

1 STATE OF OKLAHOMA

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

3 SUBCOMMITTEE  
4 RECOMMENDATION

5 FOR ENGROSSED

6 SENATE BILL NO. 339

By: Anderson and Easley of the  
Senate

and

Peters of the House

8  
9  
10 SUBCOMMITTEE RECOMMENDATION

11 An Act relating to children; amending 10 O.S. 2001,  
12 Sections 7003-2.4, as last amended by Section 2,  
13 Chapter 293, O.S.L. 2008, 7003-5.3, as last amended  
14 by Section 2, Chapter 258, O.S.L. 2006, 7003-5.5, as  
15 amended by Section 3, Chapter 258, O.S.L. 2006, 7003-  
16 5.6, as last amended by Section 2, Chapter 196,  
17 O.S.L. 2007, 7003-5.6d, as last amended by Section 3,  
18 Chapter 196, O.S.L. 2007 and 7204 (10 O.S. Supp.  
19 2008, Sections 7003-2.4, 7003-5.3, 7003-5.5, 7003-5.6  
20 and 7003-5.6d), which relate to child placement;  
21 requiring courts to make certain determinations at  
22 specified hearings; directing courts to require  
23 completion of certain affidavit; requiring the Office  
24 of the Administrative Director of the Courts to  
create certain form; directing the Department of  
Human Services to identify relatives of children in  
specified circumstances; requiring certain  
notification; directing the Commission for Human  
Services to promulgate certain rules; requiring  
individual treatment and service plans to include a  
plan to ensure the educational stability of a child;  
requiring courts to make certain reasonable efforts  
rulings at certain hearings; requiring courts to  
determine whether certain services have been provided  
to certain children; requiring court to make certain  
rulings prior to reunification of families; updating  
agency designations; requiring the Department of  
Human Services and the Office of Juvenile Affairs to

1 assure that certain children are receiving  
2 appropriate education; updating agency designations;  
3 and declaring an emergency.  
4

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

6 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7003-2.4, as  
7 last amended by Section 2, Chapter 293, O.S.L. 2008 (10 O.S. Supp.  
8 2008, Section 7003-2.4), is amended to read as follows:

9 Section 7003-2.4 A. 1. The peace officer or an employee of  
10 the court shall provide the parent, legal guardian, or custodian of  
11 a child immediate written notice of the protective or emergency  
12 custody of the child whenever possible.

13 2. The written notice shall:

- 14 a. inform the parents, legal guardian, or custodian that  
15 the child has been removed from the home,  
16 b. inform the parent, legal guardian, or custodian of the  
17 child that an emergency custody hearing to determine  
18 custody of the child will occur within two (2)  
19 judicial days from the date the child was removed from  
20 the home, and  
21 c. contain information about the:  
22 (1) emergency custody hearing process including, but  
23 not limited to, the date, time and place that the  
24

1 child was taken into protective or emergency  
2 custody,

3 (2) nature of the allegation that led to placement of  
4 the child into protective or emergency custody,

5 (3) address and telephone number of the local and  
6 county law enforcement agencies,

7 (4) phone number of the local child welfare office of  
8 the Department of Human Services, and

9 (5) right of the parent, legal guardian or custodian  
10 to contact an attorney.

11 3. The written notice shall also contain the following or  
12 substantially similar language: "FAILURE TO RESPOND TO THIS NOTICE  
13 OR TO APPEAR AT THE EMERGENCY CUSTODY HEARING MEANS YOUR CHILD WILL  
14 STAY OR BE PLACED IN EMERGENCY CUSTODY. YOUR FAILURE TO RESPOND OR  
15 COOPERATE MEANS YOU MAY LOSE CUSTODY OF THIS CHILD OR YOUR RIGHTS AS  
16 A PARENT MAY BE TERMINATED."

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

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

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

- 14           3. a. At the emergency custody hearing, the court shall:
  - 15           (1) release the child to the child's parent, legal  
16           guardian or custodian or other responsible adult  
17           without conditions or under such conditions as  
18           the court finds reasonably necessary to ensure  
19           the health, safety or welfare of the child, or
  - 20           (2) continue the child in or place the child into  
21           emergency custody if continuation of the child in  
22           the child's home is contrary to the health,  
23           safety or welfare of the child,

1 (3) obtain information from the parent, legal  
2 guardian or custodian necessary to identify and  
3 locate kinship placement resources. If such  
4 information indicates that within one (1) year of  
5 the emergency custody hearing the child had  
6 resided with a grandparent for six (6) months,  
7 and that such grandparent was the primary  
8 caregiver and provided primary financial support  
9 for the child during such time, the court shall  
10 provide notice and an opportunity to be heard at  
11 future hearings to such grandparent, ~~and~~

12 (4) require the Department to provide to any  
13 custodian or other person caring for the child  
14 information on Department of Human Services  
15 programs and services available to the child and  
16 provide written notice of any further proceedings  
17 to any foster or preadoptive parents or relatives  
18 providing care for a child, and

19 (5) in accordance with the safety or well-being of  
20 any child, determine whether reasonable efforts  
21 have been made to:

22 (a) place siblings, who have been removed,  
23 together in the same foster care,  
24 guardianship or adoptive placement, and

1                   (b) provide for frequent visitation or other  
2                   ongoing interaction in the case of siblings  
3                   who have been removed and who are not placed  
4                   together.

