  
11 other than the Department of ~~Human Services~~ or the Department of Office of Juvenile Justice Affairs,  
12 for placement of the child, the court shall:

- 13 a. require that when custody is placed with an individual, a foster family eligibility  
14 assessment be conducted for the foster parents prior to placement of the child, and
- 15 b. require that if custody is awarded to a child-placing agency, a foster family  
16 eligibility assessment be conducted as required by the Oklahoma Child Care  
17 Facilities Licensing Act.

18 2. A child-placing agency other than the Department of ~~Human Services~~ or the Office of  
19 Juvenile Affairs shall, within thirty (30) days of placement, provide for an assessment of the child for  
20 the purpose of establishing an appropriate ~~treatment and~~ individualized service plan for the child. The  
21 court shall require the ~~treatment and~~ individualized service plan to be completed in substantially the  
22 same form and with the same content as required by the Oklahoma Children's Code for a deprived  
23  
24

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

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

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

8 D. ~~4.~~ When the court awards custody of a child to an individual or a child-placing agency as  
9 provided by this ~~subsection~~ section, the individual or child-placing agency shall be responsible for the  
10 completion of and costs of the national criminal history records search based upon submission of  
11 fingerprints, the foster parent eligibility assessment, the preparation of ~~a treatment and an~~  
12 individualized service plan, and the medical examination required by this ~~subsection~~ section.

13 ~~2. The Department of Human Services and the Department of Juvenile Justice shall be~~  
14 ~~responsible for the completion of and costs of the foster parent eligibility assessment and any national~~  
15 ~~criminal history records search based upon submission of fingerprints, preparation of a treatment and~~  
16 ~~service plan, and the medical examination required by this subsection only for the children placed in~~  
17 ~~the custody of the state agency. The state agency may provide for reimbursement of such expenses,~~  
18 ~~costs and charges so incurred pursuant to the Oklahoma Children's Code and the Juvenile Justice Code,~~  
19 ~~as applicable.~~

20 E. ~~1.~~ Upon any voluntary out-of-home placement of a child by a parent into foster care with a  
21 child placing agency, the child placing agency shall conduct an assessment of the child in its custody  
22 which shall be designed to establish an appropriate plan for placement of the child. Following the  
23 assessment, the child placing agency shall establish an individual treatment and service plan for the  
24

1 ~~child. A copy of each plan shall be provided to the child if the child is twelve (12) years of age or~~  
2 ~~older and to the child's parent or guardian. The plan shall at a minimum:~~

- 3 a. ~~be specific,~~
- 4 b. ~~be in writing,~~
- 5 c. ~~be prepared by the agency in conference with the child's parents,~~
- 6 d. ~~state appropriate deadlines,~~
- 7 e. ~~state specific goals for the treatment of the child,~~
- 8 f. ~~describe the conditions or circumstances causing the child to be placed in foster~~  
9 ~~care,~~
- 10 g. ~~describe the services that are necessary to remedy and that have a reasonable~~  
11 ~~expectation of remedying the conditions or circumstances causing the child to be~~  
12 ~~placed in foster care,~~
- 13 h. ~~state to whom the services will be delivered and who will deliver the services, and~~
- 14 i. ~~prescribe the time the services are expected to begin and the time within which~~  
15 ~~expected results can reasonably be accomplished.~~

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

18 ~~F. The child may receive such further diagnosis and evaluation as is necessary to preserve the~~  
19 ~~physical and mental well being of the child.~~

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

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

1           ~~I. 1. If the assessment and medical examination disclose no physical, mental or emotional~~  
2 ~~reasons for therapeutic foster care, a child voluntarily placed with a child placing agency shall be~~  
3 ~~placed in a regular foster family home. If therapeutic foster care is required, the child may be placed~~  
4 ~~only in foster homes that are certified as therapeutic foster homes pursuant to the Oklahoma Child Care~~  
5 ~~Facilities Licensing Act.~~

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

10           SECTION 102. AMENDATORY   10 O.S. 2001, Section 7210, is amended to read as  
11 follows:

12           Section 7210. A. The Department of Human Services, ~~the Department of Juvenile Justice,~~ and  
13 each child-placing agency shall make special efforts to recruit foster placement parents for children in  
14 their custody from suitable relatives and kin of the child, and shall make diligent efforts to recruit  
15 foster and adoptive families that reflect the ethnic and racial diversity of children for whom foster and  
16 adoptive homes are needed. Provided, however, no person shall be denied the opportunity to become a  
17 foster or adoptive parent on the basis of the race, color, or national origin of the person, or of the child  
18 involved. No child shall be delayed or denied placement into foster care or adoption on the basis of the  
19 race, color, or national origin of the adoptive or foster parent, or of the child involved.

20           B. Diligent efforts to recruit shall include, but shall not be limited to, contracting and working  
21 with community organizations and religious organizations, utilizing local media and other local  
22 resources, conducting outreach activities, and increasing the number of minority recruitment staff  
23  
24

1 employed by the Department of Human Services, ~~the Department of Juvenile Justice~~ and the child-  
2 placing agency.

3 SECTION 103. AMENDATORY 10 O.S. 2001, Section 7211, is amended to read as  
4 follows:

5 Section 7211. The Department of Human Services ~~and the Department of Juvenile Justice~~ shall  
6 cooperate with and shall help promote development of foster parent associations in each county in this  
7 state. The state agency shall provide foster parent associations with data, information, and guidelines  
8 on the obligations, responsibilities, and opportunities of foster parenting and shall keep the associations  
9 and their members apprised of changes in laws and rules relevant to foster parenting.

10 SECTION 104. AMENDATORY 10 O.S. 2001, Section 7212, is amended to read as  
11 follows:

12 Section 7212. A. The Department of Human Services, ~~the Department of Juvenile Justice~~ and  
13 each child-placing agency shall develop:

14 1. A foster care education program to provide training for persons intending to furnish foster  
15 care services; and

16 2. Continuing educational programs for foster parents.

17 B. 1. In addition to any other conditions and requirements specified by the state agency or  
18 child-placing agency, as applicable, prior to placement of a child in foster placement other than kinship  
19 care, each foster parent shall have completed the training approved by the Department of Human  
20 Services, ~~the Department of Juvenile Justice~~ or the child-placing agency, as appropriate.

21 2. A foster parent providing kinship foster care shall, if possible, complete the training  
22 developed by the Department of Human Services for kinship foster care prior to placement or at such  
23 other times as required by the Department; provided, however, in no event shall such training take  
24

1 place later than one hundred twenty (120) days after placement of the child with ~~such~~ the kinship foster  
2 parent. Until a kinship foster parent receives final approval from the Department to provide foster care  
3 services to a child, the kinship foster parent shall not be eligible to receive any payment for providing  
4 ~~such~~ foster care services.

5 3. Approved training shall require a minimum of twelve (12) hours of study related, but not  
6 limited, to physical care, education, learning disabilities, procedures for referral to and receipt of  
7 necessary professional services, behavioral assessment and modification, independent-living skills, and  
8 procedures for biological parent contact. Such training shall relate to the area of parental substitute  
9 authority, behavioral management techniques including, but not limited to, parent-child conflict  
10 resolution techniques, stress management, and any other appropriate technique to teach the foster  
11 parent how to manage the child's behavior in a manner appropriate to the age and development of the  
12 foster child.

13 4. The foster parent or person intending to provide foster care services may complete the  
14 training as part of an approved training program offered by a public or private agency with expertise in  
15 the provision of child foster care or in related subject areas.

16 ~~5. Within three (3) months of certification, foster parents and kinship foster parents must~~  
17 ~~participate in training for behavioral management techniques which shall include, but not be limited to~~  
18 ~~information regarding restraining and holding techniques, and other techniques appropriate for~~  
19 ~~controlling potentially violent behavior in a manner appropriate to the age and development of the~~  
20 ~~foster child.~~

21 C. In order to assist persons providing kinship foster care, the Department shall immediately  
22 refer ~~such~~ kinship foster parents and the child for assistance under the Temporary Assistance for  
23 Needy Families Program until the certification and training requirements have been completed.  
24

1 D. Foster parent training programs may include, but ~~need~~ not be limited to, in-service training,  
2 workshops and seminars developed by the state agency; seminars and courses offered through public  
3 or private education agencies; and workshops, seminars and courses pertaining to behavioral and  
4 developmental disabilities and to the development of mutual support services for foster parents.

5 E. The Department of ~~Human Services, the Department of Juvenile Justice~~ and each child-  
6 placing agency shall provide statewide training, education, and continuing education programs for  
7 foster parents.

8 F. The Department of ~~Human Services, the Department of Juvenile Justice~~ or each child-placing  
9 agency shall notify a foster parent at least ten (10) business days in advance of the statewide  
10 scheduling of education, continuing education or foster parent training occurring near the vicinity of  
11 the home of a foster parent.

12 G. The Department of ~~Human Services~~ may also provide additional foster care training to a  
13 foster parent. A foster parent may request in writing to the Department of ~~Human Services~~ that  
14 additional foster parent training be provided.

15 SECTION 105. AMENDATORY 10 O.S. 2001, Section 7213, is amended to read as  
16 follows:

17 Section 7213. A. The Department of Human Services, ~~the Department of Juvenile Justice~~ and  
18 child-placing agencies shall each establish grievance procedures for foster parents with whom such  
19 state agencies or child-placing agencies contract.

20 B. The procedures ~~for foster parents established by each state agency and child-placing agency~~  
21 shall contain the following minimum requirements:  
22  
23  
24

1 1. Resolution of disputes with foster parents shall be accomplished quickly, informally and at  
2 the lowest possible level, but shall provide for access to impartial arbitration by management level  
3 personnel within the central office; and

4 2. Prompt resolution of grievances within established time frames.

5 C. ~~Each state agency~~ The Department and child-placing agency shall designate an employee to  
6 receive and process foster care grievances.

7 D. ~~Each state agency~~ The Department and child-placing agency shall maintain records of each  
8 grievance filed as well as summary information about the number, nature and outcome of all  
9 grievances filed. Agencies shall keep records of grievances separate and apart from other foster parent  
10 files. A foster parent or a former foster parent shall have a right of access to the ~~grievance~~ record of  
11 grievances such person filed after the ~~grievance~~ procedure has been completed.

12 E. 1. Each foster parent shall have the right, without fear of reprisal or discrimination, to present  
13 grievances with respect to the providing of foster care services.

14 2. ~~Each state agency~~ The Department shall promptly initiate a plan of corrective discipline  
15 including, but not limited to, dismissal of any ~~agency~~ Department employee or cancellation or  
16 nonrenewal of the contract of a child-placing agency determined by the state agency, through an  
17 investigation to have retaliated or discriminated against a foster parent who has:

- 18 a. filed a grievance pursuant to the provisions of this section,
- 19 b. provided information to any official or Department employee, or
- 20 c. testified, assisted, or otherwise participated in an investigation, proceeding or  
21 hearing against the Department or the child-placing agency.

1           3. The provisions of this ~~paragraph~~ subsection shall not be construed to include any complaint  
2 by the foster parent resulting from an administrative, civil or criminal action taken by the employee or  
3 child-placing agency for violations of law or rules, or contract provisions by the foster parent.

4           SECTION 106. AMENDATORY 10 O.S. 2001, Section 7214, is amended to read as  
5 follows:

6           Section 7214. A. The Department of Human Services, ~~including, but not limited to, the~~  
7 ~~Developmental Disabilities Services Division~~, may accept a child into voluntary foster care placement  
8 when requested by the parent having legal custody of the child or when requested by a child residing in  
9 foster care who reaches eighteen (18) years of age and wishes to continue to reside in the foster care  
10 home pursuant to the provisions of subsection B of this section.

11           B. 1. Any child may be accepted into voluntary foster care placement with the Department.

12           2. The Department shall inform a parent considering voluntary foster care placement of a child,  
13 or the child residing in foster care who attains eighteen (18) years of age and wishes to continue to  
14 reside in the foster care home, of the following as applicable:

- 15           a. a parent who enters a voluntary foster care placement agreement may at any time  
16           request that the agency return the child,
- 17           b. evidence gathered during the time the child is voluntarily placed in foster care  
18           may be used at a later time as the basis for a petition alleging that the child is  
19           deprived, or as the basis for a petition seeking termination of parental rights,
- 20           c. the timelines and procedures for voluntary foster care placements.

21           3. Upon acceptance of a child into voluntary foster care placement, the Department shall prepare  
22 a notice of placement signed by the parent or the child residing in foster care who reaches eighteen  
23 (18) years of age and wishes to continue to reside in the foster care home.  
24

1 4. A period of voluntary foster care placement pursuant to the provisions of this section shall not  
2 exceed ninety (90) days except as otherwise provided by the ~~Commission for Human Services~~  
3 Department by rule.

4 5. Except as otherwise provided by this section or Section ~~7006-1.1~~ 1-4-904 of ~~Title 10 of the~~  
5 ~~Oklahoma Statutes~~ this title, voluntary foster care placement pursuant to the conditions and restrictions  
6 of this subsection shall not constitute abandonment, or abuse or neglect as defined in the Oklahoma  
7 Children's Code.

8 6. The ~~Commission~~ Department shall promulgate rules for the purpose of assessing parents for  
9 the full or partial cost of voluntary foster care placement.

