

1 ENGROSSED HOUSE  
2 BILL NO. 1734

By: Peters, Nelson, McCullough  
and Kern of the House

3 and  
4 Crain of the Senate

5  
6  
7 ( children - amending 12 sections in Title 10 -  
8 Oklahoma Child Care Facilities Licensing Act -  
9 codification -  
10 effective date )

11  
12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

20 2. "Child care center" means a facility which provides care and  
21 supervision for children and which operates for more than thirty  
22 (30) hours per week;

23 3. "Child care facility" means any public or private child care  
24 residential facility, child-placing agency, foster family home,

1 ~~group home,~~ child care center, part-day child care program, school-  
2 age program, summer day camp, family child care home, or large  
3 family child care home providing either full-time or part-time care  
4 for children away from their own homes;

5 3. 4. "Child-placing agency" means ~~a child welfare agency~~  
6 ~~licensed to place children~~ an agency that arranges for or places a  
7 child in a foster family homes, group homes or home, adoptive ~~homes~~  
8 home, or independent living program;

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

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

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

1       7. ~~"Group home" means a home providing full-time care and~~  
2 ~~community based services for more than five, but fewer than thirteen~~  
3 ~~children~~ "Commission" means the Commission for Human Services, the  
4 policymaking and general supervisory body of the Department;

5       8. "Department" means the Department of Human Services;

6       9. "Division" means the section within the Department that is  
7 assigned responsibilities pursuant to the provisions of the Oklahoma  
8 Child Care Facilities Licensing Act;

9       ~~8-~~ 10. "Family child care home" means a family home which  
10 provides care and supervision for seven or fewer children for part  
11 of the twenty-four-hour day. The term "family child care home"  
12 shall not include informal arrangements which parents make  
13 independently with neighbors, friends, and others, or with  
14 caretakers in the child's own home;

15       ~~9-~~ 11. "Full-time care" means continuous care given to a child  
16 beyond a minimum period of twenty-four (24) hours;

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

20       ~~10.~~ ~~"Child care center" means a facility which provides care~~  
21 ~~and supervision for children and which operates for more than thirty~~  
22 ~~(30) hours per week. The term "child care center" shall not include~~  
23 ~~informal arrangements which parents make independently with~~

1 ~~neighbors, friends, and others, or with caretakers in the child's~~  
2 ~~own home;~~

3 ~~11.~~ 13. "Part-day child care program" means a facility that  
4 provides care and supervision for children and that operates for  
5 more than fifteen (15) and up to thirty (30) hours per week; and

6 ~~12.~~ 14. "Residential child care facility" means a twenty-four-  
7 hour residential facility where children live together with or are  
8 supervised by adults who are not their parents or relatives;

9 ~~13.~~ "Department" means the Department of Human Services;

10 ~~14.~~ "Commission" means the Commission for Human Services, the  
11 policy making and general supervisory body of the Department; and

12 ~~15.~~ "Division" means the section within the Department that is  
13 assigned responsibilities pursuant to the provisions of the Oklahoma  
14 Child Care Facilities Licensing Act.

15 SECTION 2. AMENDATORY 10 O.S. 2001, Section 405, as  
16 amended by Section 4, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008,  
17 Section 405), is amended to read as follows:

18 Section 405. A. No child care facility may be operated or  
19 maintained in this state, unless licensed or temporarily authorized  
20 by the Department of Human Services; provided, that the Department  
21 shall not be required to be licensed, but shall be bound by the  
22 standards it prescribes. No new child care facility may be  
23 established without the prior approval of the Department, which  
24

1 shall be granted only after the Department is satisfied that the  
2 facility will meet minimum standards for a license to operate.

3 B. For purposes of the Child Care Facilities Licensing Act, the  
4 shelters managed and operated by the Department pursuant to Section  
5 7004-3.1 of this title shall be certified by the Oklahoma Commission  
6 on Children and Youth pursuant to Section 601.3 of this title.

7 C. The Department shall not grant approval for a permit, or a  
8 license for a new child care facility to receive and care for  
9 children until:

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

13 2. All required training including, but not limited to,  
14 cardiopulmonary resuscitation (CPR), first aid, health and safety  
15 training, and minimum education requirements pursuant to licensing  
16 requirements have been completed for any person left alone with  
17 children.

18 ~~C.~~ D. The incorporation or domestication of a corporation  
19 organized for the purpose of operating a child care facility shall  
20 not exempt such corporation from compliance with the provisions of  
21 this act.

22 ~~D.~~ E. An application for a license shall be made on forms  
23 provided by the Department and in the manner prescribed. Temporary  
24 authorization may be granted to allow the Department to investigate

1 the activities and standards of care of the applicant. The  
2 Department may issue a license once it is satisfied that the  
3 applicant meets the requirements as provided in this act. A  
4 ~~provisional license may be issued upon satisfaction of the~~  
5 ~~requirements of subsection B of this section to any applicant whose~~  
6 ~~services are needed but which is temporarily unable to conform to~~  
7 ~~all the rules of the Department, as provided in Section 404 of this~~  
8 ~~title. All licenses shall be in force unless revoked as authorized~~  
9 ~~by Section 407 of this title; provided, however, a provisional~~  
10 ~~license may be in force for not more than one (1) year from the date~~  
11 ~~of issuance, unless an emergency exists which, in the discretion of~~  
12 ~~the Department, necessitates an extension thereof.~~

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

15 Section 601.3 The Oklahoma Commission on Children and Youth is  
16 hereby authorized and directed to:

- 17 1. Establish and maintain the Office of Planning and  
18 Coordination for Services to Children and Youth;
- 19 2. Establish and maintain the Office of Juvenile System  
20 Oversight; ~~and~~
- 21 3. Designate community partnership districts for services to  
22 children and youth and, within the limitations of available funds,  
23 whether appropriated or otherwise available, provide staff,

24

1 technical assistance and other assistance as necessary and  
2 appropriate to the district boards; and

3 4. Establish a system of certification for the shelters managed  
4 and operated by the Department of Human Services pursuant to Section  
5 7004-3.1 of this title.

6 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7001-1.3, as  
7 last amended by Section 1, Chapter 258, O.S.L. 2006 (10 O.S. Supp.  
8 2008, Section 7001-1.3), is amended to read as follows:

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

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

13 a. ~~has willfully left the infant alone or in the care of~~  
14 ~~another who is not the parent of the infant without~~  
15 ~~identifying the infant or furnishing any means or~~  
16 ~~methods of identification,~~

17 b. ~~has willfully left the infant alone or in the care of~~  
18 ~~another who is not the parent of the infant and~~  
19 ~~expressed a willful intent by words, actions, or~~  
20 ~~omissions not to return for the infant,~~

21 c. ~~has knowingly placed or knowingly allowed the infant~~  
22 ~~be placed in or remain in conditions or surroundings~~  
23 ~~that posed or constituted a serious danger to the~~

24

1 ~~health and safety of the infant thereby demonstrating~~  
2 ~~wanton disregard for the child's well being,~~  
3 d. ~~is a father, or a putative father if the infant was~~  
4 ~~born out of wedlock, and:~~  
5 ~~(1) if an infant is less than ninety (90) days of~~  
6 ~~age, who fails to show that he has exercised~~  
7 ~~proper parental rights and responsibilities with~~  
8 ~~regard to the infant, including, but not limited~~  
9 ~~to, contributing to the support of the mother of~~  
10 ~~the infant to the extent of his financial ability~~  
11 ~~during her term of pregnancy,~~  
12 ~~(2) (a) if an infant is older than ninety (90) days~~  
13 ~~but less than fourteen (14) months of age,~~  
14 ~~who fails to show that he has exercised~~  
15 ~~proper parental rights and responsibilities~~  
16 ~~with regard to the infant, including, but~~  
17 ~~not limited to, contributing to the support~~  
18 ~~of the infant to the extent of his financial~~  
19 ~~ability, which may include contributing to~~  
20 ~~the support of the mother of the infant to~~  
21 ~~the extent of his financial ability during~~  
22 ~~her term of pregnancy.~~  
23 ~~(b) Failure to contribute to the support of the~~  
24 ~~mother during her term of pregnancy,~~