5           b.   If a child has been removed from the custodial parent  
6           of the child and the court, in the best interests of  
7           the child, is unable to release the child to the  
8           custodial parent, the court shall give priority for  
9           placement of the child with the noncustodial parent of  
10          the child unless such placement would not be in the  
11          child's best interests. If the court cannot place the  
12          child with the noncustodial parent, custody shall be  
13          consistent with the provisions of Section 21.1 of this  
14          title. If custody of the child cannot be made  
15          pursuant to the provisions of Section 21.1 of this  
16          title, the reason for such determination shall be  
17          documented in the court record.

18          C.   The court shall order the parent, legal guardian, or  
19          custodian to complete an affidavit listing the names, addresses and  
20          phone numbers of any parent, whether known or alleged, grandparent,  
21          adult aunt, uncle, brother, sister, half-sibling and first cousin of  
22          the child and any comments concerning the appropriateness of the  
23          child's potential placement with such relative. If none exist, the  
24          court shall further require the parents, legal guardian or custodian

1 to list any other adult relatives or persons with whom the child has  
2 had a substantial relationship or who may be a suitable placement  
3 for the child.

4 D. The Office of the Administrative Director of the Courts  
5 shall create an affidavit form and make it available to each court  
6 responsible for conducting emergency custody hearings. The  
7 affidavit form shall contain a notice to the parent, legal guardian  
8 or custodian that failure to identify a parent or relative in a  
9 timely manner may result in the child being permanently placed  
10 outside of the home of the child's parent or relative. The  
11 affidavit form shall also advise the parent, legal guardian or  
12 custodian of the penalties associated with perjury and contempt of  
13 court. The original completed affidavit shall be filed with the  
14 court clerk no later than five (5) days after the hearing or as  
15 otherwise directed by the court, and a copy shall be provided to the  
16 Department.

17 E. The Department shall, within thirty (30) days of a child's  
18 removal, exercise due diligence to identify adult relatives. Notice  
19 shall be provided by the Department to all grandparents and to such  
20 other adult relatives as the court directs. The Department may  
21 notify any adult relative for the purpose of assessing whether the  
22 relative may be a suitable placement for the child or to maintain  
23 the child's connection to kin or culture. The notice, ordered by  
24 the court, shall advise the relatives:

1       1. That the child has been or is being removed from the custody  
2 of the parent or parents of the child;

3       2. Of the options under applicable law to participate in the  
4 care and placement of the child, including any options that may be  
5 lost by failing to respond to the notice; and

6       3. Of the requirements to become a foster family home and the  
7 additional services and supports available for children placed in  
8 such a home.

9       Relatives shall not be notified if the court determines that  
10 such notification would not be in the best interests of a child due  
11 to past or current family or domestic violence. The Commission for  
12 Human Services may promulgate rules in furtherance of the provisions  
13 of this section.

14       F. If it is determined by agreement of the office of the  
15 district attorney and the Department of Human Services that a child  
16 may be safely returned home prior to an emergency custody hearing,  
17 the following form or a substantially similar form shall be  
18 completed by the office of the district attorney and the Department  
19 and filed of record:

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

21                                               STATE OF OKLAHOMA

22 IN THE MATTER OF:

23 \_\_\_\_\_

24 ALLEGED DEPRIVED CHILD (REN)

MEMORANDUM

CHILD WELFARE WORKER:

ASSISTANT DISTRICT ATTORNEY:

\_\_\_ INVESTIGATION REVEALED ALLEGATIONS NOT CONFIRMED

\_\_\_ SERVICES WERE OFFERED AND ACCEPTED

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

PROTECT CHILD FROM HARM

\_\_\_ OTHER:

NOTES:

CHILD(REN) RELEASED TO:

\_\_\_\_\_  
ASSISTANT DISTRICT ATTORNEY

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

\_\_\_\_\_

DHS CHILD WELFARE WORKER.

~~D.~~ G. 1. Except as otherwise provided by this subsection, a petition for a deprived child proceeding shall be filed and a summons issued within five (5) judicial days from the date of assumption of custody; provided, however, such time period may be extended a period of time not to exceed fifteen (15) calendar days from the date of assumption of custody of the child if, upon request

1 of the district attorney at the emergency custody hearing, the court  
2 determines there are compelling reasons to grant additional time for  
3 the filing of the petition for a deprived child proceeding.