10 ~~C. The Department may:~~

11 ~~1. Participate in federal programs relating to deprived children and services for such children;~~

12 ~~and~~

13 ~~2. Apply for, receive, use and administer federal funds for such purposes.~~

14 SECTION 107. AMENDATORY 10 O.S. 2001, Section 7218, is amended to read as  
15 follows:

16 Section 7218. A. For a child in a voluntary foster care placement pursuant to an agreement  
17 between the parent, legal guardian or custodian of the child and the Developmental Disabilities  
18 Services Division of the Department of Human Services if the division determines that such child has  
19 been abandoned pursuant to the provisions of Section ~~7006-1.1 of Title 10 of the Oklahoma Statutes~~ 1-  
20 4-904 of this title, such Division may complete a written report of recommendations to the Division of  
21 Children and Family Services within the Department. Such report shall specify that the child has been  
22 abandoned and shall recommend that the Division of Children and Family Services request the district  
23 attorney to file a petition alleging the child to be deprived. If the court determines that the child has  
24

1 been abandoned, reasonable efforts to provide for the return of the child to the child's own home shall  
2 not be required. Then the court shall conduct a permanency hearing within thirty (30) days of such  
3 determination pursuant to the provision of Section ~~21~~ 1-4-811 of this act title.

4 B. If the child is subsequently adjudicated deprived, the Developmental Disabilities Services  
5 Division and the Division of Children and Family Services shall cooperate and collaborate with regard  
6 to the welfare, health and safety of the child in a permanent placement pursuant to the provisions of the  
7 Oklahoma Children's Code.

8 SECTION 108. AMENDATORY 10 O.S. 2001, Section 7221, as amended by Section 2,  
9 Chapter 159, O.S.L. 2008 (10 O.S. Supp. 2008, Section 7221), is amended to read as follows:

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

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

15 C. The Department of Human Services or child-placing agency shall visit each foster child a  
16 minimum of one time per month, with 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 of the foster parent, ~~except as~~  
18 ~~provided in paragraph 2 of subsection C of Section 7206 of this title. If there is good cause, other than~~  
19 ~~an allegation of abuse or neglect, to believe the foster child needs to whenever possible and if~~  
20 indicated, the child may be interviewed alone without the foster parent present, ~~then the foster parent~~  
21 ~~shall provide a location in the home where the foster child can be questioned without the foster parent's~~  
22 ~~being present.~~

1 SECTION 109. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
2 as Section 21.10 of Title 10, unless there is created a duplication in numbering, reads as follows:

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

- 9 1. Be specific;
- 10 2. Be in writing;
- 11 3. Be prepared by the agency in conference with the child's parents;
- 12 4. State appropriate deadlines;
- 13 5. State specific goals for the treatment of the child;
- 14 6. Describe the conditions or circumstances causing the child to be placed in foster care;
- 15 7. Describe the services that are necessary to remedy and that have a reasonable expectation of  
16 remedying the conditions or circumstances causing the child to be placed in foster care;
- 17 8. State to whom the services will be delivered and who will deliver the services; and
- 18 9. Prescribe the time the services are expected to begin and the time within which expected  
19 results can reasonably be accomplished.

20 B. The child shall receive a complete medical examination within thirty (30) days of placement  
21 in foster care.

22 C. The child may receive such further diagnosis and evaluation as is necessary to preserve the  
23 physical and mental well-being of the child.  
24

1 D. Subsequent to initial placement, the child placed in foster placement shall have a medical  
2 examination, at periodic intervals, but not less than once each year.

3 E. Prior to any proposed counseling, testing, or other treatment services, the court or child-  
4 placing agency shall first determine that the proposed services are necessary and appropriate.

5 F. If the assessment and medical examination disclose no physical, mental, or emotional reasons  
6 for therapeutic foster care, a child voluntarily placed with a child-placing agency shall be placed in a  
7 regular foster family home. If therapeutic foster care is required, the child may be placed only in foster  
8 homes that are certified as therapeutic foster homes pursuant to the Oklahoma Child Care Facilities  
9 Licensing Act.

10 SECTION 110. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
11 as Section 1-3-102 of Title 10A, unless there is created a duplication in numbering, reads as follows:

12 A. For purposes of this section:

13 1. "Routine and ordinary medical care and treatment" includes any necessary medical and dental  
14 examinations and treatment, medical screenings, clinical laboratory tests, blood testing, preventative  
15 care, health assessments, physical examinations, immunizations, contagious or infectious disease  
16 screenings or tests and care required for treatment of illness and injury, including X rays, stitches and  
17 casts, but does not include any type of extraordinary care; and

18 2. "Extraordinary medical care and treatment" includes, but is not limited to, surgery, general  
19 anesthesia, blood transfusions, invasive or experimental procedures or the provision of psychotropic  
20 medications.

21 B. If a child taken into protective custody without a court order requires emergency medical care  
22 prior to the emergency custody hearing, and either the treatment is related to the suspected abuse or  
23 neglect or the parent or legal guardian is unavailable or unwilling to consent to treatment  
24

1 recommended by a physician, a peace officer, court employee or the court may authorize such  
2 treatment as is necessary to safeguard the health or life of the child. Before a peace officer, court  
3 employee or the court authorizes treatment based on unavailability of the parent or legal guardian, law  
4 enforcement shall exercise diligence in locating the parent or guardian, if known.

5 C. 1. If a child has been placed in the custody of the Department of Human Services, the  
6 Department shall have the authority to consent to routine and ordinary medical care and treatment.  
7 The Department shall make reasonable attempts to notify the child's parent or legal guardian of the  
8 provision of routine and ordinary medical care and treatment and to keep the parent or legal guardian  
9 involved in such care.

10 2. In no case shall the Department consent to a child's abortion, sterilization, termination of life  
11 support or a "Do Not Resuscitate" order. The court may authorize the withdrawal of life-sustaining  
12 medical treatment or the denial of the administration of cardiopulmonary resuscitation on behalf of a  
13 child in the Department's custody upon the written recommendation of a licensed physician, after  
14 notice to the parties and a hearing.

15 3. Nothing herein shall prevent the Department from authorizing, in writing, any person, foster  
16 parent or administrator of a facility into whose care a child in its custody has been entrusted, to consent  
17 to routine and ordinary medical care and treatment to be rendered to a child upon the advice of a  
18 licensed physician, including the continuation of psychotropic medication.

19 D. Consent for a child's extraordinary medical care and treatment shall be obtained from the  
20 parent or legal guardian unless the treatment is either related to the abuse or neglect or the parent or  
21 legal guardian is unavailable or refuses to consent to such care, in which case in an emergency, based  
22 upon recommendation of a physician, the court may enter an ex parte order authorizing such treatment  
23 or procedure in order to safeguard the child's health or life. If the recommended extraordinary medical  
24

1 care and treatment is not an emergency, the court shall hold a hearing, upon application by the district  
2 attorney and notice to all parties, and may authorize such recommended extraordinary care.

3 E. If a child has been placed in the custody of a person, other than a parent or legal guardian, or  
4 an institution or agency other than the Department, the court shall determine the authority of the  
5 person, institution, or agency to consent to medical care including routine and ordinary medical care  
6 and treatment and extraordinary care. The parent, legal guardian, or person having legal custody shall  
7 be responsible for the costs of medical care as determined by the court.

8 SECTION 111. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
9 as Section 1-4-203 of Title 10A, unless there is created a duplication in numbering, reads as follows:

10 A. Within the next two (2) judicial days following the child being taken into protective or  
11 emergency custody, the court shall conduct an emergency custody hearing. At the hearing,  
12 information may be provided to the court in the form of oral or written reports, affidavits or testimony.  
13 Any information having probative value may be received by the court regardless of its admissibility  
14 under the Oklahoma Evidence Code. At the hearing the court shall:

15 1. Determine whether facts exist that are sufficient to demonstrate to the court there is  
16 reasonable suspicion that the child is in need of immediate protection due to abuse or neglect, or that  
17 the circumstances or surroundings of the child are such that continuation of the child in the child's  
18 home or in the care or custody of the parent, legal guardian, or custodian would present an imminent  
19 danger to the child;

20 2. Advise the parent, legal guardian, or custodian of the child in writing of the following:  
21 a. any right of the parent, legal guardian, or custodian to testify and present evidence  
22 at court hearings,  
23 b. the right to be represented by an attorney at court hearings,  
24

- c. the consequences of failure to attend any hearings which may be held, and
- d. the right to appeal and procedure for appealing an order of the court;

3. Determine custody of the child and order one of the following:

- a. release of the child to the custody of the child's parent, legal guardian, or custodian from whom the child was removed under any conditions the court finds reasonably necessary to protect the health, safety, or welfare of the child, or
- b. placement of the child in the custody of a responsible adult or licensed child-placing agency under any conditions the court finds reasonably necessary to protect the health, safety, or welfare of the child, or
- c. whether to continue the child in or to place the child into the emergency custody of the Department of Human Services;

4. Order the parent, legal guardian, or custodian to complete an affidavit listing the names, addresses, and phone numbers of any parent, whether known or alleged, grandparent, aunt, uncle, brother, sister, half-sibling, and first cousin and any comments concerning the appropriateness of the potential placement of the child with the relative. If no such relative exists, the court shall require the parent, legal guardian, or custodian to list any other relatives or persons with whom the child has had a substantial relationship or who may be a suitable placement for the child;

5. Direct the parent, legal guardian, or custodian to furnish the Department with a copy of the child's birth certificate within fifteen (15) days from the hearing if a petition is filed, unless otherwise extended by the court; and

6. In accordance with the safety or well-being of any child, determine whether reasonable efforts have been made to:

- 1 a. place siblings, who have been removed, together in the same foster care,  
2 guardianship, or adoptive placement, and  
3 b. provide for frequent visitation or other ongoing interaction in the case of siblings  
4 who have been removed and who are not placed together.

5 B. The office of the State Court Administrator shall create an affidavit form and make it  
6 available to each court responsible for conducting emergency custody hearings. The affidavit form  
7 shall contain a notice to the parent, legal guardian, or custodian that failure to identify a parent or  
8 relative in a timely manner may result in the child being permanently placed outside of the home of the  
9 child's parent or relative. The affidavit form shall also advise the parent, legal guardian, or custodian  
10 of the penalties associated with perjury and contempt of court. The original completed affidavit shall  
11 be filed with the court clerk no later than five (5) days after the hearing or as otherwise directed by the  
12 court and a copy shall be provided to the Department.

13 C. 1. The Department shall, within thirty (30) days of the removal of a child, exercise due  
14 diligence to identify relatives. Notice shall be provided by the Department to all grandparents, and to  
15 such other relatives as the court directs. The notice shall advise the relatives:

- 16 a. the child has been or is being removed from the custody of the parent or parents  
17 of the child,  
18 b. of the options under applicable law to participate in the care and placement of the  
19 child, including any options that may be lost by failing to respond to the notice,  
20 and  
21 c. of the requirements to become a foster family home and the additional services  
22 and supports available for children placed in the home.  
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1           2. Relatives shall not be notified if notification would not be in the best interests of a child due  
2 to past or current family or domestic violence. The Department may promulgate rules in furtherance  
3 of the provisions of this subsection.

4           SECTION 112. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
5 as Section 1-4-204 of Title 10A, unless there is created a duplication in numbering, reads as follows:

6           A. 1. When awarding custody or determining the placement of a child, a preference shall be  
7 given to relatives and persons who have a kinship relationship with the child. The Department of  
8 Human Services shall make diligent efforts to place the child with such persons and shall report to the  
9 court the efforts made to secure that placement. In cases where the Indian Child Welfare Act applies,  
10 the placement preferences of the act shall be followed.

11           2. When two or more children are siblings, every reasonable attempt shall be made to place the  
12 siblings in the same home. In making a permanent placement, siblings shall be placed in the same  
13 permanent home or, if the siblings are separated, shall be allowed contact or visitation with each other;  
14 provided, however, the best interests of each sibling shall be the standard for determining the  
15 appropriate custodian or placement as well as the contact and visitation with the other siblings.

16           3. In determining the appropriate custodian or placement for a child pursuant to subsection A of  
17 this section, the court and the Department shall consider, but not be limited to, the following factors:

- 18           a. the ability of the person being considered to provide safety for the child, including  
19 a willingness to cooperate with any restrictions placed on contact between the  
20 child and others, and to prevent others from influencing the child in regard to the  
21 allegations of the case,
- 22           b. the ability of the person being considered to support the efforts of the Department  
23 to implement the permanent plan for the child,  
24

- c. the ability of the person being considered to meet the child's physical, emotional, and educational needs, including the child's need to continue in the same school or educational placement,
- d. the person who has the closest existing personal relationship with the child if more than one person requests placement of the child pursuant to this section,
- e. the ability of the person being considered to provide a placement for the child's sibling who is also in need of placement or continuation in substitute care,
- f. the wishes of the parent, the relative, and the child, if appropriate,
- g. the ability of the person being considered to care for the child as long as is necessary and to provide a permanent home if necessary, and
- h. the best interests of the child.

B. 1. The Department of Human Services shall consider placement with a relative without delay and shall identify relatives of the child and notify them of the need for temporary placement and the possibility of the need for a permanent out-of-home placement of the child. The relative search shall be reasonable and comprehensive in scope and may continue until a fit and willing relative is identified.

2. The relatives shall be notified of the need to keep the Department informed of their current address in order to receive notice when a permanent out-of-home placement is being sought for the child. A relative who fails to provide a current address may forfeit the right to be considered for the child's permanent out-of-home placement.

3. A decision by a relative to not participate in the child's placement planning at the beginning of the case or to cooperate with the Department to expedite procedures for placement of the child in the

1 child's home may affect whether that relative will be considered for permanent placement of the child  
2 if the child cannot be safely returned to the home of the child's parent or parents.

3 C. The Department, while assessing the relatives for the possibility of placement, shall be  
4 authorized to disclose to the relative, as appropriate, the fact that the child is in custody, the alleged  
5 reasons for the custody, and the projected date for the child's return home or other permanent  
6 placement as well as any other confidential information deemed necessary and appropriate to secure a  
7 suitable placement.

8 D. Following an initial placement with a relative, whenever a new placement of the child is  
9 made, consideration for placement shall again be given as described in this section to approved  
10 relatives who will fulfill the reunification or permanent plan requirements of the child. The  
11 Department shall consider whether the relative has established and maintained a relationship with the  
12 child.