~~pursuant to this subdivision, shall not in  
and of itself be grounds for termination of  
the parental rights of the father or  
putative father, or~~

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

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

~~In any case where a father, or a putative father of an  
infant born out of wedlock, claims that prior to the  
receipt of notice of the hearing provided for in  
Section 7006-1.2 of this title he had been  
specifically denied knowledge of the infant or denied  
the opportunity to exercise parental rights and  
responsibilities with regard to the infant, such~~

1 ~~father or putative father shall prove to the~~  
2 ~~satisfaction of the court that he made sufficient~~  
3 ~~attempts to discover if he had fathered a child or~~  
4 ~~made sufficient attempts to exercise parental rights~~  
5 ~~and responsibilities with regard to the infant prior~~  
6 ~~to the receipt of notice, or~~

7 e. ~~has not established and/or maintained substantial and~~  
8 ~~positive relationship with the infant during the six~~  
9 ~~(6) months immediately prior to out of home placement~~  
10 ~~or the six (6) continuous months while in out of home~~  
11 ~~placement, and has not made meaningful efforts to gain~~  
12 ~~or regain custody of the infant, despite being given~~  
13 ~~the opportunity to do so. For purposes of this~~  
14 ~~section, "establish and/or maintain substantial and~~  
15 ~~positive relationship" includes but is not limited to:~~  
16 ~~(1) frequent and regular contact with the infant~~  
17 ~~through frequent and regular visitation or~~  
18 ~~frequent and regular communication to or with the~~  
19 ~~infant, and~~  
20 ~~(2) the exercise of parental rights and~~  
21 ~~responsibilities.~~

22 ~~Incidental or token visits, communications or~~  
23 ~~contributions shall not be sufficient to establish~~  
24

1 ~~and/or maintain a substantial and positive~~  
2 ~~relationship with the infant~~ "Abandonment" means:

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

11 2. "Abuse" means harm or threatened harm or failure to protect  
12 from harm or threatened harm to the health, safety, or welfare of a  
13 child by a person responsible for the child's health, safety, or  
14 welfare, including but not limited to nonaccidental physical or  
15 mental injury, sexual abuse, or sexual exploitation. Provided,  
16 however, that nothing contained in this act shall prohibit any  
17 parent, teacher, or other person from using ordinary force as a  
18 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  
21 child" means any real or threatened physical, mental,  
22 or emotional injury or damage to the body or mind that  
23 is not accidental including but not limited to sexual  
24 abuse, sexual exploitation, neglect, or dependency.

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

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

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

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

22           3- 5. "Assessment" means a systematic process utilized by the  
23           Department of Human Services to respond to reports of alleged child  
24           abuse or neglect which, according to priority guidelines established

1 by the Department, ~~do not constitute a serious and immediate threat~~  
2 ~~to a child's health, safety or welfare. The assessment includes,~~  
3 ~~but is not limited to, the following elements:~~

- 4 a. ~~an evaluation of the child's safety, and~~
- 5 b. ~~a determination regarding the family's need for~~  
6 services. Assessment includes a comprehensive review  
7 of child safety, risk of subsequent child abuse or  
8 neglect, and family strengths and needs that is  
9 conducted in response to a child abuse or neglect  
10 referral that does not allege a substantial threat to  
11 the safety of the child. Assessment does not include  
12 a determination as to whether child abuse or neglect  
13 occurred but does determine the need for services to  
14 address the safety of family members and the risk of  
15 subsequent abuse or neglect;

16 ~~4.~~ 6. "Behavioral health" means mental health, substance abuse,  
17 or co-occurring mental health and substance abuse diagnoses, and the  
18 continuum of mental health, substance abuse, or co-occurring mental  
19 health and substance abuse treatment;

20 7. "Child" means any unmarried person under eighteen (18) years  
21 of age except any person convicted of a crime specified in Section  
22 7306 1.1 of this title or any person who has been certified as an  
23 adult pursuant to Section 7303 4.3 of this title and convicted of a  
24 felony;

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

4 ~~6.~~ 8. "Child with a disability" means any child who has a  
5 physical or mental impairment which substantially limits one or more  
6 of the major life activities of the child, or who is regarded as  
7 having such an impairment by a competent medical professional;

8 ~~7.~~ 9. "Child-placing agency" means a private agency licensed to  
9 place children in foster family homes, group homes, adoptive homes,  
10 transitional or independent living programs, or family child care  
11 homes or other out-of-home placements; and which approves and  
12 monitors such placements and facilities in accordance with the  
13 licensing requirements established by the Oklahoma Child Care  
14 Facilities Licensing Act;

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

18 ~~9.~~ 10. "Commission" means the Commission for Human Services;

19 11. "Community-based services" or "community-based programs"  
20 means services or programs which maintain community participation or  
21 supervision in their planning, operation, and evaluation.

22 Community-based services and programs may include, but are not  
23 limited to, emergency shelter, crisis intervention, group work, case  
24 supervision, job placement, recruitment and training of volunteers,

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

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

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

21 ~~11.~~ 14. "Court-appointed special advocate program" means an  
22 organized program, administered by either an independent, not-for-  
23 profit corporation, a dependent project of an independent, not-for-  
24 profit corporation or a unit of local government, which recruits,

1 screens, trains, assigns, supervises and supports volunteers to be  
2 available for appointment by the court as guardians ad litem, ~~to~~  
3 ~~represent the best interests of a deprived child or a child alleged~~  
4 ~~to be deprived in a case for which a deprived petition has been~~  
5 ~~filed;~~

6 ~~12.~~ 15. "Custodian" means an individual other than a parent,  
7 legal guardian or Indian custodian, to whom legal custody of the  
8 child has been awarded by the court. As used in this title, the  
9 term "custodian" shall not mean the Department of Human Services;

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

15 ~~13.~~ 17. "Department" means the Oklahoma Department of Human  
16 Services;

17 ~~14.~~ 18. "Dependency" means a child who is homeless or without  
18 proper care or guardianship through no fault of his or her parent,  
19 legal guardian, or custodian;

20 19. "Deprived child" means a child:

21 a. who is for any reason destitute, homeless, or  
22 abandoned,

23 b. who does not have the proper parental care or  
24 guardianship ~~or whose home is an unfit place for the~~

1 ~~child by reason of neglect, abuse, cruelty, or~~  
2 ~~depravity on the part of the child's parents, legal~~  
3 ~~guardian, or other person responsible for the child's~~  
4 ~~health or welfare,~~

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

6 d. whose home is an unfit place for the child by reason  
7 of depravity on the part of the parent or legal  
8 guardian of the child, or other person responsible for  
9 the health or welfare of the child,

10 e. who is a child in need of special care and treatment  
11 because of the child's physical or mental condition,  
12 and the child's parents, legal guardian, or other  
13 custodian is unable or willfully fails to provide such  
14 special care and treatment. As used in this  
15 paragraph, a child in need of special care and  
16 treatment includes, but is not limited to, a child who  
17 at birth tests positive for alcohol or a controlled  
18 dangerous substance and who, pursuant to a drug or  
19 alcohol screen of the child and an assessment of the  
20 parent, is determined to be at risk ~~for future~~  
21 ~~exposure to such substances~~ of harm or threatened harm  
22 to the health or safety of a child,

23 ~~d.~~ f. who is a child with a disability deprived of the  
24 nutrition necessary to sustain life or of the medical

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

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

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

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

23 j. whose parent, legal guardian, or custodian has  
24 subjected another child to abuse or neglect or has

1           allowed another child to be subjected to abuse or  
2           neglect and is currently a respondent in a deprived  
3           proceeding.