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

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

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

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

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

24

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

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

6            a. that continuation of the child in the child's home is  
7                    contrary to the health, safety or welfare of the  
8                    child, and

9            b. as to whether or not reasonable efforts were made to  
10                   prevent the need for the removal of the child from the  
11                   child's home, or

12           c. as to whether or not an absence of efforts to prevent  
13                   the removal of the child from the child's home is  
14                   reasonable because the removal is due to an alleged  
15                   emergency and is for the purpose of providing for the  
16                   health, safety or welfare of the child, or

17           d. that reasonable efforts to provide for the return of  
18                   the child to the child's home are not required  
19                   pursuant to Section 7003-4.6 of this title; provided,  
20                   however, upon such determination, the court shall  
21                   inform the parent that a permanency hearing will be  
22                   held within thirty (30) days from the determination.

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

4        SECTION 2.        AMENDATORY        10 O.S. 2001, Section 7003-5.3, as  
5 last amended by Section 2, Chapter 258, O.S.L. 2006 (10 O.S. Supp.  
6 2008, Section 7003-5.3), is amended to read as follows:

7        Section 7003-5.3 A. An individual treatment and service plan  
8 shall be filed with the court within thirty (30) days after a child  
9 has been adjudicated to be deprived.

10        B. The plan shall be filed by the Department of Human Services  
11 or the agency responsible for the supervision of the case, or by the  
12 Department or the agency or licensed child-placing agency having  
13 custody of the child if the child has been removed from the custody  
14 of its lawful parent or parents.

15        C. The treatment and service plan shall be based upon a  
16 comprehensive assessment and evaluation of the child and family.  
17 The plan shall be:

18        1. Developed with the participation or input of the parent,  
19 legal guardian, or custodian of the child, the attorney of the child  
20 and the guardian ad litem of the child, if any, and, if appropriate,  
21 the child;

22        2. Individualized and specific to each child and the family of  
23 the child. The plan shall contain specific time frames;

24

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

6           4. Subject to modification based on changing circumstances  
7 consistent with the correction of the conditions that led to the  
8 adjudication of the child; and

9           5. Reasonable, accurate, and in compliance with the  
10 requirements of other court orders.

11           D. The individual treatment and service plan shall include, but  
12 not be limited to:

13           1. A history of the child and family, including identification  
14 of the problems leading to the deprived child adjudication. The  
15 statement of the conditions leading to the adjudication shall  
16 include a statement of the methods to be used to correct those  
17 conditions or to achieve permanent placement of the child;

18           2. Identification of the specific services to be provided to  
19 the child including, but not limited to, educational, vocational  
20 educational, medical, drug or alcohol abuse treatment, or counseling  
21 or other treatment services, and identification of the services to  
22 be provided to the parent, legal guardian, custodian, stepparent,  
23 other adult person living in the home or other family members, to  
24 remediate or alleviate the conditions that led to the adjudication,

1 including services needed to assist the family to provide safe and  
2 proper care of the child or to prevent further harm to the child;

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

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

9 5. If the child is placed outside the home:

10 a. the services to be provided during and after any such  
11 placement,

12 b. the reasons for such placement and a statement as to  
13 the unavailability or inappropriateness of local  
14 placement, or other good cause, for any placement  
15 which is not in as close proximity as possible to the  
16 home of the child,

17 c. the services to be provided to the child to ensure  
18 safe and proper care while in such placement and the  
19 projected date of discharge,

20 d. the services necessary to assist the child to  
21 reintegrate with the child's family or other  
22 community-based placement and a description of acts by  
23 and conduct that is expected of the parent or parents,  
24 legal guardian, custodian, or stepparent or other

- 1 adult person living in the home that would alleviate  
2 the conditions that resulted in the removal of the  
3 child before the child can be returned to a safe home,
- 4 e. if the child is sixteen (16) years of age or older,  
5 the services necessary to make the transition from  
6 foster care or other community placement to  
7 independent living,
  - 8 f. a description of the type of safe and proper placement  
9 in which the child is to be placed,
  - 10 g. a description of the initial support obligation to the  
11 child, as determined by the court,
  - 12 h. a description of any visitation rights and obligations  
13 of the parent or parents, legal guardian, or custodian  
14 during the period the child is in care, ~~and~~
  - 15 i. a discussion of the safety and appropriateness of the  
16 child's placement, which placement is intended to be  
17 in the least restrictive and most family-like setting  
18 available, consistent with the best interests and  
19 special needs of the child and in as close proximity  
20 as possible to the child's home, and
  - 21 j. a plan for ensuring the educational stability of the  
22 child while in out-of-home placement, including:
    - 23 (1) assurances that the placement of the child  
24 considers the appropriateness of the current

1 educational setting and the proximity to the  
2 school in which the child was enrolled at the  
3 time of placement, and

4 (2) where appropriate, an assurance that the  
5 Department has coordinated with appropriate local  
6 educational agencies to ensure that the child  
7 remains in the school in which the child was  
8 enrolled at the time of placement, or