13 E. If the child is not placed with a relative who has been considered for placement pursuant to  
14 this section, the Department shall advise the court, in writing, the reasons why that relative was denied  
15 and the written reasons shall be made a part of the court record.

16 F. The provisions of this section shall apply to all custody or placement proceedings which  
17 concern a child alleged or adjudicated to be deprived including, but not limited to, guardianship and  
18 adoption proceedings.

19 SECTION 113. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
20 as Section 1-4-205 of Title 10A, unless there is created a duplication in numbering, reads as follows:

21 A. The office of the district attorney and the Department of Human Services shall maintain  
22 records concerning a child in protective custody who is released prior to the emergency custody  
23 hearing. The records shall describe the reason for such release.  
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1 B. 1. A petition for a deprived child proceeding shall be filed and a summons issued within  
2 seven (7) judicial days from the date the child is taken into custody unless, upon request of the district  
3 attorney at the emergency custody hearing, the court determines there are compelling reasons to grant  
4 additional time for the filing of the petition for a period of time not to exceed fifteen (15) calendar days  
5 from the assumption of custody.

6 2. If a petition is not filed as required by this subsection, the emergency custody order shall  
7 expire. The district attorney shall submit for filing in the court record a written record specifying the  
8 reasons why the petition was not filed and specifying to whom the child was released.

9 C. The court may hold additional hearings at such intervals as may be determined necessary by  
10 the court to provide for the health, safety, or welfare of the child.

11 D. In scheduling hearings, the court shall give priority to proceedings in which a child is in  
12 emergency custody.

13 E. An order of the court providing for the removal of a child alleged to be deprived from the  
14 home of the child shall not be entered unless the court makes a determination:

15 1. That continuation of the child in the child's home is contrary to the health, safety, or welfare  
16 of the child; and

17 2. As to whether or not reasonable efforts were made to prevent the need for the removal of the  
18 child from the child's home; or

19 3. As to whether or not an absence of efforts to prevent the removal of the child from the child's  
20 home is reasonable because the removal is due to an alleged emergency and is for the purpose of  
21 providing for the health, safety, or welfare of the child; or

22 4. That reasonable efforts to provide for the return of the child to the child's home are not  
23 required pursuant to Section 1-4-809 of Title 10A of the Oklahoma Statutes; provided, however, upon  
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1 such determination, the court shall inform the parent that a permanency hearing will be held within  
2 thirty (30) days from the determination.

3 SECTION 114. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
4 as Section 1-4-206 of Title 10A, unless there is created a duplication in numbering, reads as follows:

5 A. 1. At the emergency custody hearing or when a petition has been filed alleging that a child  
6 has been physically or sexually abused, the court may enter an order restraining the alleged perpetrator  
7 of the abuse from having contact with the child or attempting to contact the child and requiring the  
8 alleged perpetrator to move from the household in which the child resides. The court may issue a  
9 restraining order only if the court finds that:

- 10 a. there is a reasonable suspicion that abuse occurred and that the person to be  
11 restrained committed the abuse, and
- 12 b. the order is in the best interest of the child.

13 2. The court may also enter other appropriate orders including, but not limited to, orders that  
14 control contact between the alleged abuser, other children in the home, and any other person.

15 3. The court shall include in an order entered under this subsection the following information  
16 about the person to be restrained to the extent known by the court at the time the order is entered:

- 17 a. name,
- 18 b. address,
- 19 c. age and birth date,
- 20 d. race,
- 21 e. sex,
- 22 f. height and weight,
- 23 g. color of hair and eyes, and
- 24

1 h. any other identifying features such as tattoos.

2 4. The court may include in the order a provision that a peace officer accompany the restrained  
3 person to the household when it is necessary for the restrained person to remove personal property.

4 B. If the court enters an order under this section:

5 1. The clerk of the court shall provide without charge the number of certified true copies of the  
6 order and petition, if available, necessary to effect service and shall deliver the same to the sheriff or  
7 other person qualified to serve the order for service upon the person to be restrained; and

8 2. The sheriff or other person qualified to serve the order shall serve the person to be restrained  
9 personally unless that person is present at the hearing. After accepting the order, if the sheriff or other  
10 person cannot complete service within ten (10) days, the sheriff or other person shall file a return to the  
11 clerk of the court showing that service was not completed and the reason for the noncompletion.

12 C. Within thirty (30) days after an order is served under this section, the restrained person may  
13 file a written request with the court and receive a court hearing on any portion of the order. If the  
14 restrained person requests a hearing under this subsection:

15 1. The court shall notify the parties and the restrained person of the date and time of the hearing;  
16 and

17 2. The court shall hold a hearing within twenty-one (21) days after the request for hearing is  
18 filed with the court and at the conclusion of the hearing may cancel or modify the order.

19 D. 1. Within twenty-four (24) hours of the return of service of the restraining order, the clerk of  
20 the issuing court shall send certified copies thereof to all appropriate law enforcement agencies  
21 designated by the court. A certified copy of any extension, modification, vacation, cancellation, or  
22 consent agreement concerning the restraining order shall be sent by the clerk of the issuing court to  
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1 those law enforcement agencies receiving the original orders pursuant to this section and to any law  
2 enforcement agencies designated by the court.

3 2. Any law enforcement agency receiving copies of the documents listed in paragraph 1 of this  
4 subsection shall be required to ensure that other law enforcement agencies have access twenty-four  
5 (24) hours a day to the information contained in the documents which may include entry of  
6 information about the restraining order in the National Crime Information Center database.

7 E. A restraining order issued pursuant to this section remains in effect for a period of one (1)  
8 year or until the order is sooner modified, amended, or terminated by court order.

9 F. A court that issued a restraining order under this section may renew the order for a period of  
10 up to one (1) year if the court finds that there is probable cause to believe the renewal is in the best  
11 interest of the child. The court may renew the order on motion by the state or the child's attorney  
12 alleging facts supporting the required finding. If the renewal order is granted, subsections B and C of  
13 this section apply.

14 G. If a restraining order issued pursuant to this section is terminated before its expiration date,  
15 the clerk of the court shall promptly deliver a true copy of the termination order to the sheriff. The  
16 sheriff shall promptly remove the original order from the National Crime Information Center database.

17 H. Any person who has been served with the restraining order and is in violation of the  
18 restraining order, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of  
19 not more than One Thousand Dollars (\$1,000.00) or by a term of imprisonment in the county jail of not  
20 more than one (1) year, or both such fine and imprisonment.

21 SECTION 115. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
22 as Section 1-4-401 of Title 10A, unless there is created a duplication in numbering, reads as follows:  
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1 A. The provisions of the Oklahoma Discovery Code and the Rules for District Courts of  
2 Oklahoma do not apply to juvenile proceedings except as provided by this section.

3 B. The court may order the parties to exchange information that is not work product and not  
4 privileged, including:

- 5 1. The assessment and investigation records of the Department of Human Services; provided, all  
6 information that identifies the reporter of alleged child abuse or neglect shall be redacted;
- 7 2. Law enforcement reports;
- 8 3. Any video or audio recording of an interview with the child alleged to be deprived;
- 9 4. Any exhibit any party intends to introduce at trial; and
- 10 5. The names of any witnesses any party may call and a synopsis of the expected testimony.

11 C. The court may in its discretion enter a scheduling order, order mediation, and conduct status  
12 and settlement conferences as needed during deprived proceedings.

13 D. All information produced, exchanged, or used during the pendency of the deprived action is  
14 confidential and shall be subject to a protective order. The disclosure or use of the information for any  
15 other purpose is prohibited except as permitted by law.

16 SECTION 116. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
17 as Section 1-4-504 of Title 10A, unless there is created a duplication in numbering, reads as follows:

18 A. At any stage of the proceedings, the court may order, or the parties may voluntarily  
19 participate in an alternative dispute resolution process which may include:

- 20 1. Family group conferencing;
- 21 2. Mediation; or
- 22 3. A settlement conference.

1 B. If a court orders an alternative dispute resolution process, a party who does not wish to  
2 participate may file a motion objecting to the order. Any resolution agreed to by the parties through an  
3 alternative dispute resolution process shall not be binding on the court.

4 SECTION 117. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
5 as Section 1-4-508 of Title 10A, unless there is created a duplication in numbering, reads as follows:

6 A. At any stage of a proceeding under the Oklahoma Children's Code:

7 1. The parent or legal guardian, the child's attorney, or the district attorney's office may apply  
8 for use immunity for a parent or legal guardian for in-court testimony. The in-court testimony of an  
9 immunized parent or legal guardian shall not be used against that parent or legal guardian in a criminal  
10 prosecution; provided, however, that the parent or legal guardian may be prosecuted for perjury that  
11 occurs during the testimony of the parent or legal guardian in a deprived proceeding;

12 2. The child's attorney or the district attorney's office may apply for use immunity for any  
13 records, documents, or other physical objects produced by the immunized parent or legal guardian in  
14 the deprived proceeding, the production of which was compelled by a court order; or

15 3. The child's attorney or the district attorney's office may apply for use immunity for a parent  
16 or legal guardian for any statement that a parent or legal guardian makes in the course of a court-  
17 ordered psychological evaluation or treatment program to the professional designated by the  
18 Department of Human Services or authorized by the court in furtherance of the court's order. Such  
19 immunity shall attach only to those statements made during the course of the actual evaluation or  
20 treatment and specifically does not attach to statements made to Department employees, agents, or  
21 other representatives in the course of the investigation of alleged child abuse, neglect, or abandonment.  
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1 B. Any other information available to the professional designated by the Department or  
2 authorized by the court to perform the court-ordered evaluation or treatment shall not be the subject of  
3 any application or order for immunity.

4 SECTION 118. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
5 as Section 1-4-601 of Title 10A, unless there is created a duplication in numbering, reads as follows:

6 A. The court shall hold an adjudication hearing following the filing of a petition alleging that a  
7 child is deprived. The hearing shall be held not more than ninety (90) calendar days following the  
8 filing of the petition. The child and the child's parents, guardian, or other legal custodian shall be  
9 entitled to not less than twenty (20) days' prior notice of the hearing.

10 B. 1. The child shall be released from emergency custody in the event the adjudication hearing  
11 is delayed beyond ninety (90) days from the date the petition is filed unless the court issues a written  
12 order with findings of fact supporting a determination that:

- 13 a. there exists reasonable suspicion that the health, safety, or welfare of the child  
14 would be in imminent danger if the child were returned to the home, and  
15 b. there exists either an exceptional circumstance to support the continuance of the  
16 child in emergency custody or the parties and the guardian ad litem, if any, agree  
17 to such continuance.

18 2. If the adjudicatory hearing is delayed pursuant to this subsection, the emergency custody  
19 order shall expire unless the hearing on the merits of the petition is held within one hundred eighty  
20 (180) days after the actual removal of the child.

21 C. The release of a child from emergency custody due to the failure of an adjudication hearing  
22 being held within the time frame prescribed by this section shall not deprive the court of jurisdiction  
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1 over the child and the parties or authority to enter temporary orders the court deems necessary to  
2 provide for the health, safety, and welfare of the child pending the hearing on the petition.

3 D. At the adjudication hearing, if the court finds that it is in the best interest of the child, the  
4 court shall:

5 1. Accept a stipulation by the child's parent, guardian, or other legal custodian that the facts  
6 alleged in the petition are true and correct;

7 2. Accept a stipulation by the child's parent, guardian, or other legal custodian that if the state  
8 presented its evidence supporting the truth of the factual allegations in the petition to a court of  
9 competent jurisdiction, such evidence would be sufficient to meet the state's burden of proving by a  
10 preponderance of the evidence that the factual allegations are true and correct; or

11 3. Conduct a nonjury trial to determine whether the state has met its burden of proving by a  
12 preponderance of the evidence that the factual allegations in the petition are true and correct.

13 E. 1. A decision determining a child to be deprived in a nonjury trial shall be based on sworn  
14 testimony.

15 2. The child, as a party to the proceeding, shall be given the opportunity to cross-examine  
16 witnesses and to present a case in chief if desired.

17 SECTION 119. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
18 as Section 1-4-707 of Title 10A, unless there is created a duplication in numbering, reads as follows:

19 A. The following kinds of dispositional orders may be made and shall be in accordance with the  
20 best interests of the child:

- 21 1. a. The court may place the child under protective supervision by the Department of  
22 Human Services in the home of the child with the parent or legal guardian with  
23 whom the child was residing at the time the events or conditions arose that  
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1 brought the child within the jurisdiction of the court, subject to such conditions as  
2 the court may prescribe that would reasonably prevent the child from continuing  
3 to be deprived.

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

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

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

21 (b) may be docketed and filed in the prior existing or pending  
22 administrative or district court action; provided, however, if there  
23 is no administrative or district court action then in existence, the  
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1 surviving order may be used as the sole basis for opening a new  
2 administrative or district court action in the same county where the  
3 deprived action was pending or in the county where the legal  
4 custodian of the child resides. When applicable, the clerk of the  
5 juvenile court shall transmit the surviving order to the clerk of the  
6 district court of the county where the order is to be filed along with  
7 the names and last-known addresses of the parents of the child.  
8 The clerk of the district court shall immediately upon receipt open  
9 a file without a filing fee, assign a new case number and, when  
10 applicable, file the order and send by first-class mail a copy of the  
11 order with the new or prior existing case number back to the  
12 juvenile court and to the parents of the child at their last-known  
13 address. The order shall not be confidential and may be enforced  
14 or modified after being docketed and filed in the prior existing or  
15 new administrative or district court action, or

- 16 (2) order that the noncustodial parent assume custody of the child under  
17 protective supervision by the Department. The court may order that:
- 18 (a) reunification services be provided to the parent or legal guardian  
19 from whom the child has been or is being removed,
  - 20 (b) services be provided solely to the parent who is assuming physical  
21 custody of the child in order to allow that parent to later obtain  
22 legal custody without court supervision, or
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1 (c) services be provided to both parents, in which case the court shall  
2 determine, at a subsequent review hearing, which parent, if either,  
3 shall have custody of the child.