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

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

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

17           ~~15.~~ 20. "Dispositional hearing" means a hearing ~~to determine~~  
18 ~~the order of disposition which should be made with respect to a~~  
19 ~~child adjudged to be a ward of~~ by the court as provided by Section  
20 7003-5.1 of this title;

21           ~~16.~~ 21. "Emergency custody" means the custody of a child prior  
22 to adjudication of the child following issuance of an order of the  
23 district court pursuant to Section 7003-2.1 of this title or  
24 following issuance of an order of the district court pursuant to an

1 emergency custody hearing, as specified by Section 7003-2.4 of this  
2 title;

3 ~~17.~~ 22. "Facility" means a place, an institution, a building or  
4 part thereof, a set of buildings, or an area whether or not  
5 enclosing a building or set of buildings used for the lawful custody  
6 and treatment of children;

7 ~~18.~~ 23. "Foster care" or "foster care services" means  
8 continuous twenty-four-hour care and supportive services provided  
9 for a child in foster placement including, but not limited to, the  
10 care, supervision, guidance, and rearing of a foster child by the  
11 foster parent;

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

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

15 ~~21.~~ 24. "Foster family home" means the private residence of a  
16 foster family which provides foster care services to a child. Such  
17 term shall include a nonkinship foster family home, a specialized  
18 foster home, a therapeutic foster family home, or the home of a  
19 relative or other kinship care home;

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

24

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

3       ~~24.~~ 25. "Foster parent eligibility assessment" includes a  
4 criminal background investigation including, but not limited to, a  
5 national criminal history records search based upon the submission  
6 of fingerprints, home assessments, and any other assessment required  
7 by the Department of Human Services, the Office of Juvenile Affairs,  
8 or any child-placing agency pursuant to the provisions of the  
9 Oklahoma Child Care Facilities Licensing Act;

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

18       ~~25.~~ 27. "Guardian ad litem of the estate of the child" means a  
19 person appointed by the court to protect the property interests of a  
20 child pursuant to Section 7003-3.7 of this title;

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

1 of its residents licensed or operated by the Department to provide  
2 full-time care and community-based services for more than five but  
3 fewer than thirteen children;

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

9 30. "Heinous and shocking abuse" means, but is not limited to,  
10 aggravated physical abuse that results in serious bodily, mental, or  
11 emotional injury. "Serious bodily injury" means injury that  
12 involves:

- 13 a. a substantial risk of death,
- 14 b. extreme physical pain,
- 15 c. protracted disfigurement,
- 16 d. a loss or impairment of the function of a body member,  
17 organ, or mental faculty,
- 18 e. an injury to an internal or external organ or the  
19 body,
- 20 f. a bone fracture,
- 21 g. sexual abuse or sexual exploitation,
- 22 h. chronic abuse including, but not limited to, physical,  
23 emotional, or sexual abuse, or sexual exploitation  
24 which is repeated or continuing,

- 1           i. torture that includes, but is not limited to,  
2           inflicting, participating in or assisting in  
3           inflicting intense physical or emotional pain upon a  
4           child repeatedly over a period of time for the purpose  
5           of coercing or terrorizing a child or for the purpose  
6           of satisfying the craven, cruel, or prurient desires  
7           of the perpetrator or another person, or  
8           j. any other similar aggravated circumstance;

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

10 to:

- 11           a. chronic neglect that includes, but is not limited to,  
12           a persistent pattern of family functioning in which  
13           the caregiver has not met or sustained the basic needs  
14           of a child which results in harm to the child,  
15           b. neglect that has resulted in a diagnosis of the child  
16           as a failure to thrive,  
17           c. an act or failure to act by a parent that results in  
18           the death or near death of a child or sibling, serious  
19           physical or emotional harm, sexual abuse, sexual  
20           exploitation, or presents an imminent risk of serious  
21           harm to a child, or  
22           d. any other similar aggravating circumstance;

23           32. "Independent living program" means a program specifically  
24 designed to assist a child to enhance those skills and abilities

1 necessary for successful adult living. An independent living  
2 program may include, but shall not be limited to, such features as  
3 minimal direct staff supervision, and the provision of supportive  
4 services to assist children with activities necessary for finding an  
5 appropriate place of residence, completing an education or  
6 vocational training, obtaining employment, or obtaining other  
7 similar services;

8 27. 33. "Individualized service plan" means a document written  
9 pursuant to Section 7003-5.3 of this title that has the same meaning  
10 as "service plan" or "treatment plan" where those terms are used in  
11 the Oklahoma Children's Code;

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

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

16 ~~28. 36. a. "Investigation" means an approach utilized by the~~  
17 ~~Department to respond to reports of alleged child abuse~~  
18 ~~or neglect which, according to priority guidelines~~  
19 ~~established by the Department, constitute a serious and~~  
20 ~~immediate threat to a child's health or safety. An~~  
21 ~~investigation includes, but is not limited to, the~~  
22 ~~following elements:~~

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

24

1           ~~b. a determination whether or not child abuse or neglect~~  
2           ~~occurred, and~~

3           ~~c. a determination regarding the family's need for~~  
4           ~~prevention and intervention related services a~~  
5           response to an allegation of abuse or neglect when the  
6           allegation involves a substantial threat to the safety  
7           of the child, making it necessary to determine:

8           (1) the current safety of a child and the risk of  
9           subsequent abuse or neglect, and

10          (2) whether child abuse or neglect occurred.

11          b. "Investigation" results in a written response stating  
12          one of the following findings:

13          (1) "Substantiated - Court intervention recommended"  
14          means a report that is determined by a child  
15          protective services worker, after an  
16          investigation and based upon some credible  
17          evidence, to constitute child abuse or neglect  
18          which is of such a nature that the Department  
19          finds that the health, safety, or welfare of the  
20          child is threatened,

21          (2) "Substantiated - Services recommended" means a  
22          report that is determined by a child protective  
23          services worker, after an investigation and based  
24          upon some credible evidence, to constitute child

1 abuse or neglect which is of such a nature that  
2 the Department recommends prevention and  
3 intervention-related services for the parents or  
4 persons responsible for the care of the child or  
5 children, but for which initial court  
6 intervention is not required,

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

16 (4) "Ruled out" means a report in which a child  
17 protective services worker, after an  
18 investigation, determines that no child abuse or  
19 neglect has occurred;

20 ~~29.~~ 37. "Kinship care" means full-time care of a child by a  
21 kinship relation;

22 ~~30.~~ 38. "Kinship guardianship" means a ~~judicially created~~  
23 ~~relationship between a child and a kinship relation of the child~~

1 ~~established pursuant to the provisions of Section 7003-5.5 of this~~  
2 ~~title permanent guardianship as defined in this section;~~

3 ~~31.~~ 39. "Kinship relation" or "kinship relationship" means  
4 relatives, stepparents, or other responsible adults who have a bond  
5 or tie with a child and/or to whom has been ascribed a family  
6 relationship role with the child's parents or the child; provided,  
7 however, in cases where the Indian Child Welfare Act applies, the  
8 definitions contained in 25 U.S.C., Section 1903 shall control;

9 ~~32.~~ 40. "Mental health facility" means a mental health or  
10 substance abuse treatment facility as defined by the Inpatient  
11 Mental Health and Substance Abuse Treatment of Minors Act;

12 ~~33.~~ 41. "Minor" means the same as the term "child" as defined  
13 in this section;

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

22 ~~34.~~ 43. "Near death" means a child is in serious or critical  
23 condition, as certified by a physician, as a result of abuse or  
24 neglect;

1        ~~35. 44.~~ "Neglect" means ~~neglect as such term is defined by the~~  
2 ~~Oklahoma Child Abuse Reporting and Prevention Act~~ any of the  
3 following:

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

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

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

10           (3) supervision or appropriate caretakers, or

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

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

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

17           (2) illegal activities, or

18           (3) sexual acts or materials that are not age-  
19 appropriate, or

20           c. abandonment.