9 (3) if remaining in the school in which the child was  
10 enrolled at the time of placement is not in the  
11 best interests of the child, assurances by the  
12 Department and the local educational agencies to  
13 provide immediate and appropriate enrollment in a  
14 new school with all of the educational records of  
15 the child provided to the school;

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

20 7. A projected date for the completion of the treatment and  
21 service plan;

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

1 9. The permanency goal for the child and the reason for  
2 selection of that goal; and

3 10. a. In the case of a child with respect to whom the  
4 permanency plan is adoption or placement in other  
5 permanent placement, documentation of the steps the  
6 Department is taking to:

7 (1) find an adoptive family or other permanent living  
8 arrangement for the child,

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

13 (3) finalize the adoption or guardianship, kinship  
14 guardianship or other permanent placement.

15 b. Such documentation shall include, at a minimum, child-  
16 specific recruitment efforts such as the use of state,  
17 regional and national adoption exchanges, including  
18 electronic exchange systems.

19 E. Each treatment plan shall specifically provide for the  
20 safety of the child, in accordance with state and federal law, and  
21 clearly define what actions or precautions will, or may, be  
22 necessary to provide for the safety and protection of the child.

23 F. The individual treatment and service plan shall include the  
24 following statement:

1 TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE  
2 IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE  
3 REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR  
4 UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME, YOUR PARENTAL AND  
5 CUSTODIAL DUTIES AND RIGHTS MAY BE RESTRICTED OR TERMINATED OR YOUR  
6 CHILD MAY NOT BE RETURNED TO YOU.

7 G. Whenever a child who is subject to the provisions of this  
8 section is committed for inpatient mental health or substance abuse  
9 treatment pursuant to the Inpatient Mental Health and Substance  
10 Abuse Treatment of Minors Act, the individual treatment and service  
11 plan shall be amended as necessary and appropriate, including, but  
12 not limited to, identification of the treatment and services to be  
13 provided to the child and the child's family upon discharge of the  
14 child from inpatient mental health or substance abuse treatment.

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

- 21 1. May require, as part of the treatment and service plan, that  
22 the mother of such child complete a treatment program approved by  
23 the Alcohol and Drug Abuse Prevention, Training, Treatment and  
24

1 Rehabilitation Authority prior to the return of the child to a safe  
2 home;

3 2. May require, as part of the treatment and service plan, that  
4 the father of the child, legal guardian, custodian, stepparent or  
5 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  
7 of Title 43A of the Oklahoma Statutes, and whose conduct has  
8 contributed to the dependency of such child or mother on alcohol or  
9 drugs, or to the conditions which caused the child to be adjudicated  
10 deprived, complete a treatment program approved by the Alcohol and  
11 Drug Abuse Prevention, Training, Treatment and Rehabilitation  
12 Authority prior to the return of the child to the safe home; and

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

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

23 J. The services delineated in the individual treatment and  
24 service plan shall be designed to improve the conditions in the

1 family home and aid in maintaining the child in a safe home, to  
2 facilitate the return of the child to the family home, or to  
3 facilitate the permanent placement of the child. The plan shall  
4 focus on clearly defined objectives and shall provide the most  
5 efficient path to quick reunification or permanent placement. To  
6 the extent possible, the plan shall contain outcome-based evaluation  
7 criteria that measure success in the reunification or permanent  
8 placement process.

9 K. In the event that the parent or parents are unwilling to  
10 participate in the development or implementation of the individual  
11 treatment and service plan, the Department shall document such  
12 unwillingness in writing to the parent or parents and shall file the  
13 document with the court.

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

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

21 Section 7003-5.5 A. 1. When a child has been adjudicated  
22 deprived pursuant to the provisions of Section 7003-4.5 of this  
23 title, the court may enter a dispositional order on the same day,  
24 but in any event the court shall hold a dispositional hearing and

1 enter such order within forty (40) days of such adjudication unless  
2 the court finds on the record that the best interests of the child  
3 will be served by granting a delay.

4 2. If the court grants a delay, the court shall state why the  
5 delay is necessary and shall state the minimum amount of time needed  
6 to resolve any such reasons for the delay. The court shall schedule  
7 the dispositional hearing at the earliest possible time following  
8 the delay.

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

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

19 1. a. The court may place the child under supervision by the  
20 Department of Human Services in the child's own home,  
21 or in the custody of a suitable person elsewhere. If  
22 a child has been removed from the custodial parent of  
23 the child and the court, in the best interests of the  
24 child, is unable to release the child to the custodial

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

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

1           The conduct specified shall be such as would  
2           reasonably prevent the child from becoming or  
3           continuing to be deprived.

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

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

12          3.    The court may place the child in the custody of a private  
13          institution or agency, including any institution established and  
14          operated by the county, authorized to care for children or to place  
15          them in family homes. In placing a child in a private institution  
16          or agency, the court shall select one that is licensed by the  
17          Department or any other state department supervising or licensing  
18          private institutions and agencies; or, if such institution or agency  
19          is in another state, by the analogous department of that state.