4 c. If the court orders the child into the home of a father whose paternity has not been  
5 established, the alleged father must cooperate in establishing paternity as a  
6 condition for the child's continued placement in the alleged father's home.

7 d. If the court issues an order for protective supervision of the child in the home of a  
8 parent, the court may order any of the following:

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

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

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

19 f. The order placing the child under supervision by the Department in the child's  
20 own home shall remain in effect for a period of one (1) year. In appropriate  
21 circumstances, the court may extend or reduce the period of supervision by the  
22 Department.  
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2. a. If the court is unable to place the child in the home of a parent, the court shall give a preference for placing temporary custody of the child with a relative as specified in Section 1-4-204 of this title, subject to the best interests of the child and the conditions and restrictions specified in Section 1-4-705 of Title 10A of the Oklahoma Statutes. In determining whether to place temporary custody of the child with a relative, the court may consider the following factors:

- (1) the physical, psychological, educational, medical, and emotional needs of the child,
- (2) the wishes of the parent, the relative, and child, if appropriate,
- (3) whether placement of the siblings and half-siblings can be made in the same home, if that placement is found to be in the best interest of each child,
- (4) the background information of the relative and any other person living in the home, including whether any such person has a prior history of violence, acts of child abuse or neglect, or any other background that would render the home unsuitable,
- (5) the nature and duration of the relationship between the child and the relative, and the relative's desire to care for and to provide long-term permanency for the child if reunification is unsuccessful, and
- (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 court shall state for the record the reasons placement with that relative was denied.

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

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

c. Whenever the court shall place a child in any institution or agency, it shall transmit with the order of commitment a summary of its information concerning

1 the child, and such institution or agency shall give to the court such information  
2 concerning the child as the court may at any time require.

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

4 a. In selecting a placement for a child in its custody, the Department shall make an  
5 individualized determination based upon the child's best interests and  
6 permanency plan regarding the following placement options:

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

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

- 20 (2) If an appropriate placement is not available in the county of residence of  
21 the parent or legal guardian, the child shall be placed in an appropriate  
22 home in the nearest proximity to the resident county of the parent or legal  
23 guardian.  
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1 (3) Nothing in this section shall be construed to mean that the child's  
2 placements shall correspond in frequency to changes of residence by the  
3 parent or legal guardian. In determining whether the child should be  
4 moved, the Department shall take into consideration the potential harmful  
5 effects of disrupting the placement of the child and the reason of the  
6 parent or legal guardian for the move.

7 c. If the child is part of a sibling group, it shall be presumed that placement of the  
8 entire sibling group in the same placement is in the best interests of the child and  
9 siblings unless the presumption is rebutted by a preponderance of the evidence to  
10 the contrary.

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

13 6. a. If the court determines that reunification services are appropriate for the child and  
14 a parent, the court shall allow reasonable visitation with the parent or legal  
15 guardian from whose custody the child was removed, unless visitation is not in  
16 the best interest of the child, taking into consideration:

- 17 (1) protection of the physical safety of the child,  
18 (2) protection of the life of the child,  
19 (3) protection of the child from being traumatized by contact with the parent,  
20 and  
21 (4) the child's expressed wishes.  
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1           b.       A court may not deny visitation based solely on the failure of a parent to prove  
2                   that the parent has not used legal or illegal substances or complied with an aspect  
3                   of the court-ordered individualized service plan.

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

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

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

9           1. A statement informing the child's parent that the consequences of noncompliance with the  
10 requirement of the court may include termination of the parent's rights with respect to the child; or

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

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

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

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

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

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

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

11 a. place siblings, who have been removed, together in the same foster care,  
12 guardianship, or adoptive placement, and

13 b. provide for frequent visitation or other ongoing interaction in the case of siblings  
14 who have been removed and who are not placed together.

15 SECTION 120. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
16 as Section 1-4-708 of Title 10A, unless there is created a duplication in numbering, reads as follows:

17 A. In cases where the child has been adjudicated to be deprived due to repeated absence from  
18 school, the court may order counseling and treatment for the child and the parents.

19 B. Prior to final disposition, the court shall require verification by the appropriate school district  
20 that the child found to be truant has been evaluated for literacy, learning disabilities, developmental  
21 disabilities, hearing and visual impairment, and other impediments which could constitute an  
22 educational handicap. The results of such assessments or evaluations shall be made available to the  
23 court for use by the court in determining the disposition of the case.  
24

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

4 D. A deprived adjudication based solely upon repeated absence from school shall not constitute  
5 a ground for termination of parental rights.

6 SECTION 121. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
7 as Section 1-4-709 of Title 10A, unless there is created a duplication in numbering, reads as follows:

8 A. The court may establish a permanent guardianship between a child and a relative or other  
9 adult if the guardianship is in the child's best interests and all of the following conditions are  
10 substantially satisfied:

11 1. The child has been adjudicated to be a deprived child;

12 2. The parent has:

13 a. consented to the guardianship,

14 b. had his or her parental rights terminated,

15 c. failed to substantially correct the conditions that led to the adjudication of the  
16 child,

17 d. been adjudicated as incompetent or incapacitated by a court,

18 e. abandoned the child,

19 f. failed to be identified or has not been located despite reasonably diligent efforts to  
20 ascertain the whereabouts of the parent, or

21 g. died;

22 3. The child consents to the guardianship if the court finds the child to be of sufficient  
23 intelligence, understanding, and experience to provide consent;  
24

1 4. Termination of the parent's rights is either not legally possible or not in the best interests of  
2 the child or adoption is not the permanency plan for the child;

3 5. The child and the prospective guardian do not require protective supervision or preventive  
4 services to ensure the stability of the guardianship;

5 6. The prospective guardian is committed to providing for the child until the child reaches the  
6 age of majority and to preparing the child for adulthood and independence;

7 7. The prospective guardian agrees not to return the child to the care of the person from whom  
8 the child was removed nor to allow visitation without the approval of the court; and

9 8. The child has been residing or placed with the proposed guardian for at least the six (6)  
10 preceding months or the permanent guardian is a relative with whom the child has a relationship.

11 B. In proceedings for permanent guardianship, the court shall give primary consideration to the  
12 physical and behavioral health needs of the child.

13 C. Unless otherwise set forth in the final order of permanent guardianship, a permanent guardian  
14 is vested with all of the rights and responsibilities as set forth in Title 30 of the Oklahoma Statutes  
15 relating to the powers and duties of a guardian of a minor, other than those rights and responsibilities  
16 retained by the child's parent, if any, that are set forth in the decree of permanent guardianship.

17 SECTION 122. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
18 as Section 1-4-710 of Title 10A, unless there is created a duplication in numbering, reads as follows:

19 A. The district attorney or child's attorney shall file a motion for permanent guardianship with  
20 the juvenile court in the deprived case. The motion shall be verified by the prospective guardian and  
21 shall include the following:

- 22 1. The name, gender, and date of birth of the child;  
23 2. The facts and circumstances supporting the grounds for permanent guardianship;  
24

1 3. The name and address of the prospective guardian and a statement that the prospective  
2 guardian agrees to accept the duties and responsibilities of guardianship;

3 4. The relationship of the child to the prospective guardian;

4 5. That the prospective guardian understands that the guardianship is intended to be permanent  
5 in nature and that the person will be responsible as the guardian until the child reaches the age of  
6 majority;

7 6. Whether the child has resided with the prospective guardian prior to the motion being filed,  
8 and, if so, the length of time and the circumstances surrounding the child's stay; and

9 7. Whether there exists a loving, emotional tie between the child and the prospective guardian.

10 B. Notice of the hearing as well as a copy of the motion shall be served upon the parties, the  
11 Department of Human Services, and the guardian ad litem of the child, if any. Notice shall also be sent  
12 to the tribe of an Indian child as defined by the federal Indian Child Welfare Act. Service shall not be  
13 required on the parent whose rights have been previously terminated.

14 C. 1. When the child is in the custody of the Department, the Department shall cause an  
15 assessment of the proposed guardian's home to be completed and provide a report to the court  
16 regarding the suitability of the proposed guardian and whether guardianship is in the best interest of the  
17 child. The Department shall promulgate rules in furtherance of the duties imposed by this subsection.  
18 However, the prospective guardian shall be responsible to obtain the home assessment if the child is  
19 not in the custody of the Department.

20 2. The findings of the home assessment shall be set forth in a written report provided to the  
21 court, the district attorney, the child, and the guardian ad litem, if any, before the hearing. The court  
22 may require additional information as necessary to make an appropriate decision regarding the  
23 permanent guardianship.  
24

1 D. 1. Before issuing an order of permanent guardianship, the court shall find by clear and  
2 convincing evidence all of the following:

- 3 a. the factual basis for establishing parental unfitness or unavailability to provide  
4 adequate care for the child,
- 5 b. termination of the rights of the parent is either not legally possible or not in the  
6 best interests of the child, or adoption is not the permanency plan for the child,
- 7 c. the child has resided with the permanent guardian for at least six (6) months, or  
8 the permanent guardian is a relative with whom the child has a relationship,
- 9 d. a permanent guardianship is in the best interests of the child, and  
10 e. the proposed permanent guardian:
  - 11 (1) is emotionally, mentally, physically, and financially suitable to become the  
12 permanent guardian,
  - 13 (2) has expressly committed to remain the permanent guardian for the  
14 duration of the child's minority, and
  - 15 (3) has expressly demonstrated a clear understanding of the financial  
16 implications of becoming a permanent guardian.

17 2. A decree of permanent guardianship divests the parents of legal custody or guardianship of  
18 the child, but is not a termination of parental rights.

19 E. Upon finding that grounds exist for a permanent guardianship, the court may also order  
20 visitation with the parent, siblings, or other relatives of the child if such contact would be in the child's  
21 best interests as well as any other provision necessary to provide for the child's continuing safety and  
22 well-being. The court shall order the parents to contribute to the support of the child pursuant to child-  
23 support guidelines as provided for in Sections 118 and 119 of Title 43 of the Oklahoma Statutes.  
24

1 F. 1. An order appointing a permanent guardian shall:

- 2 a. require that the placement be reviewed within one (1) year after transfer, and may
- 3 require the permanent guardian to submit any records or reports the court deems
- 4 necessary for purposes of such review,
- 5 b. not require the Department to supervise the placement during such period of time,
- 6 c. not require periodic reviews by the court thereafter if the parties agree with the
- 7 assent of the court that the reviews are not necessary to serve the best interests of
- 8 the child, unless periodic reviews are otherwise required by the court.

9 2. Unless periodic reviews are required, the court may close the case, provided the order of  
10 permanent guardianship shall remain in full force and effect subject to the provisions of this Code.

11 SECTION 123. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
12 as Section 1-4-711 of Title 10A, unless there is created a duplication in numbering, reads as follows:

13 A. 1. A motion for modification or termination of a permanent guardianship may be filed by the  
14 permanent guardian, the child, or the district attorney. A modification or termination may also be  
15 ordered by the court on its own initiative. An order for modification or termination of the permanent  
16 guardianship may be entered after notice and opportunity for hearing and shall be based on a finding  
17 that there has been a substantial change of material circumstances including, but not limited to, the  
18 following:

- 19 a. the parent of the child is presently able and willing to properly care for the child,
  - 20 b. the permanent guardian of the child is unable to properly care for the child,
  - 21 c. the child has been abused or neglected while in the care of the permanent
  - 22 guardian, or
  - 23 d. the permanent guardian of the child is deceased.
- 24

1           2. The court shall appoint a guardian ad litem for the child in any proceeding for modification or  
2 termination of a permanent guardianship.

3           B. 1. The court may modify or terminate the order granting permanent guardianship upon a  
4 finding by clear and convincing evidence that there has been a substantial change in material  
5 circumstances and that a modification or termination of the permanent guardianship is in the child's  
6 best interest.

7           2. When the modification or termination of the permanent guardianship results in the removal of  
8 the child from the home of the guardian, the court shall determine if the continuation of the child in the  
9 home of the guardian is contrary to the welfare of the child, and, if so, whether:

10           a.       reasonable efforts have been made to prevent the removal of the child from the  
11                    child's home, or

12           b.       an absence of efforts to prevent the removal of the child from the child's home is  
13                    reasonable because the removal is due to an emergency and is for the purpose of  
14                    providing for the welfare of the child.

15           3. Where the termination of a permanent guardianship is granted for reason of the guardian's  
16 abuse, neglect, death, or inability to care for the child, the court shall order the child returned to the  
17 legal custody of the Department of Human Services pending further hearing. The Department shall  
18 develop a new permanency plan on behalf of the child, which shall be presented to the court within  
19 thirty (30) days of the date the permanent guardianship is terminated.

20           4. Unless the parental rights of the child's parent or parents have been terminated, they shall be  
21 notified that the legal guardianship has been modified or terminated and shall be entitled to participate  
22 in the new permanency planning hearing where the court shall order a new permanency plan  
23 appropriate to meet the needs of the child.  
24

1           5. The court may order that reunification services again be provided to the parent or parents if it  
2 is in the best interests of the child and may consider the parent or parents for custody of the child, with  
3 Department supervision, if the parent can prove by a preponderance of the evidence that conditions  
4 which previously existed at the time of the granting of the permanent guardianship order have been  
5 substantially corrected and that reunification is the best alternative for the child.

6           SECTION 124. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
7 as Section 1-4-801 of Title 10A, unless there is created a duplication in numbering, reads as follows:

8           A. At any hearing including, but not limited to, hearings conducted pursuant to Section 1-8-103  
9 of Title 10A of the Oklahoma Statutes, where it is determined that a child in state custody will be  
10 released from state custody, the district attorney or the attorney for the child may give verbal notice to  
11 the court of an objection to the order of the court and an intention to seek review of that order based on  
12 the grounds that the order of the court releasing the child from state custody creates a serious risk of  
13 danger to the health or safety of the child.