21 Nothing in this paragraph shall be construed to mean a child is  
22 abused or neglected for the sole reason the parent, legal guardian  
23 or person having custody or control of a child, in good faith,  
24 selects and depends upon spiritual means alone through prayer, in

1 accordance with the tenets and practice of a recognized church or  
2 religious denomination, for the treatment or cure of disease or  
3 remedial care of such child. Nothing contained in this paragraph  
4 shall prevent a court from immediately assuming custody of a child,  
5 pursuant to the Oklahoma Children's Code, and ordering whatever  
6 action may be necessary, including medical treatment, to protect the  
7 child's health or welfare;

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

11 ~~37.~~ 45. "Permanency hearing" means a hearing by the court to  
12 determine whether a child is to be returned to the child's home or  
13 whether other permanent placement will be sought within a specific  
14 time frame for the child pursuant to Section 7003-5.6d of this  
15 title;

16 ~~38.~~ 46. "Permanent custody" means a the court-ordered custody  
17 of an adjudicated deprived child whose parent's parental rights have  
18 been terminated when a parent-child relationship no longer exists  
19 due to termination of parental rights or due to the death of a  
20 parent or parents;

21 ~~39.~~ 47. "Permanent guardianship" means a judicially created  
22 relationship between a child, a kinship relation of the child, or  
23 other adult established pursuant to the provisions of the Oklahoma  
24 Children's Code;

1        48. "Person responsible for a child's health, safety, or  
2 welfare" includes a parent; a legal guardian; custodian; a foster  
3 parent; a person eighteen (18) years of age or older with whom the  
4 child's parent cohabitates or any other adult residing in the home  
5 of the child; an agent or employee of a public or private  
6 residential home, institution, facility or day treatment program as  
7 defined in Section 175.20 of this title; or an owner, operator, or  
8 employee of a child care facility as defined by Section 402 of this  
9 title;

10        ~~40.~~ 49. "Protective custody" means custody of a child taken  
11 ~~pursuant to Section 7003-2.1 of this title~~ by a law enforcement  
12 officer or designated employee of the court without a court order;

13        ~~41.~~    a.

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

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

16                ~~(2) whose mother was married to another person at the  
17 time of the birth of such child or within ten~~

18                ~~(10) months prior to the birth of the child.~~

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

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

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

1           ~~(3) any man alleged to have engaged in sexual~~  
2           ~~intercourse with the mother during a possible~~  
3           ~~time of conception~~ as that term is defined in  
4           Section 7700-102 of this title;

5       42. 51. "Relative" means a grandparent, great-grandparent,  
6 brother or sister of whole or half blood, aunt, uncle or any other  
7 person related to the child ~~within the third degree of~~  
8 ~~consanguinity;~~

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

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

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

1 ~~safe reunification of such child with the child's~~  
2 ~~family, or~~

3 ~~b. place a child who cannot be returned home into a~~  
4 ~~permanent placement;~~

5 45. a. ~~"Residual parental rights and responsibilities" means~~  
6 ~~those rights and responsibilities that remain with the~~  
7 ~~parent:~~

8 ~~(1) after transfer of legal custody of the child,~~  
9 ~~other than in connection with an action for~~  
10 ~~termination of parental rights, a relinquishment~~  
11 ~~of parental rights, a consent to termination of~~  
12 ~~parental rights or an adoption, or~~

13 ~~(2) when a guardianship or kinship guardianship is~~  
14 ~~established for the child.~~

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

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

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

20 ~~(3) the responsibility for support of and costs of~~  
21 ~~medical care for the child,~~

22 ~~(4) the right to determine the religious faith of the~~  
23 ~~child, and~~

24

1           ~~(5) the right to consent to termination of parental~~  
2           ~~rights and the right to permanently relinquish~~  
3           ~~parental rights.~~

4           ~~e. Residual parental rights and responsibilities shall~~  
5           ~~not include the right to consent to the marriage of a~~  
6           ~~minor pursuant to the provisions of Section 3 of Title~~  
7           ~~43 of the Oklahoma Statutes;~~

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

14           ~~47. 53. "Review hearing" means a hearing by the court pursuant~~  
15           ~~to Section 7003-5.6a of this title;~~

16           ~~54. "Risk" means the likelihood that an incident of child abuse~~  
17           ~~or neglect will reoccur in the future;~~

18           ~~55. "Safety" means the absence of the threat of serious harm by~~  
19           ~~child abuse or neglect in the very near future;~~

20           ~~56. "Safety analysis" means action taken by the Department in~~  
21           ~~response to a report of alleged child abuse or neglect that may~~  
22           ~~include an assessment or investigation based upon an analysis of the~~  
23           ~~information received according to priority guidelines;~~

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

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

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

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

19        ~~50.~~ 58. "Sibling" means a biologically or legally related  
20 brother or sister of a child;

21        ~~51.~~ 59. "Specialized foster care" means foster care provided to  
22 a child in a ~~specialized~~ foster home or agency-contracted home  
23 which:

24

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

6 ~~52.~~ 60. "Temporary custody" means court-ordered custody of an  
7 adjudicated deprived child;

8 ~~53.~~ 61. "Therapeutic foster family home" means a foster family  
9 home which provides specific treatment services, pursuant to a  
10 therapeutic foster care contract, which are designed to remedy  
11 social and behavioral problems of a foster child residing in the  
12 home;

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

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

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

21 ~~56.~~ 62. "Transitional living program" means a residential  
22 program that may be attached to an existing facility or operated  
23 solely for the purpose of assisting children to develop the skills  
24 and abilities necessary for successful adult living. The program

1 may include, but shall not be limited to, reduced staff supervision,  
2 vocational training, educational services, employment and employment  
3 training, and other appropriate independent living skills training  
4 as a part of the transitional living program;

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

7 ~~58.~~ 63. "Voluntary foster care placement" means the temporary  
8 placement of a child by the parent, legal guardian or custodian of  
9 the child in foster care pursuant to a signed placement agreement  
10 between the Department or a child-placing agency and the child's  
11 parent, legal guardian or custodian.

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

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

18 Section 7003-1.1 A. 1. Upon ~~notification or~~ receipt of a  
19 report that a child may be ~~deprived or whenever the county office~~  
20 ~~determines that there are reasonable grounds to believe that a child~~  
21 ~~may be deprived~~ abused or neglected, the Department of Human  
22 Services shall conduct ~~an assessment or investigation~~ a safety  
23 analysis in accordance with priority guidelines established by the  
24 Department.

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

6       ~~3.~~ The Department shall forward a report of its investigation  
7 and findings to the any district attorney's office which may have  
8 jurisdiction to file a petition.