20          Whenever the court shall place a child in any institution or agency,  
21          it shall transmit with the order of commitment a summary of its  
22          information concerning the child, and such institution or agency  
23          shall give to the court such information concerning the child as the  
24          court may at any time require.

1 4. The court may order the child to receive counseling or other  
2 community-based services as necessary.

3 5. The court may place the child in the custody of the  
4 Department.

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

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

21 (1) the other parent is deceased,

22 (2) the other parent has been determined by a court  
23 of law to be incompetent or incapacitated,  
24

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

21 b. Prior to the entry of an order transferring the  
22 permanent care and custody of a child, the court shall  
23 receive an investigation and report regarding the  
24 background and home of the prospective custodian.

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

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

10 (2) the child is in the custody or under the legal  
11 supervision of the Department.

12 c. Upon the entry of an order providing for the transfer  
13 of the permanent care and custody of a child, the  
14 order shall remain in full force and effect until:

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

16 (2) the child marries or is legally emancipated, or

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

21 (a) the child has been abused or neglected while  
22 in the care and custody of the custodian,  
23 and  
24

1 (b) it is in the best interests of the child  
2 that custody of the child be returned to the  
3 parents,

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

13 (5) the order terminates because of the death or  
14 incapacity of the custodian or the death of the  
15 child, or

16 (6) the child is adopted.

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

19 (1) shall require that the placement be reviewed  
20 within one (1) year after transfer and may  
21 require the person to whom custody is transferred  
22 to submit any records or reports the court deems  
23 necessary for purposes of such review. Such  
24

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

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

- 22 (1) protection,
- 23 (2) education,
- 24 (3) care and control,

- (4) custody, and
- (5) decision making.

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

c. The petition for kinship guardianship shall allege that:

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

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

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

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

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

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

20 (6) the child is adopted.

21 i. An order appointing a kinship guardian shall:

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

1 to submit any records or reports the court deems  
2 necessary for purposes of such review. Such  
3 order shall not require the Department to  
4 supervise the placement during such period,

5 (2) not require periodic reviews by the court  
6 thereafter if the parties agree with the assent  
7 of the court that such reviews are not necessary  
8 to serve the best interests of the child, unless  
9 periodic reviews are otherwise required by the  
10 court, and

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

24

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

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

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

11 1. Place siblings, who have been removed, together in the same  
12 foster care, guardianship or adoptive placement; and

13 2. Provide for frequent visitation or other ongoing interaction  
14 in the case of siblings who have been removed and who are not placed  
15 together.

16 J. 1. If reasonable efforts are required for the return of the  
17 child to the child's home, the court shall allow the parent of the  
18 child not less than three (3) months to correct conditions which led  
19 to the adjudication of the child as a deprived child prior to  
20 terminating the parental rights of the parent pursuant to the  
21 provisions of Section 7006-1.1 of this title.

22 2. The court shall not terminate the rights of a parent who has  
23 not been notified that the parental rights might be terminated.  
24

1           3. If the court terminates the rights of a parent and places  
2 the child with an individual or agency, the court may invest in such  
3 individual or agency authority to consent to the adoption of the  
4 child. Provided, that where the court places the child with the  
5 Department, it shall vest the Department with authority to place the  
6 child and, upon notice to the court that an adoption petition has  
7 been filed concerning such child, invest the Department with  
8 authority to consent to the adoption of the child, and the  
9 jurisdiction of the committing court shall terminate upon final  
10 decree of adoption.

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

23           2. The surviving custody or child support order from the  
24 deprived action may be docketed and filed in the prior existing or

1 pending administrative or district court action; provided, however,  
2 if there is no administrative or district court action then in  
3 existence, the surviving order may be used as the sole basis for  
4 opening a new administrative or district court action in the same  
5 county where the deprived action was pending or in the county where  
6 the legal custodian of the child resides. When applicable, the  
7 clerk of the juvenile court shall transmit the surviving order to  
8 the clerk of the district court of the county where the order is to  
9 be filed along with the names and last-known addresses of the  
10 parents of the child. The clerk of the district court shall  
11 immediately upon receipt open a file without a filing fee, assign a  
12 new case number and, when applicable, file the order and send by  
13 first-class mail a copy of the order with the new or prior existing  
14 case number back to the juvenile court and to the parents of the  
15 child at their last-known address. The order shall not be  
16 confidential and may be enforced or modified after being docketed  
17 and filed in the prior existing or new administrative or district  
18 court action.