14           B. Upon giving such notice, the court issuing the custody order in question shall stay the  
15 custody order pending the filing of an application and completion of review as provided in this section.  
16 The district attorney or attorney for the child shall file with the presiding judge of the administrative  
17 judicial district a written application for review within three (3) judicial days from the custody order.  
18 If a written application for review is not filed within such time period, or if a written notice to the trial  
19 court withdrawing the objection is filed within that time period, the objection will be deemed  
20 abandoned and the stay shall expire.

21           C. Each application for review shall be assigned by the presiding judge of the administrative  
22 judicial district to a judge within that administrative judicial district with juvenile docket  
23 responsibilities. The review shall be completed within five (5) judicial days of the filing of the written  
24

1 application for review. The review conducted by the reviewing judge shall address the question of  
2 whether releasing the child from state custody creates a serious risk of danger to the health or safety of  
3 the child. The reviewing court shall review the record of the hearing and any other evidence deemed  
4 relevant by the reviewing court. At the conclusion of the review, the reviewing court shall issue its  
5 findings of fact and conclusions of law and report them to the court issuing the custody order under  
6 review.

7 D. A finding by the reviewing court that the order releasing the child from state custody creates  
8 a serious risk of danger to the health or safety of the child shall be controlling and the court issuing the  
9 order under review shall proceed to enter a different custody order. If the reviewing court finds that  
10 the order under review does not create a serious risk of danger to the health or safety of the child and  
11 that the order is otherwise appropriate then the court issuing the order under review shall release the  
12 stay and the order shall be subject to appeal as provided in Section 1-5-101 of Title 10A of the  
13 Oklahoma Statutes. The failure of any court to issue the stay mandated by this section shall be subject  
14 to immediate mandamus to an appropriate court.

15 SECTION 125. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
16 as Section 1-4-803 of Title 10A, unless there is created a duplication in numbering, reads as follows:

17 If the court determines it would be in the best interests of a child, the court may place the child in  
18 the legal custody of the Department of Human Services. Whenever a child is in the custody of the  
19 Department, the court shall not have the authority to order a specific placement of the child but shall  
20 have the authority to approve or disapprove a specific placement if it does not conform to statutory  
21 requirements and the best interests of the child.

22 SECTION 126. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
23 as 1-4-903 of Title 10A, unless there is created a duplication in numbering, reads as follows:  
24

1 If the court finds from the information presented by the Department of Human Services that the  
2 permanency plan for the child should be adoption, the court may order the district attorney to show  
3 cause why it should not file a petition or motion to terminate the parent-child legal relationship  
4 pursuant to Section 1-4-903 of this title. Good cause may include, but need not be limited to, any of  
5 the following conditions:

6 1. At the option of the Department or by order of the court, the child is properly being cared for  
7 by a relative;

8 2. The Department has documented a compelling reason for determining that filing a petition to  
9 terminate parental rights would not serve the best interests of the child; or

10 3. The state has not provided to the family of the child, consistent with the time period in the  
11 state case plan, such services as the state deems necessary for the safe return of the child to the child's  
12 home, if reasonable efforts are required to be made with respect to the child.

13 SECTION 127. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
14 as Section 1-4-907 of Title 10A, unless there is created a duplication in numbering, reads as follows:

15 If the court terminates the rights of a parent and places the child with an individual or agency, the  
16 court may vest in such individual or agency authority to consent to the adoption of the child. Provided,  
17 that when the court places the child with the Department of Human Services, it shall vest the  
18 Department with authority to place the child and, upon notice to the court that an adoption petition has  
19 been filed concerning the child, vest the Department with authority to consent to the adoption of the  
20 child, and the jurisdiction of the committing court shall terminate upon a final decree of adoption.

21 SECTION 128. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
22 as Section 1-4-908 of Title 10A, unless there is created a duplication in numbering, reads as follows:  
23  
24

1 A. When parental rights are not terminated as a result of a trial, the court shall set the matter for  
2 a permanency hearing within thirty (30) days.

3 B. The failure of parental rights to be terminated at trial shall not deprive the court of its  
4 continuing jurisdiction over the child, nor shall it require reunification of the child with the parent if  
5 the child has been adjudicated to be deprived.

6 SECTION 129. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
7 as Section 1-4-909 of Title 10A, unless there is created a duplication in numbering, reads as follows:

8 A. A child may, by application, request the court to reinstate the previously terminated parental  
9 rights of his or her parent under the following circumstances:

- 10 1. The child was previously found to be a deprived child;
- 11 2. The parent's rights were terminated in a proceeding under Title 10A of the Oklahoma  
12 Statutes;
- 13 3. The child has not achieved his or her permanency plan within three (3) years of a final order  
14 of termination; and
- 15 4. The child is at least fifteen (15) years old at the time the application is filed.

16 B. A child shall be represented during the proceeding and shall be provided independent  
17 counsel.

18 C. The application shall be signed by the child as well as the child's attorney.

19 D. If, after a preliminary hearing to consider the parent's apparent fitness and interest in  
20 reinstatement of parental rights, the court finds by a preponderance of the evidence that the best  
21 interests of the child may be served by reinstatement of parental rights, the court shall order that a  
22 hearing on the merits of the motion be held.  
23  
24

1 E. The court shall cause prior notice to be given to the Department of Human Services, the  
2 child's attorney, and the child. The court shall also order the Department or the child's attorney to give  
3 prior notice of any hearing to:

- 4 1. The former parent of the child whose parental rights are the subject of the application;
- 5 2. The current foster parent or relative guardian of the child;
- 6 3. The guardian ad litem of the child, if any; and
- 7 4. The child's tribe, if applicable.

8 F. The application of the child shall be dismissed if the parent cannot be located.

9 G. The court shall conditionally grant the application if it finds by clear and convincing  
10 evidence that the child has not and is not likely to imminently achieve his or her permanency plan and  
11 that reinstatement of parental rights is in the child's best interest. In determining whether  
12 reinstatement is in the child's best interest, the court shall consider, but is not limited to, the following:

- 13 1. Whether the parent whose rights are to be reinstated is a fit parent and has remedied the  
14 conditions as provided in the record of the prior termination proceedings and prior termination order;
- 15 2. The age and maturity of the child, and the ability of the child to express his or her preference;
- 16 3. Whether the reinstatement of parental rights will present a risk to the health, safety, or welfare  
17 of the child; and
- 18 4. Other material changes in circumstances, if any, that may have occurred which warrant the  
19 granting of the application.

20 H. In determining whether the child has or has not achieved his or her permanency plan, the  
21 Department shall provide the court, and the court shall review, information related to any efforts to  
22 achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.  
23  
24

1 I. 1. If the court conditionally grants the application under subsection G of this section, the case  
2 shall be continued for six (6) months and a temporary order of reinstatement of parental rights entered.  
3 During this period, the child shall be placed in the custody of the parent. The Department shall  
4 develop a permanency plan for the child reflecting the plan to be reunification and shall provide or  
5 ensure that transition services are provided to the family as appropriate.

6 2. If the child must be removed from the parent due to abuse or neglect allegations prior to the  
7 expiration of the conditional six-month period, the court shall dismiss the application for reinstatement  
8 of parental rights if the court finds the allegations have been proven by a preponderance of the  
9 evidence.

10 J. The court shall hold a hearing after the child has been placed with the parent for six (6)  
11 months. If the placement with the parent has been successful, the court shall enter a final order of  
12 reinstatement of parental rights, which shall restore all rights, powers, privileges, immunities, duties,  
13 and obligations of the parent to the child, including those relating to custody, control, and support of  
14 the child. The court shall close the deprived action and direct the court clerk's office to provide a  
15 certified copy of the final order of reinstatement of parental rights to the parent at no cost.

16 K. A proceeding to reinstate parental rights is a separate action from the termination of parental  
17 rights proceeding and does not vacate the original termination of parental rights. An order granted  
18 under this section reinstates the parental rights to the child and acknowledges that the conditions of the  
19 parent and child have changed since the time of the termination of parental rights and that reunification  
20 is now appropriate.

21 L. This section is retroactive and shall apply to any child who is under the jurisdiction of the  
22 district court as a deprived child at the time of the hearing to reinstate parental rights regardless of the  
23 date when parental rights were terminated.  
24

1 M. The district attorney, the Department, and its employees are not liable for civil damages  
2 resulting from any act or omission in providing services under this section unless the act or omission  
3 constitutes gross negligence. This section does not create any duty and shall not be construed to create  
4 a duty where none exists. This section does not create a cause of action against the district attorney,  
5 the Department, or its employees concerning the original order of termination of parental rights.

6 SECTION 130. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
7 as Section 1-6-106 of Title 10A, unless there is created a duplication in numbering, reads as follows:

8 Social records as defined by the Oklahoma Children's Code shall not be filed in the court record  
9 unless so ordered by the court. If filed in the court record, the social records shall be placed in  
10 confidential envelopes in the court file and may only be accessed by the person who is the subject of  
11 the records, or attorney for such person, except as provided by Section 1-6-103 of this title.

12 SECTION 131. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
13 as Section 1-7-107 of Title 10A, unless there is created a duplication in numbering, reads as follows:

14 When two or more children in foster care are siblings, every reasonable attempt should be made  
15 to place them in the same home. In making a permanent placement, such children should be placed in  
16 the same permanent home or, if the siblings are separated, should be allowed contact or visitation with  
17 other siblings; provided, however, the best interests of each sibling shall be the standard for  
18 determining whether they should be placed in the same foster placement or permanent placement, or  
19 allowed contact or visitation with other siblings.

20 SECTION 132. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
21 as Section 1-7-114 of Title 10A, unless there is created a duplication in numbering, reads as follows:

22 A. The Department of Human Services and the Office of Juvenile Affairs shall be responsible  
23 for the completion of and costs of the foster parent eligibility assessment and any national criminal  
24

1 history records search based upon submission of fingerprints, preparation of a treatment and service  
2 plan, and a medical examination only for the children placed in the custody of the state agency. The  
3 state agency may provide for reimbursement of such expenses, costs, and charges so incurred pursuant  
4 to the Oklahoma Children's Code or the Oklahoma Juvenile Code, as applicable.

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

9 SECTION 133. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
10 as Section 1-8-102 of Title 10A, unless there is created a duplication in numbering, reads as follows:

11 A. Any court-appointed special advocate (CASA) available for appointment pursuant to the  
12 Oklahoma Children's Code or the Oklahoma Juvenile Code shall complete education and training  
13 courses in juvenile law, child abuse and neglect and other issues relating to children such as foster care  
14 and parental divorce, including, but not limited to, risk factors which may identify domestic abuse and  
15 potential violence and the relationship between alcohol or drug abuse and violence, safe visitation and  
16 supervised visitation arrangements and standards for a child and parties. The chief judge of the  
17 judicial district for which a court-appointed special advocate serves shall be responsible for developing  
18 and administering procedures and rules for such courses.

19 B. No court-appointed special advocate shall be assigned a case before:

20 1. Completing a training program in compliance with nationally documented Court-Appointed  
21 Special Advocate standards. Documentation of training shall be submitted annually by local court-  
22 appointed special advocate programs to the Oklahoma Court-Appointed Special Advocate Association;  
23 and  
24

1           2. Being approved by the local court-appointed special advocate program, which will include  
2 appropriate criminal background checks as provided in subsection C of this section.

3           C. 1. Each local court-appointed special advocate program shall require a criminal history  
4 records search conducted by the Oklahoma State Bureau of Investigation, and any other background  
5 check requirements as set forth in Oklahoma Court-Appointed Special Advocate Association state  
6 standards for local programs, for any person making application to become a court-appointed special  
7 advocate volunteer or to be employed by the local court-appointed special advocate program.

8           2. If the prospective court-appointed special advocate volunteer or employee of the local court-  
9 appointed special advocate program has lived in Oklahoma for less than one (1) year, a criminal  
10 history records search shall also be obtained from the criminal history state repository of the previous  
11 state of residence.

12           3. The Oklahoma Court-Appointed Special Advocate Association shall pay the fee for the  
13 criminal history records search provided in this subsection.

14           D. 1. Any person participating in a judicial proceeding as a court-appointed special advocate  
15 shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any  
16 civil liability that otherwise might be incurred or imposed.

17           2. Any person serving in a management position of a court-appointed special advocate  
18 organization, including a member of the Board of Directors acting in good faith, shall be immune from  
19 any civil liability or any vicarious liability for the negligence of any court-appointed special advocate  
20 organization advocates, managers, or directors.

21           SECTION 134. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
22 as Section 1-8-107 of Title 10A, unless there is created a duplication in numbering, reads as follows:  
23  
24

1 A. The court may issue an order directing the county sheriff or his designee of the county in  
2 which the court is located to provide transportation to a child who is the subject of a deprived  
3 proceeding, regardless of where the child is placed within the state, for purposes of the following:

4 1. Transferring the child from his or her current placement to a designated inpatient treatment  
5 facility, as more further defined in the Inpatient Mental Health and Substance Abuse Treatment of  
6 Minors Act;

7 2. Transferring the child from the inpatient treatment facility to court for hearing;

8 3. Transferring the child from an out-of-county placement to court for hearing and returning the  
9 child back to the out-of-county placement; and

10 4. Assisting the Department of Human Services in transporting a child from any location to  
11 placement when requested by the Department for purposes of ensuring the safekeeping of the child as  
12 well as the Department employee.

13 B. 1. The Department shall provide reimbursement to the county sheriff or his designee for  
14 necessary and actual expenses for transporting the child as follows:

15 a. a fee for the cost of personal services at the rate of Twelve Dollars (\$12.00) per  
16 hour,

17 b. mileage reimbursement for each mile actually traveled at the rate established in  
18 the State Travel Reimbursement Act,

19 c. meals for transporting personnel, not to exceed Seven Dollars (\$7.00) per meal,  
20 and

21 d. meals for the child being transported, not to exceed Seven Dollars (\$7.00) per  
22 meal.  
23  
24

1           2. The Department shall process and mail reimbursement claims within sixty (60) days of  
2 receipt. Payments for services provided by the county sheriff's office shall be paid to the county and  
3 deposited in the sheriff's service fee account.