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

12           a. ~~an the~~ alleged ~~abuse or neglect of a child was~~  
13 ~~perpetrated by~~ perpetrator is someone other than a  
14 person responsible for the child's health, safety, or  
15 welfare, and

16           b. ~~an the~~ alleged abuse or neglect of a the child does  
17 not appear to be attributable to failure on the part  
18 of a person responsible for the child's health,  
19 safety, or welfare to provide protection for the  
20 child,

21 the Department shall immediately ~~verbally notify an~~ make a referral,  
22 either verbally or in writing, to the appropriate local law  
23 enforcement agency for the purpose of conducting a possible criminal  
24 investigation. ~~The verbal notification to the local law enforcement~~

1 ~~agency shall be followed by a written referral transmitted no later~~  
2 ~~than the close of the next business day.~~

3       2. ~~The Department shall determine whether the alleged~~  
4 ~~perpetrator is a parent of any child or is otherwise a person~~  
5 ~~responsible for the child's health, safety or welfare. If the~~  
6 ~~alleged perpetrator is determined to be a parent of a child or is~~  
7 ~~otherwise a person responsible for the child's health, safety or~~  
8 ~~welfare, such determination shall constitute reasonable grounds to~~  
9 ~~conduct an assessment or investigation regarding such child pursuant~~  
10 ~~to subsection A of this section.~~

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

- 14           a. ~~notice is received from the law enforcement agency as~~  
15           ~~provided by subsection C of this section,~~
- 16           b. ~~the alleged perpetrator is a person responsible for~~  
17           ~~the child's health, safety or welfare, or~~
- 18           c. ~~the appropriate law enforcement agency requests the~~  
19           ~~Department, in writing, to participate in the~~  
20           ~~investigation. If funds and personnel are available,~~  
21           ~~as determined by the Director of Human Services, the~~  
22           ~~Department may assist in the investigation of physical~~  
23           ~~or sexual abuse of a child perpetrated by a person~~

24

1           ~~other than the parent or person responsible for the~~  
2           ~~health, safety or welfare of the child.~~

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

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

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

1            designee, the Department may assist law enforcement in  
2            interviewing children alleged to be victims of  
3            physical or sexual abuse.

4            C. 1. Any law enforcement agency receiving a referral as  
5 provided in this section shall provide the Department ~~of Human~~  
6 ~~Services' local child welfare office~~ with a copy of the report of  
7 ~~its~~ any investigation resulting from a referral from the Department  
8 ~~or shall provide a written statement as to why a criminal~~  
9 ~~investigation was not conducted.~~

10           2. ~~a.~~ Whenever, in the course of any criminal investigation, a  
11 law enforcement agency determines that there is cause to believe  
12 that a child may be ~~or is alleged to be~~ abused, or neglected ~~or~~  
13 ~~deprived~~ by reason of the acts ~~or~~, omissions, or failures on the  
14 part of a person responsible for the health, safety, or welfare of  
15 the child ~~or the failure on the part of a person responsible for the~~  
16 ~~child's health, safety or welfare to provide protection for the~~  
17 ~~child,~~ the law enforcement agency shall immediately verbally contact  
18 the ~~local child welfare office~~ Department for the purpose of an  
19 investigation ~~by that office.~~

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

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

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

7 1. By a peace officer or employee of the court, without a court  
8 order if ~~the child's surroundings are such as to endanger the~~  
9 ~~welfare of the child or if continuation of the child in the child's~~  
10 ~~home is contrary to the health, safety or welfare of the child,~~  
11 after a safety assessment conducted by the Department of Human  
12 Services, the Department determines that the child is not safe;

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

1 the caretaker of the child is contrary to the welfare of the child.  
2 The application and order may be verbal and upon being advised by  
3 the district attorney of the verbal order, law enforcement shall act  
4 on such order. If verbal, the district attorney shall submit a  
5 written application ~~shall be submitted~~ and proposed order to the  
6 district court within one (1) judicial day from the issuance of the  
7 verbal order. Upon approval, the application and order shall be  
8 filed with the court clerk.

9 a. When a determination is made by the Department that  
10 there is a significant risk of abuse or neglect, and  
11 there is not an imminent threat to the safety of the  
12 child, the Department may request a court-supervised  
13 and Department-monitored in-home placement.

14 b. The Department shall assist the family in obtaining  
15 the services necessary to maintain the in-home care  
16 and correct the circumstances leading to the risk  
17 determination; or

18 3. By order of the district court, when the child is in need of  
19 medical or behavioral health treatment in order to protect the  
20 health, safety, or welfare of the child, and the parent, legal  
21 guardian, or custodian of the child is unwilling or unavailable to  
22 consent to such medical or behavioral health treatment or other  
23 action. The court shall specifically include in the emergency order  
24

1 authorization for such medical or behavioral health evaluation or  
2 treatment as it deems necessary.

3 B. When an order issued by the district court pursuant to ~~this~~  
4 ~~paragraph~~ subsection A of this section places the child in the  
5 emergency custody of the Department of Human Services pending  
6 further hearing specified by Section 7003-2.4 of this title, an  
7 employee of the Department may execute such order and physically  
8 take the child into custody in the following limited circumstance:

9 ~~(1) the~~

10 1. The child is located in an ~~educational~~ a hospital, school,  
11 or day care facility,

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

15 ~~(3) 2. It is believed that~~ assumption of the child's custody  
16 from the facility of the child can occur without a ~~breach of the~~  
17 ~~peace, otherwise~~ risk to the child or the employee of the  
18 Department.

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

21 ~~b. It is the intent of the Legislature that emergency~~  
22 ~~custody of a child pursuant to a court order shall not~~  
23 ~~occur at an educational or day care facility unless it~~  
24 ~~is determined necessary to avoid endangerment to the~~

1 ~~child. The Department shall establish specific~~  
2 ~~policies when an employee of the Department may take a~~  
3 ~~child into emergency custody pursuant to a court order~~  
4 ~~at an educational or day care facility;~~

5 ~~3. By order of the district court when the child is in need of~~  
6 ~~medical or mental health treatment in order to protect the child's~~  
7 ~~health, safety or welfare and the child's parent, legal guardian,~~  
8 ~~custodian or other person having custody or control of the child is~~  
9 ~~unwilling or unavailable to consent to such medical or mental health~~  
10 ~~treatment or other action pursuant to this article. The court shall~~  
11 ~~specifically include in the order authorization for such medical or~~  
12 ~~mental health treatment as it deems necessary. The court shall~~  
13 ~~include in the order a specific determination that continuation of~~  
14 ~~the child in the child's home is contrary to the health, safety or~~  
15 ~~welfare of the child; and~~

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

17 ~~B. C. The court shall not enter an emergency custody order~~  
18 ~~removing a child from the home of the child unless the court makes a~~  
19 ~~determination:~~

20 ~~1. That continuation in the home of the child or in the care or~~  
21 ~~custody of the parent, legal guardian, or custodian is contrary to~~  
22 ~~the welfare of the child and there is an imminent threat to the~~  
23 ~~safety of the child due to abuse or neglect; and~~

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

3        3. An absence of efforts to prevent the removal of the child  
4 from the home of the child is reasonable because the removal is due  
5 to an emergency and is for the purpose of providing for the health,  
6 safety, or welfare of the child.

7        D. Whenever a child is taken into custody pursuant to  
8 ~~subsection A of this section:~~

9        ~~1. The the child may be taken to:~~

10        1. A kinship care home or other emergency foster care home; or

11        2. If no such home is available, to a children's shelter

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

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

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

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

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

23 5. Except as otherwise provided by subsection ~~C~~ E of this  
24 section, the district court of the county where the ~~emergency~~

1 custody is assumed shall be immediately notified, verbally or in  
2 writing, that the child has been taken into custody. If  
3 notification is verbal, written notification shall be sent to the  
4 district court within one (1) judicial day of such verbal  
5 notification.

6 ~~C.~~ E. The court may provide, in an order issued pursuant to  
7 this section ~~or by a standing order or rule~~, for the disposition of  
8 children taken into ~~emergency~~ custody and notification of the  
9 assumption of such custody. Such order ~~or rule~~ shall be consistent  
10 with the provisions of subsection ~~B~~ D of this section, but may also:

11 1. Designate a licensed child care facility, other than a  
12 children's shelter appropriate for the temporary care of deprived  
13 children, if the options provided for in subsection D of this  
14 section are unavailable and if ~~such~~ the facility is willing to  
15 provide care, ~~provided that the placement of an infant who appears~~  
16 ~~to be or has been determined to have a medical condition or illness~~  
17 ~~that falls within the placement protocol for at-risk infants~~  
18 ~~established pursuant to subsection D of this section shall be taken~~  
19 ~~to a location as provided in the placement protocol; and~~

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

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

4       ~~D. 1. The Department of Human Services shall establish~~ require  
5 ~~by rule a placement protocol for at risk infants~~ the use of a  
6 protocol when conducting a safety assessment that provides for  
7 removal of the child from the home only when it is determined that  
8 the child cannot be made safe through the immediate implementation  
9 of a safety plan.

