

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1315

By: Ortega

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7 COMMITTEE SUBSTITUTE

8 An Act relating to children; amending 10 O.S. 2001, Section 7004-1.5, which
9 relates to the placement of certain children in kinship foster care; modifying
10 duties of the Department of Human Services for the placement of children in
11 certain circumstances; providing a deadline for certain placement
12 determinations; and providing an effective date.

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

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

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

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

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

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

13 C. 1. ~~Upon the completion of the~~ The Department shall complete a records search to ascertain if
14 there is an Oklahoma record of criminal history for the prospective kinship foster parent or any other
15 adult residing in the prospective kinship foster parent's home ~~and subject to any other standards~~
16 ~~established by the Department, a.~~ A child may shall be placed in the kinship home, provided that the
17 prospective kinship home meets all other eligibility standards established by the Department and such
18 placement is in the best interests of the child. If the Department determines that placement in a
19 prospective kinship foster home is not in the best interests of the child, the Department shall provide to
20 the prospective kinship foster parents the reasons therefor. The records search and eligibility
21 determination shall be completed within seven (7) days of identification of a prospective kinship foster
22 home. A kinship foster parent shall not be entitled to any payments for providing foster care until such
23 foster parent receives final approval from the Department to be a kinship foster parent.
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1 2. Following placement, the Oklahoma State Bureau of Investigation shall complete a national
2 criminal history records search based upon submission of fingerprints for any kinship foster parent and
3 any adult residing in the home of such parent, and shall make the results of the records search available
4 to the Department pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act.

5 The Director of Human Services or designee may authorize an exception to the fingerprinting
6 requirement for an adult residing in the kinship foster care home who has a severe physical condition
7 which precludes such person's being fingerprinted.

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

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

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

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

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

- 18 1. Reviewing personal and professional references;
- 19 2. Observing during a visit to the home of the kinship foster care family; and
- 20 3. Interviewing the kinship foster care parent.

21 F. When the kinship foster parent is finally approved by the Department, in accordance with
22 rules promulgated by the Commission for Human Services regarding foster care services, the kinship
23 foster care family shall be eligible to receive payment for the full foster care rate for the care of the
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1 child and any other benefits that might be available to foster parents, whether monetary or in services.
2 If a child is placed with a kinship foster parent prior to the home's final approval as a foster care home,
3 the Department shall immediately refer such child and family for assistance through the Temporary
4 Assistance for Needy Families Program.

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

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

10 H. The Commission for Human Services shall promulgate rules necessary to carry out the
11 provisions of this section pursuant to the Administrative Procedures Act.

12 SECTION 2. This act shall become effective November 1, 2009.

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