4           C. The court issuing the transportation order shall make such provision for the transportation  
5 and safekeeping of a child as is appropriate in the circumstances.

6           SECTION 135.   NEW LAW   A new section of law not to be codified in the Oklahoma  
7 Statutes reads as follows:

8           Sections 1-1-101 through 1-1-105 of Title 10A of the Oklahoma Statutes shall be Chapter 1 –  
9 General Provisions and Definitions.

10          SECTION 136.   NEW LAW   A new section of law not to be codified in the Oklahoma  
11 Statutes reads as follows:

12          Sections 1-2-101 through 1-2-110 of Title 10A of the Oklahoma Statutes shall be Chapter 2 –  
13 Reporting and Investigations.

14          SECTION 137.   NEW LAW   A new section of law not to be codified in the Oklahoma  
15 Statutes reads as follows:

16          Sections 1-3-101 through 1-3-103 of Title 10A of the Oklahoma Statutes shall be Chapter 3 –  
17 Medical and Behavioral Health Treatment.

18          SECTION 138.   NEW LAW   A new section of law not to be codified in the Oklahoma  
19 Statutes reads as follows:

20          Sections 1-4-101 through 1-4-102 of Title 10A of the Oklahoma Statutes shall be Chapter 4, Part  
21 1 – Jurisdiction.

22          SECTION 139.   NEW LAW   A new section of law not to be codified in the Oklahoma  
23 Statutes reads as follows:  
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1 Sections 1-4-201 through 1-4-207 of Title 10A of the Oklahoma Statutes shall be Chapter 4, Part  
2 2 – Protective and Emergency Custody.

3 SECTION 140. NEW LAW A new section of law not to be codified in the Oklahoma  
4 Statutes reads as follows:

5 Sections 1-4-301 through 1-4-306 of Title 10A of the Oklahoma Statutes shall be Chapter 4, Part  
6 3 – Petition, Summons, Appointment of Counsel and Others.

7 SECTION 141. NEW LAW A new section of law not to be codified in the Oklahoma  
8 Statutes reads as follows:

9 Section 1-4-401 of Title 10A of the Oklahoma Statutes shall be Chapter 4, Part 4 – Discovery.

10 SECTION 142. NEW LAW A new section of law not to be codified in the Oklahoma  
11 Statutes reads as follows:

12 Sections 1-4-501 through 1-4-508 of Title 10A of the Oklahoma Statutes shall be Chapter 4, Part  
13 5 – Conduct of Hearings.

14 SECTION 143. NEW LAW A new section of law not to be codified in the Oklahoma  
15 Statutes reads as follows:

16 Sections 1-4-601 through 1-4-603 of Title 10A of the Oklahoma Statutes shall be Chapter 4, Part  
17 6 – Adjudication Hearing.

18 SECTION 144. NEW LAW A new section of law not to be codified in the Oklahoma  
19 Statutes reads as follows:

20 Sections 1-4-701 through 1-4-711 of Title 10A of the Oklahoma Statutes shall be Chapter 4, Part  
21 7 – Dispositional Hearings.

22 SECTION 145. NEW LAW A new section of law not to be codified in the Oklahoma  
23 Statutes reads as follows:  
24

1 Sections 1-4-801 through 1-4-814 of Title 10A of the Oklahoma Statutes shall be Chapter 4, Part  
2 8 – Postdispositional, Placement, and Miscellaneous Hearings.

3 SECTION 146. NEW LAW A new section of law not to be codified in the Oklahoma  
4 Statutes reads as follows:

5 Sections 1-4-901 through 1-4-909 of Title 10A of the Oklahoma Statutes shall be Chapter 4, Part  
6 9 – Termination of Parental Rights.

7 SECTION 147. NEW LAW A new section of law not to be codified in the Oklahoma  
8 Statutes reads as follows:

9 Sections 1-5-101 through 1-5-103 of Title 10A of the Oklahoma Statutes shall be Chapter 5 –  
10 Appeals.

11 SECTION 148. NEW LAW A new section of law not to be codified in the Oklahoma  
12 Statutes reads as follows:

13 Sections 1-6-101 through 1-6-108 of Title 10A of the Oklahoma Statutes shall be Chapter 6 –  
14 Children’s Records.

15 SECTION 149. NEW LAW A new section of law not to be codified in the Oklahoma  
16 Statutes reads as follows:

17 Sections 1-7-101 through 1-7-114 of Title 10A of the Oklahoma Statutes shall be Chapter 7 –  
18 Persons/Agencies Receiving Custody – Rights and Duties.

19 SECTION 150. NEW LAW A new section of law not to be codified in the Oklahoma  
20 Statutes reads as follows:

21 Sections 1-8-101 through 1-8-108 of Title 10A of the Oklahoma Statutes shall be Chapter 8 –  
22 Miscellaneous Provisions.  
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1 SECTION 151. NEW LAW A new section of law not to be codified in the Oklahoma  
2 Statutes reads as follows:

3 Sections 1-9-101 through 1-9-122 of Title 10A of the Oklahoma Statutes shall be Chapter –  
4 Programs, Contracts, and Administrative Provisions.

5 SECTION 152. REPEALER 10 O.S. 2001, Section 4, is hereby repealed.

6 SECTION 153. REPEALER 10 O.S. 2001, Section 5.1, is hereby repealed.

7 SECTION 154. REPEALER 10 O.S. 2001, Section 5A, is hereby repealed.

8 SECTION 155. REPEALER 10 O.S. 2001, Section 6, is hereby repealed.

9 SECTION 156. REPEALER 10 O.S. 2001, Section 6.5, is hereby repealed.

10 SECTION 157. REPEALER 10 O.S. 2001, Section 7, is hereby repealed.

11 SECTION 158. REPEALER 10 O.S. 2001, Section 8, is hereby repealed.

12 SECTION 159. REPEALER 10 O.S. 2001, Section 9, is hereby repealed.

13 SECTION 160. REPEALER 10 O.S. 2001, Section 10, is hereby repealed.

14 SECTION 161. REPEALER 10 O.S. 2001, Section 11, is hereby repealed.

15 SECTION 162. REPEALER 10 O.S. 2001, Section 12, is hereby repealed.

16 SECTION 163. REPEALER 10 O.S. 2001, Section 14, is hereby repealed.

17 SECTION 164. REPEALER 10 O.S. 2001, Section 16, is hereby repealed.

18 SECTION 165. REPEALER 10 O.S. 2001, Section 17, is hereby repealed.

19 SECTION 166. REPEALER 10 O.S. 2001, Section 18, is hereby repealed.

20 SECTION 167. REPEALER 10 O.S. 2001, Section 21.2, is hereby repealed.

21 SECTION 168. REPEALER 10 O.S. 2001, Section 21.3, is hereby repealed.

22 SECTION 169. REPEALER 10 O.S. 2001, Section 21.4, is hereby repealed.

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1 SECTION 170. REPEALER 10 O.S. 2001, Section 21.5, as amended by Section 1, Chapter  
2 286, O.S.L. 2006 (10 O.S. Supp. 2008, Section 21.5), is hereby repealed.

3 SECTION 171. REPEALER 10 O.S. 2001, Section 21.6, is hereby repealed.

4 SECTION 172. REPEALER 10 O.S. 2001, Section 23, is hereby repealed.

5 SECTION 173. REPEALER Section 1, Chapter 141, O.S.L. 2008 (10 O.S. Supp. 2008,  
6 Section 7002-1.3), is hereby repealed.

7 SECTION 174. REPEALER 10 O.S. 2001, Section 7003-2.2, is hereby repealed.

8 SECTION 175. REPEALER 10 O.S. 2001, Section 7003-2.3, is hereby repealed.

9 SECTION 176. REPEALER 10 O.S. 2001, Section 7003-7.2, is hereby repealed.

10 SECTION 177. REPEALER 10 O.S. 2001, Section 7004-1.2, is hereby repealed.

11 SECTION 178. REPEALER 10 O.S. 2001, Section 7004-1.4, is hereby repealed.

12 SECTION 179. REPEALER 10 O.S. 2001, Section 7004-3.3, is hereby repealed.

13 SECTION 180. REPEALER 10 O.S. 2001, Section 7005-1.4, as last amended by Section 3,  
14 Chapter 351, O.S.L. 2007 (10 O.S. Supp. 2008, Section 7005-1.4), is hereby repealed.

15 SECTION 181. REPEALER 10 O.S. 2001, Section 7005-1.5, is hereby repealed.

16 SECTION 182. REPEALER 10 O.S. 2001, Section 7005-1.7, is hereby repealed.

17 SECTION 183. REPEALER 10 O.S. 2001, Section 7006-1.4, is hereby repealed.

18 SECTION 184. REPEALER 10 O.S. 2001, Section 7006-1.5, is hereby repealed.

19 SECTION 185. REPEALER 10 O.S. 2001, Section 7006-1.6, is hereby repealed.

20 SECTION 186. REPEALER Section 9, Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2008,  
21 Section 7008-1.1), is hereby repealed.

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1 SECTION 187. REPEALER Sections 10, 11, 12 and 13, Chapter 205, O.S.L. 2006, as  
2 amended by Sections 4, 5, 6 and 7, Chapter 293, O.S.L. 2008 (10 O.S. Supp. 2008, Sections 7008-1.2,  
3 7008-1.3, 7008-1.4 and 7008-1.5), are hereby repealed.

4 SECTION 188. REPEALER Section 14, Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2008,  
5 Section 7008-1.6, is hereby repealed.

6 SECTION 189. REPEALER 10 O.S. 2001, Section 7101, is hereby repealed.

7 SECTION 190. REPEALER 10 O.S. 2001, Section 7102, as last amended by Section 5,  
8 Chapter 351, O.S.L. 2007 (10 O.S. Supp. 2008, Section 7102), is hereby repealed.

9 SECTION 191. REPEALER 10 O.S. 2001, Section 7104, as amended by Section 1,  
10 Chapter 53, O.S.L. 2005 (10 O.S. Supp. 2008, Section 7104), is hereby repealed.

11 SECTION 192. REPEALER 10 O.S. 2001, Sections 7201, 7202.3, 7202.4, 7203, 7203.1  
12 and 7203.2, are hereby repealed.

13 SECTION 193. RECODIFICATION 10 O.S. 2001, Section 5, as last amended by Section 1,  
14 Chapter 290, O.S.L. 2008 (10 O.S. Supp. 2008, Section 5), shall be recodified as Section 109.4 of Title  
15 43 of the Oklahoma Statutes, unless there is created a duplication in numbering.

16 SECTION 194. RECODIFICATION 10 O.S. 2001, Section 5.2, shall be recodified as  
17 Section 109.6 of Title 43 of the Oklahoma Statutes, unless there is created a duplication in numbering.

18 SECTION 195. RECODIFICATION 10 O.S. 2001, Section 13, shall be recodified as  
19 Section 209.2 of Title 43 of the Oklahoma Statutes, unless there is created a duplication in numbering.

20 SECTION 196. RECODIFICATION 10 O.S. 2001, Section 15, as amended by Section 1 of  
21 this act, shall be recodified as Section 112.4 of Title 43 of the Oklahoma Statutes, unless there is  
22 created a duplication in numbering.

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1 SECTION 197. RECODIFICATION 10 O.S. 2001, Section 17.1, shall be recodified as  
2 Section 2025.1 of Title 12 of the Oklahoma Statutes, unless there is created a duplication in  
3 numbering.

4 SECTION 198. RECODIFICATION 10 O.S. 2001, Section 19, shall be recodified as  
5 Section 112.2A of Title 43 of the Oklahoma Statutes, unless there is created a duplication in  
6 numbering.

7 SECTION 199. RECODIFICATION 10 O.S. 2001, Section 20, shall be recodified as  
8 Section 1.1 of Title 76 of the Oklahoma Statutes, unless there is created a duplication in numbering.

9 SECTION 200. RECODIFICATION 10 O.S. 2001, Section 21.1, as last amended by  
10 Section 2 of this act, shall be recodified as Section 112.4 of Title 43 of the Oklahoma Statutes, unless  
11 there is created a duplication in numbering.

12 SECTION 201. RECODIFICATION 10 O.S. 2001, Section 7001-1.1, as amended by  
13 Section 9 of this act, shall be recodified as Section 1-1-101 of Title 10A of the Oklahoma Statutes,  
14 unless there is created a duplication in numbering.

15 SECTION 202. RECODIFICATION 10 O.S. 2001, Section 7001-1.2, as amended by  
16 Section 10 of this act, shall be recodified as Section 1-1-102 of Title 10A of the Oklahoma Statutes,  
17 unless there is created a duplication in numbering.

18 SECTION 203. RECODIFICATION 10 O.S. 2001, Section 7001-1.3, as last amended by  
19 Section 11 of this act, shall be recodified as Section 1-1-105 of Title 10A of the Oklahoma Statutes,  
20 unless there is created a duplication in numbering.

21 SECTION 204. RECODIFICATION 10 O.S. 2001, Section 7002-3.1, as amended by  
22 Section 16 of this act, shall be recodified as Section 1-1-104 of Title 10A of the Oklahoma Statutes,  
23 unless there is created a duplication in numbering.  
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1 SECTION 205. RECODIFICATION 10 O.S. 2001, Section 7103, as amended by Section  
2 79 of this act, shall be recodified as Section 1-2-101 of Title 10A of the Oklahoma Statutes, unless  
3 there is created a duplication in numbering.

4 SECTION 206. RECODIFICATION 10 O.S. 2001, Section 7003-1.1, as amended by  
5 Section 17 of this act, shall be recodified as Section 1-2-102 of Title 10A of the Oklahoma Statutes,  
6 unless there is created a duplication in numbering.