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

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

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

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

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

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

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

19 H. A parent or person responsible for the child who is arrested  
20 on a charge or warrant other than child abuse or neglect or an act  
21 of child endangerment may designate another person to take physical  
22 custody of the child. Upon this request, the peace officer may  
23 release the child to the physical custody of the designated person.  
24

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

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

6 1. Demographic information;

7 2. Strengths, needs and general behavior of the child;

8 3. Circumstances which necessitated placement;

9 4. Type of custody and previous placement;

10 5. Pertinent family information including, but not limited to,  
11 the names of family members who are and who are not, by court order,  
12 allowed to visit the child and the child's relationship to the  
13 family which may affect placement;

14 6. Known and important life experiences and relationships which  
15 may significantly affect the child's feelings, behavior, attitudes  
16 or adjustment;

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

19 8. Education history to include present grade placement, last  
20 school attended, and special strengths and weaknesses. The  
21 Department of Human Services shall also assist the foster parents in  
22 ~~getting the foster child's school records and gaining school~~  
23 admission of the child into school; and  
24

1 9. Known or available medical history including, but not  
2 limited to:

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

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

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

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

24

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

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

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

1       1. The Department of Human Services shall establish a Passport  
2 Program for children in the custody of the Department.

3       2. The Program shall provide for a Passport, which shall be a  
4 compilation of the significant information provided for in  
5 subsections A and B of this section for each child, in particular,  
6 education and physical and behavioral health records.

7       3. In furtherance of the purposes of this section, the Oklahoma  
8 Health Care Authority, the Department of Education, and the  
9 Department of Mental Health and Substance Abuse Services shall  
10 cooperate with the Department to establish such Passport.

11       4. The Passport shall accompany each child to wherever the  
12 child resides so long as the child is in the custody of the  
13 Department and the Department shall:

14           a. work with public and private partners to gain access  
15           to the information listed in subsections A and B of  
16           this section,

17           b. provide for a secure database in which to store the  
18           information, and

19           c. consult with the Oklahoma Health Care Authority to  
20           convert Medicaid claims data to a usable format and to  
21           add it from other data sources in order to provide  
22           foster families more information about the history and  
23           needs of the child.

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

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

18 2. ~~If the court grants a delay, the court shall state why the~~  
19 ~~delay is necessary and shall state the minimum amount of time needed~~  
20 ~~to resolve any such reasons for the delay. The court shall schedule~~  
21 ~~the dispositional hearing at the earliest possible time following~~  
22 ~~the delay~~ During the hearing all evidence, including oral and  
23 written reports, relevant to the determination of the disposition  
24 best serving the health, safety, and welfare of the child may be

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

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

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

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

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

24 2. The court shall further:

- 1           a. establish an initial permanency plan for the child,  
2           and  
3           b. determine if aggravated circumstances exist pursuant  
4           to Section 7001-1.3 of this title and whether  
5           reunification services are appropriate for the child  
6           and the child's family.

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

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

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

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

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

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

1 ~~reasonably prevent the child from becoming or~~  
2 ~~continuing to be deprived.~~

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

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

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

- 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          ~~e. 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~~

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~~

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,~~

1           ~~(4) custody, and~~

2           ~~(5) decision making.~~

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

5       ~~e. The petition for kinship guardianship shall allege~~  
6       ~~that:~~

7           ~~(1) the child is in the legal custody of the~~  
8           ~~Department,~~

9           ~~(2) more than twelve (12) months have passed since~~  
10          ~~the date of the dispositional order placing such~~  
11          ~~child in the legal custody of the Department,~~

12          ~~(3) the parents of the child are presently and for~~  
13          ~~the foreseeable future unable to provide proper~~  
14          ~~and adequate care for the child,~~

15          ~~(4) the prospective kinship guardian consents to the~~  
16          ~~appointment,~~

17          ~~(5) the child has resided with the kinship foster~~  
18          ~~parent and there exists a loving and emotional~~  
19          ~~tie between the child and the kinship foster~~  
20          ~~parent, and~~

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

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

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

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

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

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

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

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

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

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

24

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

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

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

1 a subsequent order of the district court,  
2 and

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

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

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

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

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

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

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

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

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

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

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

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

20 f. The order placing the child under supervision by the  
21 Department in the child's own home shall remain in  
22 effect for a period of one (1) year. In appropriate  
23 circumstances, the court may extend or reduce the  
24 period of supervision by the Department.

1           2.    a.    If the court is unable to place the child in the home  
2                   of a parent, the court shall give a preference for  
3                   placing temporary custody of the child with a  
4                   relative, subject to the best interest of the child.  
5                   In determining whether to place temporary custody of  
6                   the child with a relative, the court may consider the  
7                   following factors:

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

1 long-term permanency for the child if  
2 reunification is unsuccessful, and

3 (6) the ability of the relative to do the following:

4 (a) provide a safe, secure, and stable  
5 environment for the child,

6 (b) exercise proper and effective care and  
7 control of the child,

8 (c) provide a home and the necessities of life  
9 for the child,

10 (d) protect the child from his or her parents,

11 (e) facilitate court-ordered reunification  
12 efforts with the parent,

13 (f) facilitate visitation with the child's  
14 siblings and other relatives, and

15 (g) arrange for appropriate and safe child care,  
16 if necessary.

17 b. If more than one appropriate relative requests  
18 preferential consideration pursuant to this section,  
19 each relative shall be evaluated under the factors  
20 enumerated in this paragraph. However, whenever a new  
21 temporary custody order regarding the child must be  
22 entered, consideration shall again be given as  
23 described in this section to relatives who have been  
24

1 found to be suitable and who will fulfill the  
2 permanency needs of the child.

3 c. If the court does not place temporary custody of the  
4 child with a relative pursuant to this subsection, the  
5 court shall state for the record the reasons placement  
6 with that relative was denied.

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

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

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

1           4. The court may place the child in the custody of the  
2 Department.

3           a. In selecting a placement for a child in its custody,  
4 the Department shall make an individualized  
5 determination based upon the child's best interest and  
6 permanency plan regarding the following placement  
7 options:

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

22           b. (1) Unless the child is placed with relatives or in  
23                accord with the federal and state Indian Child  
24                Welfare Acts, the child may be placed, when

1 possible, in the county of residence of the  
2 child's parent or legal guardian in order to  
3 facilitate reunification of the family.

4 (2) If an appropriate placement is not available in  
5 the county of residence of the parent or legal  
6 guardian, the child may be placed in an  
7 appropriate home in the nearest proximity to the  
8 resident county of the parent or legal guardian.

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

18 c. If the child is part of a sibling group, it shall be  
19 presumed that placement of the entire sibling group in  
20 the same placement is in the best interests of the  
21 child and siblings unless the presumption is rebutted  
22 by a preponderance of the evidence to the contrary.

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

4           6.    a.    If the court determines that reunification services  
5                    are appropriate for the child and a parent, the court  
6                    shall allow reasonable visitation with the parent or  
7                    legal guardian from whose custody the child was  
8                    removed, unless visitation is not in the best interest  
9                    of the child, taking into consideration:

- 10                   (1) protection of the physical safety of the child,  
11                   (2) protection of the life of the child,  
12                   (3) protection of the child from being traumatized by  
13                    contact with the parent, and  
14                   (4) the child's expressed wishes.

15           b.    A court may not deny visitation based solely on the  
16                    failure of a parent to prove that the parent has not  
17                    used legal or illegal substances or complied with an  
18                    aspect of the court-ordered individualized service  
19                    plan.