19 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7003-5.6, as  
20 last amended by Section 2, Chapter 196, O.S.L. 2007 (10 O.S. Supp.  
21 2008, Section 7003-5.6), is amended to read as follows:

22 Section 7003-5.6 A. Every case regarding a child alleged or  
23 adjudicated to be deprived shall be reviewed by the court at a  
24 hearing no later than six (6) months from the date of the child's

1 out-of-home placement and at least once every six (6) months  
2 thereafter. A review hearing may be held concurrently with a  
3 permanency hearing. A child shall be considered to have entered an  
4 out-of-home placement on the earlier of the adjudication date or the  
5 date that is sixty (60) days after the date on which the child is  
6 removed from the home. Such reviews shall continue until such time  
7 as:

8 1. The conditions which caused the child to be adjudicated have  
9 been corrected;

10 2. The parental rights of the parent are terminated and a final  
11 adoption decreed or the child is placed with a suitable custodian or  
12 kinship guardian; or

13 3. The court otherwise terminates jurisdiction.

14 B. The provisions of this section shall also apply to a child  
15 who has been removed from the home of the parent or parents, legal  
16 guardian or custodian of the child after the child has been returned  
17 to that home.

18 C. The court may set a case for a review hearing upon the  
19 motion of a party at any time, if the hearing is deemed by the court  
20 to be for the health, safety or welfare of the child and in the best  
21 interests of the child.

22 D. In addition to the parties, adequate prior written notice of  
23 review hearings shall be provided by the Department pursuant to  
24 rules promulgated by the Commission for Human Services to the

1 current foster parents, preadoptive parent, or relative providing  
2 care for the child. A right to be heard at such hearings shall be  
3 provided by the court to the current foster parent of a child, the  
4 child's guardian ad litem, and to any preadoptive parent or relative  
5 providing care for the child. Such notice and right to be heard  
6 shall not be construed as requiring any foster parent, preadoptive  
7 parent or relative to be made a party to such deprived proceedings  
8 if not currently a party to the action.

9 E. The court shall receive all evidence helpful in deciding the  
10 issues before the court including, but not limited to, oral and  
11 written reports, which may be admitted and relied upon to the extent  
12 of their probative value, even though not competent for purposes of  
13 an adjudicatory hearing.

14 F. At each review hearing the court shall:

15 1. Determine whether:

16 a. the child should be returned to the child's parent or  
17 placed with willing and suitable kinship relations.

18 Before a return to the child's parent is ordered, the  
19 court must find that the parties:

20 (1) have complied with, performed, and completed the  
21 terms and conditions of the individual treatment  
22 and service plan which are essential and  
23 fundamental to the health, safety or welfare of  
24 the child as determined by the court,

1 (2) have corrected those conditions which caused the  
2 child to be adjudicated and which the court  
3 determines to be essential and fundamental to the  
4 health, safety or welfare of the child,

5 (3) have made marked progress towards reunification  
6 with the child, and

7 (4) have maintained a close and positive relationship  
8 with the child,

9 b. the child should continue in out-of-home placement for  
10 a specified period. The court shall project a likely  
11 date by which the child may be:

12 (1) returned to and safely maintained in the home,

13 (2) placed with a willing and suitable guardian or  
14 custodian, or

15 (3) placed for adoption, or other permanent  
16 arrangement,

17 c. the rights of the parent of the child should be  
18 terminated and the child placed for adoption, placed  
19 with a guardian or custodian, or provided with another  
20 permanent arrangement, or

21 d. the child, because of exceptional circumstances,  
22 should remain in long-term out-of-home placement as a  
23 permanent plan or with a goal of independent living;  
24

- 1        2. Consider in-state and out-of-state placement options for the  
2 child;
- 3        3. Make a determination as to whether:
- 4            a. reasonable efforts have been made to provide for the  
5 safe return of the child to the child's own home. In  
6 determining reasonable efforts, the child's health,  
7 safety or welfare shall be the paramount concern. If  
8 the court determines or has previously determined that  
9 reasonable efforts are not required, pursuant to the  
10 provisions of Section 7003-4.6 of this title, or that  
11 continuation of reasonable efforts to reunite the  
12 child with the child's family is inconsistent with the  
13 permanency plan for the child, the court shall  
14 determine if reasonable efforts are being made to  
15 place the child in a timely manner in accordance with  
16 the permanency plan and to complete steps necessary to  
17 finalize permanent placement for the child, ~~and~~
- 18            b. where appropriate, when the child is sixteen (16)  
19 years of age or older, services are being provided  
20 that will assist the child in making the transition  
21 from foster care to independent living, and shall also  
22 inquire, or cause inquiry to be made of the child,  
23 regarding any proposed independent living plan,
- 24

1        c. in accordance with the safety or well-being of any  
2        child, reasonable efforts have been made to:

3        (1) place siblings, who have been removed, together  
4        in the same foster care, guardianship or adoptive  
5        placement, and

6        (2) provide for frequent visitation or other ongoing  
7        interaction in the case of siblings who have been  
8        removed and who are not placed together, and