7 SECTION 207. RECODIFICATION Section 15, Chapter 205, O.S.L. 2006 (10 O.S. Supp.  
8 2008, Section 7104.1), as amended by Section 80 of this act, shall be recodified as Section 1-2-103 of  
9 Title 10A of the Oklahoma Statutes, unless there is created a duplication in numbering.

10 SECTION 208. RECODIFICATION 10 O.S. 2001, Section 7105, as last amended by  
11 Section 81 of this act, shall be recodified as Section 1-2-104 of Title 10A of the Oklahoma Statutes,  
12 unless there is created a duplication in numbering.

13 SECTION 209. RECODIFICATION 10 O.S. 2001, Section 7106, as last amended by  
14 Section 83 of this act, shall be recodified as Section 1-2-105 of Title 10A of the Oklahoma Statutes,  
15 unless there is created a duplication in numbering.

16 SECTION 210. RECODIFICATION 10 O.S. 2001, Section 7108, as last amended by  
17 Section 85 of this act, shall be recodified as Section 1-2-106 of Title 10A of the Oklahoma Statutes,  
18 unless there is created a duplication in numbering.

19 SECTION 211. RECODIFICATION 10 O.S. 2001, Section 7109, as amended by Section  
20 86 of this act, shall be recodified as Section 1-2-107 of Title 10A of the Oklahoma Statutes, unless  
21 there is created a duplication in numbering.

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1 SECTION 212. RECODIFICATION 10 O.S. 2001, Section 7111, as amended by Section  
2 90 of this act, shall be recodified as Section 1-2-108 of Title 10A of the Oklahoma Statutes, unless  
3 there is created a duplication in numbering.

4 SECTION 213. RECODIFICATION 10 O.S. 2001, Section 7115.1, as amended by Section  
5 92 of this act, shall be recodified as Section 1-2-109 of Title 10A of the Oklahoma Statutes, unless  
6 there is created a duplication in numbering.

7 SECTION 214. RECODIFICATION 10 O.S. 2001, Section 7218, as amended by Section  
8 107 of this act, shall be recodified as Section 1-2-110 of Title 10A of the Oklahoma Statutes, unless  
9 there is created a duplication in numbering.

10 SECTION 215. RECODIFICATION 10 O.S. 2001, Section 170.1, as amended by Section 7  
11 of this act, shall be recodified as Section 1-3-101 of Title 10A of the Oklahoma Statutes, unless there is  
12 created a duplication in numbering.

13 SECTION 216. RECODIFICATION 10 O.S. 2001, Section 7003-2.5, as amended by  
14 Section 20 of this act, shall be recodified as Section 1-3-103 of Title 10A of the Oklahoma Statutes,  
15 unless there is created a duplication in numbering.

16 SECTION 217. RECODIFICATION 10 O.S. 2001, Section 7002-1.1, as last amended by  
17 Section 12 of this act, shall be recodified as Section 1-4-101 of Title 10A of the Oklahoma Statutes,  
18 unless there is created a duplication in numbering.

19 SECTION 218. RECODIFICATION 10 O.S. 2001, Section 7002-1.2, as amended by  
20 Section 13 of this act, shall be recodified as Section 1-4-102 of Title 10A of the Oklahoma Statutes,  
21 unless there is created a duplication in numbering.  
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1 SECTION 219. RECODIFICATION 10 O.S. 2001, Section 7003-2.1, as last amended by  
2 Section 18 of this act, shall be recodified as Section 1-4-201 of Title 10A of the Oklahoma Statutes,  
3 unless there is created a duplication in numbering.

4 SECTION 220. RECODIFICATION 10 O.S. 2001, Section 7003-2.4, as last amended by  
5 Section 19 of this act, shall be recodified as Section 1-4-202 of Title 10A of the Oklahoma Statutes,  
6 unless there is created a duplication in numbering.

7 SECTION 221. RECODIFICATION 10 O.S. 2001, Section 7003-8.5, as amended by  
8 Section 56 of this act, shall be recodified as Section 1-4-207 of Title 10A of the Oklahoma Statutes,  
9 unless there is created a duplication in numbering.

10 SECTION 222. RECODIFICATION 10 O.S. 2001, Section 7003-3.1, as last amended by  
11 Section 21 of this act, shall be recodified as Section 1-4-301 of Title 10A of the Oklahoma Statutes,  
12 unless there is created a duplication in numbering.

13 SECTION 223. RECODIFICATION 10 O.S. 2001, Section 7003-3.3, as amended by  
14 Section 22 of this act, shall be recodified as Section 1-4-302 of Title 10A of the Oklahoma Statutes,  
15 unless there is created a duplication in numbering.

16 SECTION 224. RECODIFICATION 10 O.S. 2001, Section 7003-3.4, as amended by  
17 Section 23 of this act, shall be recodified as Section 1-4-303 of Title 10A of the Oklahoma Statutes,  
18 unless there is created a duplication in numbering.

19 SECTION 225. RECODIFICATION 10 O.S. 2001, Section 7003-3.5, as amended by  
20 Section 24 of this act, shall be recodified as Section 1-4-304 of Title 10A of the Oklahoma Statutes,  
21 unless there is created a duplication in numbering.  
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1 SECTION 226. RECODIFICATION 10 O.S. 2001, Section 7003-3.6, as amended by  
2 Section 25 of this act, shall be recodified as Section 1-4-305 of Title 10A of the Oklahoma Statutes,  
3 unless there is created a duplication in numbering.

4 SECTION 227. RECODIFICATION 10 O.S. 2001, Section 7003-3.7, as last amended by  
5 Section 26 of this act, shall be recodified as Section 1-4-306 of Title 10A of the Oklahoma Statutes,  
6 unless there is created a duplication in numbering.

7 SECTION 228. RECODIFICATION 10 O.S. 2001, Section 7003-8.4, as amended by  
8 Section 55 of this act, shall be recodified as Section 1-4-501 of Title 10A of the Oklahoma Statutes,  
9 unless there is created a duplication in numbering.

10 SECTION 229. RECODIFICATION 10 O.S. 2001, Section 7003-3.8, as amended by  
11 Section 1, Chapter 473, O.S.L. 2002 (10 O.S. Supp. 2008, Section 7003-3.8), shall be recodified as  
12 Section 1-4-502 of Title 10A of the Oklahoma Statutes, unless there is created a duplication in  
13 numbering.

14 SECTION 230. RECODIFICATION 10 O.S. 2001, Section 7003-4.1, as last amended by  
15 Section 27 of this act, shall be recodified as Section 1-4-503 of Title 10A of the Oklahoma Statutes,  
16 unless there is created a duplication in numbering.

17 SECTION 231. RECODIFICATION 10 O.S. 2001, Section 7003-4.2, as amended by  
18 Section 28 of this act, shall be recodified as Section 1-4-505 of Title 10A of the Oklahoma Statutes,  
19 unless there is created a duplication in numbering.

20 SECTION 232. RECODIFICATION 10 O.S. 2001, Section 7003-4.3, as amended by  
21 Section 29 of this act, shall be recodified as Section 1-4-506 of Title 10A of the Oklahoma Statutes,  
22 unless there is created a duplication in numbering.  
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1 SECTION 233. RECODIFICATION 10 O.S. 2001, Section 7113, as amended by Section  
2 91 of this act, shall be recodified as Section 1-4-507 of Title 10A of the Oklahoma Statutes, unless  
3 there is created a duplication in numbering.

4 SECTION 234. RECODIFICATION 10 O.S. 2001, Section 7003-4.4, as amended by  
5 Section 30 of this act, shall be recodified as Section 1-4-602 of Title 10A of the Oklahoma Statutes,  
6 unless there is created a duplication in numbering.

7 SECTION 235. RECODIFICATION 10 O.S. 2001, Section 7003-4.5, as amended by  
8 Section 31 of this act, shall be recodified as Section 1-4-603 of Title 10A of the Oklahoma Statutes,  
9 unless there is created a duplication in numbering.

10 SECTION 236. RECODIFICATION 10 O.S. 2001, Section 7003-8.7, as last amended by  
11 Section 58 of this act, shall be recodified as Section 1-4-701 of Title 10A of the Oklahoma Statutes,  
12 unless there is created a duplication in numbering.

13 SECTION 237. RECODIFICATION Section 2, Chapter 198, O.S.L. 2004 (10 O.S. Supp.  
14 2008, Section 7003-8.8), as last amended by Section 59 of this act, shall be recodified as Section 1-4-  
15 702 of Title 10A of the Oklahoma Statutes, unless there is created a duplication in numbering.

16 SECTION 238. RECODIFICATION 10 O.S. 2001, Section 7003-5.2, as amended by  
17 Section 34 of this act, shall be recodified as Section 1-4-703 of Title 10A of the Oklahoma Statutes,  
18 unless there is created a duplication in numbering.

19 SECTION 239. RECODIFICATION 10 O.S. 2001, Section 7003-5.3, as last amended by  
20 Section 35 of this act, shall be recodified as Section 1-4-704 of Title 10A of the Oklahoma Statutes,  
21 unless there is created a duplication in numbering.  
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1 SECTION 240. RECODIFICATION 10 O.S. 2001, Section 7003-8.1, as last amended by  
2 Section 52 of this act, shall be recodified as Section 1-4-705 of Title 10A of the Oklahoma Statutes,  
3 unless there is created a duplication in numbering.

4 SECTION 241. RECODIFICATION 10 O.S. 2001, Section 7003-5.5, as last amended by  
5 Section 38 of this act, shall be recodified as Section 1-4-706 of Title 10A of the Oklahoma Statutes,  
6 unless there is created a duplication in numbering.

7 SECTION 242. RECODIFICATION 10 O.S. 2001, Section 7003-6.2A, as last amended by  
8 Section 48 of this act, shall be recodified as Section 1-4-802 of Title 10A of the Oklahoma Statutes,  
9 unless there is created a duplication in numbering.

10 SECTION 243. RECODIFICATION 10 O.S. 2001, Section 7003-5.4a, as amended by  
11 Section 37 of this act, shall be recodified as Section 1-4-804 of Title 10A of the Oklahoma Statutes,  
12 unless there is created a duplication in numbering.

13 SECTION 244. RECODIFICATION 10 O.S. 2001, Section 7208, as last amended by  
14 Section 100 of this act, shall be recodified as Section 1-4-805 of Title 10A of the Oklahoma Statutes,  
15 unless there is created a duplication in numbering.

16 SECTION 245. RECODIFICATION 10 O.S. 2001, Section 7003-5.5a, as last amended by  
17 Section 39 of this act, shall be recodified as Section 1-4-806 of Title 10A of the Oklahoma Statutes,  
18 unless there is created a duplication in numbering.

19 SECTION 246. RECODIFICATION 10 O.S. 2001, Section 7003-5.6, as last amended by  
20 Section 40 of this act, shall be recodified as Section 1-4-807 of Title 10A of the Oklahoma Statutes,  
21 unless there is created a duplication in numbering.

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1 SECTION 247. RECODIFICATION 10 O.S. 2001, Section 7003-5.6a, as amended by  
2 Section 41 of this act, shall be recodified as Section 1-4-808 of Title 10A of the Oklahoma Statutes,  
3 unless there is created a duplication in numbering.

4 SECTION 248. RECODIFICATION 10 O.S. 2001, Section 7003-4.6, as amended by  
5 Section 32 of this act, shall be recodified as Section 1-4-809 of Title 10A of the Oklahoma Statutes,  
6 unless there is created a duplication in numbering.

7 SECTION 249. RECODIFICATION 10 O.S. 2001, Section 7003-5.6e, as last amended by  
8 Section 44 of this act, shall be recodified as Section 1-4-810 of Title 10A of the Oklahoma Statutes,  
9 unless there is created a duplication in numbering.

10 SECTION 250. RECODIFICATION 10 O.S. 2001, Section 7003-5.6d, as last amended by  
11 Section 43 of this act, shall be recodified as Section 1-4-811 of Title 10A of the Oklahoma Statutes,  
12 unless there is created a duplication in numbering.

13 SECTION 251. RECODIFICATION 10 O.S. 2001, Section 7003-5.6h, as last amended by  
14 Section 46 of this act, shall be recodified as Section 1-4-812 of Title 10A of the Oklahoma Statutes,  
15 unless there is created a duplication in numbering.

16 SECTION 252. RECODIFICATION 10 O.S. 2001, Section 7003-5.6f, as amended by  
17 Section 45 of this act, shall be recodified as Section 1-4-813 of Title 10A of the Oklahoma Statutes,  
18 unless there is created a duplication in numbering.

19 SECTION 253. RECODIFICATION 10 O.S. 2001, Section 7003-6.1, shall be recodified as  
20 Section 1-4-814 of Title 10A of the Oklahoma Statutes, unless there is created a duplication in  
21 numbering.

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1 SECTION 254. RECODIFICATION 10 O.S. 2001, Section 7002-3.1, as amended by  
2 Section 16 of this act, shall be recodified as Section 1-4-901 of Title 10A of the Oklahoma Statutes,  
3 unless there is created a duplication in numbering.

4 SECTION 255. RECODIFICATION 10 O.S. 2001, Section 7003-4.7, as last amended by  
5 Section 33 of this act, shall be recodified as Section 1-4-902 of Title 10A of the Oklahoma Statutes,  
6 unless there is created a duplication in numbering.

7 SECTION 256. RECODIFICATION 10 O.S. 2001, Section 7006-1.1, as amended by  
8 Section 76 of this act, shall be recodified as Section 1-4-904 of Title 10A of the Oklahoma Statutes,  
9 unless there is created a duplication in numbering.

10 SECTION 257. RECODIFICATION 10 O.S. 2001, Section 7006-1.2, as amended by  
11 Section 77 of this act, shall be recodified as Section 1-4-905 of Title 10A of the Oklahoma Statutes,  
12 unless there is created a duplication in numbering.