20           7. The court may order a permanent guardianship to be  
21 established as more fully set forth in Article III of this Code.

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

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

2 1. A statement informing the child's parent that the  
3 consequences of noncompliance with the requirement of the court may  
4 include termination of the parent's rights with respect to the  
5 child; or

6 2. A statement informing the child's legal guardian or  
7 custodian that the consequences of noncompliance with the  
8 requirement of the court may include removal of the child from the  
9 custody of the legal guardian or custodian.

10 C. 1. In any dispositional order removing a child from the  
11 home of the child, the court shall make a determination as to  
12 whether, in accordance with the best interest and the health,  
13 safety, or welfare of the child, reasonable efforts have been made  
14 to provide for the safe return of the child to the child's own home.

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

23 3. If the court finds that continuation of reasonable efforts  
24 to return the child home are inconsistent with the permanency plan

1 for a child, the court shall determine whether reasonable efforts  
2 have been made to complete the steps necessary to finalize the  
3 permanent placement of the child.

4 4. Reasonable efforts to reunite the child with the child's  
5 family shall not be required pursuant to the provisions of Section  
6 7003-4.6 of Title 10 of the Oklahoma Statutes.

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

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

14 a. place siblings, who have been removed, together in the  
15 same foster care, guardianship, or adoptive placement,  
16 and

17 b. provide for frequent visitation or other ongoing  
18 interaction in the case of siblings who have been  
19 removed and who are not placed together.

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

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

1 1. Provide for the ~~temporary~~ care and treatment of children  
2 taken into protective or emergency custody pursuant to the  
3 provisions of ~~Article III~~ of the Oklahoma Children's Code, and  
4 placed in the Department's custody by an order of the ~~juvenile~~  
5 court.

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

9 a. place ~~such~~ the children in:

- 10 (1) a kinship care home or other foster care home, or  
11 (2) if no such home is available, a group home,  
12 ~~children's shelter, a foster home or a relative's~~  
13 ~~home~~ or in any licensed facility established for  
14 the care of children.

15 In determining any placement for a child who has been  
16 removed from the custody of a custodial parent and placed  
17 with the Department in emergency ~~or protective~~ custody,  
18 priority shall be given by the Department to the placement  
19 of such child with the noncustodial parent of the child  
20 unless such placement is not in the best ~~interests~~ interest  
21 of the child. ~~If it is determined by the Department that~~  
22 ~~placement with the noncustodial parent is not in the best~~  
23 ~~interests of the child, custody shall be consistent with~~  
24 ~~the provisions of Section 21.1 of this title. If custody~~

1 ~~of the child cannot be made pursuant to the provisions of~~  
2 ~~Section 21.1 of this title, the reason for such~~  
3 ~~determination shall be specified in the agency records~~  
4 ~~concerning the child. In addition, such reasons shall be~~  
5 ~~made known to the court by the Department,~~

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

19 c. admit an alleged deprived child ~~in the Department's~~  
20 ~~emergency custody~~ to a hospital or ~~mental~~ behavioral  
21 health facility as provided in ~~Section 5-507 of Title~~  
22 ~~43A of the Oklahoma Statutes and shall, if such child~~  
23 ~~is found by the court to be a child in need of mental~~  
24 ~~health treatment, place the child, as provided in~~

1 ~~paragraph 2 of subsection D of Section 5-512 of Title~~  
2 ~~43A of the Oklahoma Statutes~~ the Inpatient Mental  
3 Health and Substance Abuse Treatment of Minors Act,

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

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

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

22 ~~f.~~ g. provide ~~for each child placed in the Department's~~  
23 ~~emergency custody to receive, as soon as practicable~~  
24 ~~after the filing of the petition, an initial health~~

1           ~~screening to identify any health problems that require~~  
2           ~~immediate treatment, to diagnose infections and~~  
3           ~~communicable diseases and to evaluate injuries or~~  
4           ~~other signs of neglect or abuse. The Department shall~~  
5           ~~provide such~~ medical care as is necessary to preserve  
6           ~~the child's health and protect the health of others in~~  
7           ~~contact with the child~~ in accordance with the  
8           provisions of this Code; and

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

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

1 the ~~determination of the correct placement of the~~  
2 ~~child~~ assessment,

3 b. shall develop and, ~~upon approval by the court,~~  
4 implement an ~~individual treatment and~~ individualized  
5 service plan for each ~~deprived child placed in the~~  
6 ~~Department's custody~~ in accord with the requirements  
7 of Section 7003-5.1 et seq. of this title,

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

19 d. may admit a deprived child ~~in the Department's custody~~  
20 to a hospital or ~~mental~~ behavioral health facility as  
21 provided in ~~Section 5-507 of Title 43A of the Oklahoma~~  
22 ~~Statutes and shall, if such child is found by the~~  
23 ~~court to be a child in need of mental health~~  
24 ~~treatment, place the child as provided in paragraph 2~~

1 ~~of subsection D of Section 5-512 of Title 43A of the~~  
2 ~~Oklahoma Statutes~~ the Inpatient Mental Health and  
3 Substance Abuse Treatment of Minors Act,

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

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

21 g. shall provide medical care necessary to preserve the  
22 health of the child in accordance with the provisions  
23 of the Oklahoma Children's Code.

1       ~~3. Transfer any~~ B. 1. The Department may move a child in its  
2 custody from any authorized placement to another authorized  
3 placement if ~~such transfer is~~ consistent with the ~~treatment~~ needs of  
4 the child or as may be required in an emergency, subject to the  
5 provisions of Section 7003-5.4a of this title.

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

9           ~~a. the guidance centers operated by the State Department~~  
10           ~~of Health,~~

11           ~~b. the Department of Mental Health and Substance Abuse~~  
12           ~~Services, and~~

13           ~~c. community-based private nonprofit agencies and~~  
14           ~~organizations; and~~

15       ~~5. Provide, when voluntarily requested by a parent, legal~~  
16 ~~guardian or custodian pursuant to rules promulgated by the~~  
17 ~~Commission, family preservation or other services aimed at the~~  
18 ~~prevention of child abuse or neglect.~~

19       2. The Department, in placing a child who has reentered foster  
20 care, shall consider previous foster care placements as well as  
21 kinship care placements if available. The placement shall be  
22 consistent with the best interest of the child.

23       C. The Department shall assure that any child who has attained  
24 the minimum age for compulsory school attendance and is eligible for

1 a foster care payment under Title IV-E of the Social Security Act,  
2 42 U.S.C. 670 et seq., is:

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

6 2. Instructed in elementary or secondary education in any  
7 legally authorized education program;

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

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

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

20 E. The Department shall receive notice of all court proceedings  
21 regarding any child in its custody and shall, upon application, be  
22 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. The Department may participate in federal programs  
2 relating to ~~deprived~~ abused and neglected children and services for  
3 such children; and apply for, receive, use and administer federal  
4 funds for such purposes.

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

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

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

1        1. All programs and services shall be designed to ensure the  
2 accessibility of the program to the persons served. Provision for  
3 transportation, child care and similar services necessary in order  
4 to assist persons to access the services shall be made. If the  
5 service is provided in an office setting, the service shall be  
6 available during the evening.

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

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

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

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

1 recommendations and priorities shall be closely integrated with  
2 agency and interagency program planning and management.