9        d. during the ninety-day period immediately prior to the  
10       date on which the child in the Department's custody  
11       will attain eighteen (18) years of age, the  
12       Department, and, as appropriate, other representatives  
13       of the child, is providing the child with assistance  
14       and support in developing an appropriate transition  
15       plan that is personalized at the direction of the  
16       child, that includes specific options on housing,  
17       health insurance, education, local opportunities for  
18       mentors and continuing support services and workforce  
19       supports and employment services, and that is as  
20       detailed as the child may elect;

21       4. Determine the safety of the child and consider fully all  
22 relevant prior and current information including, but not limited  
23 to, the report or reports submitted pursuant to Sections 7208 and  
24 7003-5.6a of this title;

1           5. Inquire as to the nature and extent of services being  
2 provided the child and parent or parents of the child and shall  
3 direct that additional services be provided if necessary to ensure  
4 the safety of the child and to protect the child from further  
5 physical, mental, or emotional harm, or to correct the conditions  
6 that led to the adjudication; and

7           6. Order such modification to the existing individual treatment  
8 and service plan as the court determines to be in the best interests  
9 of the child and necessary for the correction of the conditions that  
10 led to the adjudication of the child.

11           SECTION 5.           AMENDATORY           10 O.S. 2001, Section 7003-5.6d,  
12 as last amended by Section 3, Chapter 196, O.S.L. 2007 (10 O.S.  
13 Supp. 2008, Section 7003-5.6d), is amended to read as follows:

14           Section 7003-5.6d A. 1. The court shall conduct a permanency  
15 hearing on behalf of a child no later than:

- 16           a. six (6) months after placing the child in out-of-home  
17 placement and every six (6) months thereafter, and  
18           b. thirty (30) days after a determination by the court  
19 that reasonable efforts are not required pursuant to  
20 the provisions of Section 7003-4.6 of this title and  
21 every six (6) months thereafter.

22           2. A child shall be considered to have entered out-of-home  
23 placement on the earlier of:

- 24           a. the adjudication date, or

1           b.    the date that is sixty (60) days after the date on  
2                    which the child is removed from the home.

3           B.    A permanency hearing may be held concurrently with a  
4   dispositional or review hearing. All permanency decisions must be  
5   in writing and in accordance with the health, safety or welfare of  
6   the child and the long-term best interests of the child. In the  
7   case of a child who will not be returned to the parent, the hearing  
8   shall consider in-state and out-of-state permanent placement  
9   options.

10          C.    In addition to the parties, adequate prior written notice of  
11   permanency hearings shall be provided by the Department pursuant to  
12   rules promulgated by the Commission for Human Services to the  
13   current foster parents and to any preadoptive parent or relative  
14   providing care for the child. A right to be heard at such hearing  
15   shall be provided by the court to the current foster parents of a  
16   child, the child's guardian ad litem, and to any preadoptive parent  
17   or relative providing care for the child. Such notice and right to  
18   be heard shall not be construed as requiring any foster parent,  
19   preadoptive parent or relative to be made a party to such action.

20          D.    At the hearing, the court shall determine the most suitable  
21   permanency plan based on the child's need for a permanent placement  
22   as indicated by the recommended permanency plan or other evidence  
23   submitted and shall also, in an age-appropriate manner, inquire or  
24   cause inquiry to be made of the child regarding the proposed

1 permanency plan and if the child is age sixteen (16) or older, the  
2 independent living plan. The court shall determine whether:

3 1. The child should be returned home immediately or by a  
4 specified date not to exceed three (3) months. An order entered  
5 pursuant to the provisions of this paragraph shall enumerate the  
6 specific factors, conditions, or expected behavioral changes which  
7 must occur by the specified date before the child may be returned  
8 home. Before a child may be returned home, the court must find  
9 that:

10 a. the parent, legal guardian or custodian has made  
11 marked progress towards reunification with the child,  
12 and has maintained a close and positive relationship  
13 with the child, and

14 b. the parties have complied with, performed and  
15 completed those terms and conditions of the court-  
16 ordered individual treatment and service plan and have  
17 corrected those conditions which caused the child to  
18 be adjudicated which are essential and fundamental to  
19 the health, safety and welfare of the child;

20 2. A plan for the guardianship or kinship guardianship of the  
21 child should be approved;

22 3. The child should be placed in a planned permanent living  
23 arrangement if the Department has documented a compelling reason for  
24 the court to determine that it would not be in the best interests of

1 the child to return home, or to be placed for adoption or with a fit  
2 and willing relative or a legal guardian;

3 4. A petition to terminate the rights of the parents of the  
4 child should be filed and the child placed for adoption; or

5 5. Any other out-of-home placement in which the child is placed  
6 continues to be safe and appropriate and in the best interests of  
7 the child.

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

11 1. Place siblings, who have been removed, together in the same  
12 foster care, guardianship or adoptive placement; and

13 2. Provide for frequent visitation or other ongoing interaction  
14 in the case of siblings who have been removed and who are not placed  
15 together.

16 F. The court shall enter an order for completion of all steps  
17 necessary to finalize the permanent placement of the child.