13 SECTION 258. RECODIFICATION 10 O.S. 2001, Section 7006-1.3, as amended by  
14 Section 78 of this act, shall be recodified as Section 1-4-906 of Title 10A of the Oklahoma Statutes,  
15 unless there is created a duplication in numbering.

16 SECTION 259. RECODIFICATION 10 O.S. 2001, Section 7003-6.2, as last amended by  
17 Section 47 of this act, shall be recodified as Section 1-5-101 of Title 10A of the Oklahoma Statutes,  
18 unless there is created a duplication in numbering.

19 SECTION 260. RECODIFICATION 10 O.S. 2001, Section 7003-6.3, as amended by  
20 Section 49 of this act, shall be recodified as Section 1-5-102 of Title 10A of the Oklahoma Statutes,  
21 unless there is created a duplication in numbering.  
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1 SECTION 261. RECODIFICATION 10 O.S. 2001, Section 7003-6.4, as amended by  
2 Section 50 of this act, shall be recodified as Section 1-5-103 of Title 10A of the Oklahoma Statutes,  
3 unless there is created a duplication in numbering.

4 SECTION 262. RECODIFICATION 10 O.S. 2001, Section 7005-1.1, as amended by  
5 Section 71 of this act, shall be recodified as Section 1-6-101 of Title 10A of the Oklahoma Statutes,  
6 unless there is created a duplication in numbering.

7 SECTION 263. RECODIFICATION 10 O.S. 2001, Section 7005-1.2, as amended by  
8 Section 72 of this act, shall be recodified as Section 1-6-102 of Title 10 of the Oklahoma Statutes,  
9 unless there is created a duplication in numbering.

10 SECTION 264. RECODIFICATION 10 O.S. 2001, Section 7005-1.3, as last amended by  
11 Section 73 of this act, shall be recodified as Section 1-6-103 of Title 10A of the Oklahoma Statutes,  
12 unless there is created a duplication in numbering.

13 SECTION 265. RECODIFICATION Section 4, Chapter 351, O.S.L. 2007 (10 O.S. Supp.  
14 2008, Section 7005-1.9), as last amended by Section 75 of this act, shall be recodified as Section 1-6-  
15 105 of Title 10A of the Oklahoma Statutes, unless there is created a duplication in numbering.

16 SECTION 266. RECODIFICATION 10 O.S. 2001, Section 7107, as amended by Section  
17 84 of this act, shall be recodified as Section 1-6-107 of Title 10A of the Oklahoma Statutes, unless  
18 there is created a duplication in numbering.

19 SECTION 267. RECODIFICATION 10 O.S. 2001, Section 7005-1.8, shall be recodified as  
20 Section 1-6-108 of Title 10A of the Oklahoma Statutes, unless there is created a duplication in  
21 numbering.

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1 SECTION 268. RECODIFICATION 10 O.S. 2001, Section 7003-7.1, as last amended by  
2 Section 51 of this act, shall be recodified as Section 1-7-101 of Title 10A of the Oklahoma Statutes,  
3 unless there is created a duplication in numbering.

4 SECTION 269. RECODIFICATION 10 O.S. 2001, Section 7002-2.1, as amended by  
5 Section 14 of this act, shall be recodified as Section 1-7-102 of Title 10A of the Oklahoma Statutes,  
6 unless there is created a duplication in numbering.

7 SECTION 270. RECODIFICATION 10 O.S. 2001, Section 7004-1.1, as amended by  
8 Section 60 of this act, shall be recodified as Section 1-7-103 of Title 10A of the Oklahoma Statutes,  
9 unless there is created a duplication in numbering.

10 SECTION 271. RECODIFICATION 10 O.S. 2001, Section 7003-5.4, as amended by  
11 Section 36 of this act, shall be recodified as Section 1-7-104 of Title 10A of the Oklahoma Statutes,  
12 unless there is created a duplication in numbering.

13 SECTION 272. RECODIFICATION 10 O.S. 2001, Section 7004-3.2, as last amended by  
14 Section 68 of this act, shall be recodified as Section 1-7-105 of Title 10A of the Oklahoma Statutes,  
15 unless there is created a duplication in numbering.

16 SECTION 273. RECODIFICATION 10 O.S. 2001, Section 7202, as amended by Section  
17 93 of this act, shall be recodified as Section 1-7-106 of Title 10A of the Oklahoma Statutes, unless  
18 there is created a duplication in numbering.

19 SECTION 274. RECODIFICATION 10 O.S. 2001, Section 7204, as amended by Section  
20 94 of this act, shall be recodified as Section 1-7-108 of Title 10A of the Oklahoma Statutes, unless  
21 there is created a duplication in numbering.  
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1 SECTION 275. RECODIFICATION 10 O.S. 2001, Section 7205, as amended by Section  
2 96 of this act, shall be recodified as Section 1-7-109 of Title 10A of the Oklahoma Statutes, unless  
3 there is created a duplication in numbering.

4 SECTION 276. RECODIFICATION 10 O.S. 2001, Section 7207, as amended by Section  
5 99 of this act, shall be recodified as Section 1-7-110 of Title 10A of the Oklahoma Statutes, unless  
6 there is created a duplication in numbering.

7 SECTION 277. RECODIFICATION 10 O.S. 2001, Section 7209, as last amended by  
8 Section 101 of this act, shall be recodified as Section 1-7-111 of Title 10A of the Oklahoma Statutes,  
9 unless there is created a duplication in numbering.

10 SECTION 278. RECODIFICATION 10 O.S. 2001, Section 7214, as amended by Section  
11 106 of this act, shall be recodified as Section 1-7-112 of Title 10A of the Oklahoma Statutes, unless  
12 there is created a duplication in numbering.

13 SECTION 279. RECODIFICATION 10 O.S. 2001, Section 7221, as last amended by  
14 Section 108 of this act, shall be recodified as Section 1-7-113 of Title 10A of the Oklahoma Statutes,  
15 unless there is created a duplication in numbering.

16 SECTION 280. RECODIFICATION 10 O.S. 2001, Section 1211, as last amended by  
17 Section 8 of this act, shall be recodified as Section 1-8-101 of Title 10A of the Oklahoma Statutes,  
18 unless there is created a duplication in numbering.

19 SECTION 281. RECODIFICATION 10 O.S. 2001, Section 7003-8.6, as amended by  
20 Section 57 of this act, shall be recodified as Section 1-8-103 of Title 10A of the Oklahoma Statutes,  
21 unless there is created a duplication in numbering.

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1 SECTION 282. RECODIFICATION 10 O.S. 2001, Section 7003-8.2, as amended by  
2 Section 53 of this act, shall be recodified as Section 1-8-104 of Title 10A of the Oklahoma Statutes,  
3 unless there is created a duplication in numbering.

4 SECTION 283. RECODIFICATION 10 O.S. 2001, Section 7003-8.3, as amended by  
5 Section 54 of this act, shall be recodified as Section 1-8-105 of Title 10A of the Oklahoma Statutes,  
6 unless there is created a duplication in numbering.

7 SECTION 284. RECODIFICATION 10 O.S. 2001, Section 7005-1.6, as amended by  
8 Section 74 of this act, shall be recodified as Section 1-8-106 of Title 10A of the Oklahoma Statutes,  
9 unless there is created a duplication in numbering.

10 SECTION 285. RECODIFICATION 10 O.S. 2001, Section 7002-2.2, as amended by  
11 Section 15 of this act, shall be recodified as Section 1-8-108 of Title 10A of the Oklahoma Statutes,  
12 unless there is created a duplication in numbering.

13 SECTION 286. RECODIFICATION 10 O.S. 2001, Section 7105.1, as amended by Section  
14 82 of this act, shall be recodified as Section 1-9-101 of Title 10A of the Oklahoma Statutes, unless  
15 there is created a duplication in numbering.

16 SECTION 287. RECODIFICATION 10 O.S. 2001, Section 7110, as last amended by  
17 Section 87 of this act, shall be recodified as Section 1-9-102 of Title 10A of the Oklahoma Statutes,  
18 unless there is created a duplication in numbering.

19 SECTION 288. RECODIFICATION 10 O.S. 2001, Section 7110.1, as last amended by  
20 Section 88 of this act, shall be recodified as Section 1-9-103 of Title 10A of the Oklahoma Statutes,  
21 unless there is created a duplication in numbering.  
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1 SECTION 289. RECODIFICATION 10 O.S. 2001, Section 7110.2, as last amended by  
2 Section 89 of this act, shall be recodified as Section 1-9-104 of Title 10A of the Oklahoma Statutes,  
3 unless there is created a duplication in numbering.

4 SECTION 290. RECODIFICATION 10 O.S. 2001, Section 7004-1.3, as amended by  
5 Section 61 of this act, shall be recodified as Section 1-9-105 of Title 10A of the Oklahoma Statutes,  
6 unless there is created a duplication in numbering.

7 SECTION 291. RECODIFICATION 10 O.S. 2001, Section 7004-1.5, as amended by  
8 Section 62 of this act, shall be recodified as Section 1-9-106 of Title 10A of the Oklahoma Statutes,  
9 unless there is created a duplication in numbering.

10 SECTION 292. RECODIFICATION 10 O.S. 2001, Section 7004-1.6, as amended by  
11 Section 63 of this act, shall be recodified as Section 1-9-107 of Title 10A of the Oklahoma Statutes,  
12 unless there is created a duplication in numbering.

13 SECTION 293. RECODIFICATION 10 O.S. 2001, Section 7004-1.7, as amended by  
14 Section 64 of this act, shall be recodified as Section 1-9-108 of Title 10A of the Oklahoma Statutes,  
15 unless there is created a duplication in numbering.

16 SECTION 294. RECODIFICATION Section 7, Chapter 205, O.S.L. 2006 (10 O.S. Supp.  
17 2008, Section 7004-1.8), as last amended by Section 65 of this act, shall be recodified as Section 1-9-  
18 109 of Title 10A of the Oklahoma Statutes, unless there is created a duplication in numbering.

19 SECTION 295. RECODIFICATION 10 O.S. 2001, Section 7004-2.1, as amended by  
20 Section 66 of this act, shall be recodified as Section 1-9-110 of Title 10A of the Oklahoma Statutes,  
21 unless there is created a duplication in numbering.  
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1 SECTION 296. RECODIFICATION 10 O.S. 2001, Section 7004-3.1, as amended by  
2 Section 67 of this act, shall be recodified as Section 1-9-111 of Title 10A of the Oklahoma Statutes,  
3 unless there is created a duplication in numbering.

4 SECTION 297. RECODIFICATION 10 O.S. 2001, Section 7004-3.4, as last amended by  
5 Section 69 of this act, shall be recodified as Section 1-9-112 of Title 10A of the Oklahoma Statutes,  
6 unless there is created a duplication in numbering.

7 SECTION 298. RECODIFICATION 10 O.S. 2001, Section 7004-3.5, as amended by  
8 Section 70 of this act, shall be recodified as Section 1-9-113 of Title 10A of the Oklahoma Statutes,  
9 unless there is created a duplication in numbering.

10 SECTION 299. RECODIFICATION 10 O.S. 2001, Section 7112, shall be recodified as  
11 Section 51b of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering.

12 SECTION 300. RECODIFICATION 10 O.S. 2001, Section 7114, shall be recodified as  
13 Section 51c of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering.

14 SECTION 301. RECODIFICATION 10 O.S. 2001, Section 7115, shall be recodified as  
15 Section 51d of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering.

16 SECTION 302. RECODIFICATION 10 O.S. 2001, Section 7210, as amended by Section  
17 102 of this act, shall be recodified as Section 1-9-114 of Title 10A of the Oklahoma Statutes, unless  
18 there is created a duplication in numbering.

19 SECTION 303. RECODIFICATION 10 O.S. 2001, Section 7211, as amended by Section  
20 103 of this act, shall be recodified as Section 1-9-115 of Title 10A of the Oklahoma Statutes, unless  
21 there is created a duplication in numbering.

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1 SECTION 304. RECODIFICATION 10 O.S. 2001, Section 7212, as amended by Section  
2 104 of this act, shall be recodified as Section 1-9-116 of Title 10A of the Oklahoma Statutes, unless  
3 there is created a duplication in numbering.

4 SECTION 305. RECODIFICATION 10 O.S. 2001, Section 7204.1, as amended by Section  
5 95 of this act, shall be recodified as Section 1-9-117 of Title 10A of the Oklahoma Statutes, unless  
6 there is created a duplication in numbering.

7 SECTION 306. RECODIFICATION 10 O.S. 2001, Section 7206, as last amended by  
8 Section 97 of this act, shall be recodified as Section 1-9-118 of Title 10A of the Oklahoma Statutes,  
9 unless there is created a duplication in numbering.

10 SECTION 307. RECODIFICATION 10 O.S. 2001, Section 7206.1, as amended by Section  
11 98 of this act, shall be recodified as Section 1-9-119 of Title 10A of the Oklahoma Statutes, unless  
12 there is created a duplication in numbering.

13 SECTION 308. RECODIFICATION 10 O.S. 2001, Section 7213, as amended by Section  
14 105 of this act, shall be recodified as Section 1-9-120 of Title 10A of the Oklahoma Statutes, unless  
15 there is created a duplication in numbering.

16 SECTION 309. RECODIFICATION 10 O.S. 2001, Section 7220, shall be recodified as  
17 Section 1-9-121 of Title 10A of the Oklahoma Statutes, unless there is created a duplication in  
18 numbering.

19 SECTION 310. RECODIFICATION 10 O.S. 2001, Section 7003-5.6b, as last amended by  
20 Section 42 of this act, shall be recodified as Section 1-9-122 of Title 10A of the Oklahoma Statutes,  
21 unless there is created a duplication in numbering.  
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1           SECTION 311. It being immediately necessary for the preservation of the public peace, health  
2 and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be  
3 in full force from and after its passage and approval.

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