

1 ENGROSSED HOUSE  
2 BILL NO. 1315

By: Ortega and Kern of the  
House

3 and

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

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

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

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

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

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

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

22            C.   1.   ~~Upon the completion of the~~ The Department shall complete  
23            a records search to ascertain if there is an Oklahoma record of  
24            criminal history for the prospective kinship foster parent or any

1 other adult residing in the prospective kinship foster parent's home  
2 ~~and subject to any other standards established by the Department, a.~~  
3 A child may shall be placed in the kinship home, provided that the  
4 prospective kinship home meets all other eligibility standards  
5 established by the Department and such placement is in the best  
6 interests of the child. If the Department determines that placement  
7 in a prospective kinship foster home is not in the best interests of  
8 the child, the Department shall provide to the prospective kinship  
9 foster parents the reasons therefor. The records search and  
10 eligibility determination shall be completed within seven (7) days  
11 of identification of a prospective kinship foster home. A kinship  
12 foster parent shall not be entitled to any payments for providing  
13 foster care until such foster parent receives final approval from  
14 the Department to be a kinship foster parent.

15 2. Following placement, the Oklahoma State Bureau of  
16 Investigation shall complete a national criminal history records  
17 search based upon submission of fingerprints for any kinship foster  
18 parent and any adult residing in the home of such parent, and shall  
19 make the results of the records search available to the Department  
20 pursuant to the provisions of the Oklahoma Child Care Facilities  
21 Licensing Act. The Director of Human Services or designee may  
22 authorize an exception to the fingerprinting requirement for an  
23 adult residing in the kinship foster care home who has a severe  
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1 physical condition which precludes such person's being  
2 fingerprinted.

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

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

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

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

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

18 1. Reviewing personal and professional references;

19 2. Observing during a visit to the home of the kinship foster  
20 care family; and

21 3. Interviewing the kinship foster care parent.

22 F. When the kinship foster parent is finally approved by the  
23 Department, in accordance with rules promulgated by the Commission  
24 for Human Services regarding foster care services, the kinship

1 foster care family shall be eligible to receive payment for the full  
2 foster care rate for the care of the child and any other benefits  
3 that might be available to foster parents, whether monetary or in  
4 services. If a child is placed with a kinship foster parent prior  
5 to the home's final approval as a foster care home, the Department  
6 shall immediately refer such child and family for assistance through  
7 the Temporary Assistance for Needy Families Program.

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

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

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

18 SECTION 2. This act shall become effective November 1, 2009.  
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1 Passed the House of Representatives the 26th day of February,  
2 2009.

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5 Presiding Officer of the House of  
6 Representatives

7 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

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10 Presiding Officer of the Senate

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