18 SECTION 6. AMENDATORY 10 O.S. 2001, Section 7204, is  
19 amended to read as follows:

20 Section 7204. A. The Department of Human Services and the  
21 ~~Department of Juvenile Justice~~ Office of Juvenile Affairs shall each  
22 establish a program of foster care for children in the custody of  
23 the state agency.

24

- 1        B. Each ~~Department~~ agency, in implementing the foster care  
2 program within its jurisdictional area, shall:
- 3        1. Recruit their respective foster families for children in the  
4 custody of the state agency;
- 5        2. Contract with foster parents and child-placing agencies to  
6 provide foster care services to children within the custody of the  
7 state agency;
- 8        3. Exercise supervision over all foster placements with whom  
9 the state agency has a contract for foster care services;
- 10       4. Exercise oversight of all foster children within the custody  
11 of the state agency who are in out-of-home placement, including, but  
12 not limited to, foster children placed in foster homes by a child-  
13 placing agency;
- 14       5. Advise and cooperate with the governing boards of all child-  
15 placing agencies and with foster parents;
- 16       6. Assist the staff of all child-placing agencies, foster  
17 parents and foster families by advising them on methods and  
18 procedures relating to child care, parental substitute authority,  
19 behavioral management techniques, and improvement of services;
- 20       7. Establish rules and standards for providing foster care  
21 services in addition to those required by the Oklahoma Child Care  
22 Facilities Licensing Act;
- 23       8. Require initial and ongoing foster parent training and  
24 education programs related to the area of parental substitute

1 authority and behavioral management techniques, including, but not  
2 limited to, restraining and holding techniques, parent-child  
3 conflict resolution techniques, stress management, and any other  
4 appropriate technique to teach a foster parent how to control  
5 potentially violent behavior in a manner appropriate to the age and  
6 development of a foster child;

7 9. Provide foster parents with a statewide, toll-free telephone  
8 number, titled the Foster Parent Hotline, for obtaining information  
9 related to foster care services and for the filing of any complaints  
10 or grievances;

11 10. Cooperate, collaborate and assist postadjudication review  
12 boards in the review of the placement of each child in foster care  
13 in order to achieve the goals in the treatment and service plan  
14 required for each child by this title;

15 11. Provide for insurance coverage pursuant to the provisions  
16 of the Oklahoma Foster Care and Out-of-Home Placement Act;

17 12. Provide for collection, through assignment, attachment,  
18 garnishment, liens, or other legal process, of the cost for out-of-  
19 home placement services provided through the state agency from the  
20 parents, guardian, or other person responsible for the care and  
21 support of a child in the custody of the state agency;

22 13. Cooperate and work with a foster parent in integrating a  
23 foster child into a foster family setting. The state agency shall  
24 provide a foster parent with information, on an ongoing basis,

1 pertinent to the care, guidance, supervision and rearing of a foster  
2 child;

3 14. Apprise the foster family of changes in laws, rules and  
4 policy changes on a timely basis;

5 15. Cooperate with and help promote foster parent associations.  
6 The state agency shall provide foster parent associations with data,  
7 information and guidelines on the obligations, responsibilities and  
8 opportunities of foster parenting and shall keep the associations  
9 and members apprised of changes in laws and rules relevant to foster  
10 parenting;

11 16. Through the individualized service planning process,  
12 develop a permanency plan for each child in custody who is placed in  
13 foster care with the goal of placement of the child in a home  
14 environment that can be reasonably expected to be stable and  
15 permanent; ~~and~~

16 17. Assure that each child who has attained the minimum age for  
17 compulsory school attendance and is eligible for a foster care  
18 payment under Title IV-E of the Social Security Act (42 U.S.C. 670  
19 et seq.) is:

20 a. enrolled in an institution which provides elementary  
21 or secondary education as determined under the law of  
22 the state or other jurisdiction in which the  
23 institution is located,

24

- 1           b. instructed in elementary or secondary education in any  
2           legally authorized education program,  
3           c. in an independent study elementary or secondary  
4           education program in accordance with the law of the  
5           state or other jurisdiction in which the program is  
6           located which is administered by the local school or  
7           school district, or  
8           d. incapable of attending school on a full-time basis due  
9           to a documented medical condition supported by regular  
10           updates; and

11        18. Exercise and perform such other acts as may be necessary to  
12 implement the Oklahoma Foster Care and Out-of-Home Placement Act.

13        C. The Department of Human Services and the ~~Department of~~  
14 ~~Juvenile Justice~~ Office of Juvenile Affairs shall not be liable for  
15 any costs or expenses expended voluntarily by a foster parent for a  
16 foster child which are in excess of the funds authorized for  
17 providing foster care services to the foster child.

18        SECTION 7. It being immediately necessary for the preservation  
19 of the public peace, health and safety, an emergency is hereby  
20 declared to exist, by reason whereof this act shall take effect and  
21 be in full force from and after its passage and approval.

22  
23           52-1-7519           SDR           03/30/09  
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