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

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

13 2. A description of programs and services which should be  
14 implemented;

15 3. Statutory changes necessary;

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

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

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

24

1 Section 7004-3.1 A. 1. The Department of Human Services is  
2 authorized to manage and operate the children's shelter located at  
3 in Oklahoma City, known and designated as the Pauline Mayer  
4 Children's Shelter, and the children's shelter located in Tulsa,  
5 known and designated as the Laura Dester Children's Shelter. The  
6 Department shall implement a plan to phase out use of the shelters,  
7 and in the alternative, utilize kinship care homes and emergency  
8 foster care homes. The Department shall:

- 9 a. monitor and report to the Legislature and Governor on  
10 a monthly basis the daily average shelter population  
11 and the number of kinship care homes utilized and the  
12 total number of emergency foster care homes available  
13 by county, and
- 14 b. monitor and report to the Legislature and Governor on  
15 a quarterly basis the projected cost savings of  
16 phasing out use of the shelters.

17 2. The Department is authorized to manage and operate, to the  
18 extent of funds available, such group homes as may be necessary to  
19 provide a diversity of placement alternatives for children  
20 adjudicated deprived and placed in the ~~Department's~~ Department's custody of the  
21 Department.

22 B. The Commission for Human Services shall establish and  
23 maintain ~~such~~ methods of administration, including those necessary  
24 to establish and maintain a merit system of personnel

1 administration, and shall prescribe ~~such~~ rules as ~~it deems~~ necessary  
2 for the efficient and effective operation of the children's  
3 facilities operated by the Department.

4 C. 1. The Director of the Department ~~of Human Services~~ shall  
5 employ and fix the duties and compensation of a director or  
6 supervisor, and ~~such~~ other personnel as ~~he deems~~ necessary, for each  
7 of the children's facilities operated by the Department, ~~provided~~  
8 ~~that the~~.

9 2. The Department shall promulgate, and in its hiring and  
10 employment practices, the Department shall adhere to, written  
11 minimum qualifications by position for personnel working with or  
12 around children in ~~said~~ such facilities. ~~Such minimum~~ Minimum  
13 qualifications shall be designed to assure that such:

14 a. personnel possess sufficient education, training,  
15 experience, and background to provide adequate and  
16 safe professional care and services to ~~said~~ children, and  
17 ~~and that the~~

18 b. children will not be exposed to abuse, deprivation,  
19 criminal conduct, or other unwholesome conditions  
20 attributable to employee incompetence or misconduct.

21 D. 1. It shall be the duty of the State Fire Marshal and the  
22 Commissioner of Public Health to cause annual unannounced  
23 inspections of children's facilities operated by the Department,  
24 utilizing adequately trained and qualified inspection personnel, to

1 determine and evaluate conditions in their respective areas of  
2 agency jurisdiction. ~~Such inspections~~

3 2. Inspections shall include, but not be limited to, compliance  
4 with:

5 a. minimum fire, life, and health safety standards, and  
6 ~~compliance with~~

7 b. minimum standards governing general sanitation of the  
8 institution.

9 3. Reports of ~~such~~ inspections ~~will~~ shall be made in writing,  
10 itemizing and identifying any deficiencies, and recommending  
11 corrective ~~measure~~ measures, and shall be filed with the ~~Child Care~~  
12 ~~Facilities Licensing Division of the Department of Human Services,~~  
13 the Office of Juvenile System Oversight, and the Commission on  
14 Children and Youth.

15 ~~F. 4.~~ The Department ~~of Human Services~~ shall file copies of the  
16 reports of the inspections and recommendations of the accrediting  
17 agencies with the Office of Juvenile System Oversight.

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

19 a. give assistance to local school districts in providing  
20 an education to children in facilities operated by the  
21 Department, ~~may~~

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

23 c. provide facilities for such purposes.

24

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

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

8        Section 7103. A. 1. The Department of Human Services shall  
9 establish a statewide centralized hotline for the reporting of child  
10 abuse or neglect to the Department.

11        2. The Department shall provide hotline-specific training  
12 including, but not limited to, interviewing skills, customer service  
13 skills, narrative writing, necessary computer systems, making case  
14 determinations, and identifying Priority 1 situations.

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

17        4. The Department shall develop a system to track the number of  
18 calls received, and of that number:

19            a. the number of calls screened out,

20            b. the number of calls determined to be Priority 1 and  
21 Priority 2 situations, and

22            c. the number of calls in which the referral to the  
23 county office was later found to be unsubstantiated.

24        B. 1. Every-

- 1           a. ~~physician or surgeon, including doctors of medicine~~  
2           ~~and dentistry, licensed osteopathic physicians,~~  
3           ~~residents and interns, examining, attending or~~  
4           ~~treating a child under the age of eighteen (18) years,~~  
5           b. ~~registered nurse examining, attending or treating such~~  
6           ~~a child in the absence of a physician or surgeon,~~  
7           c. ~~teacher of any child under the age of eighteen (18)~~  
8           ~~years, and~~  
9           d. ~~other person~~

10 having reason to believe that a child under the age of eighteen (18)  
11 years is a victim of abuse or neglect, shall report the matter  
12 promptly to the Department of Human Services. ~~Such reports may~~  
13 Reports shall be made by telephone, in writing, personally or by any  
14 ~~other method prescribed by the Department. Any report of abuse or~~  
15 ~~neglect made pursuant to this section shall be made in good faith to~~  
16 the hotline provided for in subsection A of this section. Any  
17 allegation of abuse or neglect reported in any manner to a county  
18 office shall immediately be referred to the hotline.

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

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

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

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

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

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

20        ~~2. The child's age;~~

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

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

1       5. ~~Any other information that the maker of the report believes~~  
2 ~~might be helpful in establishing the cause of the injuries and the~~  
3 ~~identity of the person or persons responsible therefor if such~~  
4 ~~information or any part thereof is known to the person making the~~  
5 ~~report.~~

6       C. Any person who knowingly and willfully fails to promptly  
7 report ~~any incident as provided in this section~~ suspected child  
8 abuse or neglect or who interferes with the prompt reporting of  
9 suspected child abuse or neglect may be reported ~~by the Department~~  
10 ~~of Human Services~~ to local law enforcement for criminal  
11 investigation and, upon conviction thereof, shall be guilty of a  
12 misdemeanor.

13       D. 1. Any person who knowingly and willfully makes a false  
14 report pursuant to the provisions of this section or a report that  
15 the person knows lacks factual foundation may be reported ~~by the~~  
16 ~~Department of Human Services~~ to local law enforcement for criminal  
17 investigation and, upon conviction thereof, shall be guilty of a  
18 misdemeanor.

19       2. If a court determines that an accusation of child abuse or  
20 neglect made during a child custody proceeding is false and the  
21 person making the accusation knew it to be false at the time the  
22 accusation was made, the court may impose a fine, not to exceed Five  
23 Thousand Dollars (\$5,000.00) and reasonable attorney fees incurred  
24 in recovering the sanctions, against the person making the

1 accusation. The remedy provided by this paragraph is in addition to  
2 paragraph 1 of this subsection or to any other remedy provided by  
3 law.

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

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

16 ~~F.~~ Nothing contained in this section shall be construed to  
17 exempt or prohibit any person from reporting any suspected child  
18 abuse or neglect pursuant to subsection ~~A~~ B of this section.

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

22 Section 7221. ~~A.~~ ~~In order to promote the stability and healthy  
23 growth of a foster child who has been placed in a foster family~~

24

1 ~~home, it is the intent of the Legislature to limit the number of~~  
2 ~~times a foster child is moved within the foster family system.~~

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

6 ~~C. Required visitations for the foster child are to be made in~~  
7 ~~the home of the foster parent, except as provided in paragraph 2 of~~  
8 ~~subsection C of Section 7206 of this title. If there is good cause,~~  
9 ~~other than an allegation of abuse or neglect, to believe the foster~~  
10 ~~child needs to~~ The Department of Human Services or child-placing  
11 agency shall visit each foster child a minimum of one time per  
12 month, with no less than two visits per quarter in the foster  
13 placement. Each child shall be interviewed, or if an infant,  
14 observed, alone without the foster parent present, ~~then the foster~~  
15 ~~parent shall provide a location in the home where the foster child~~  
16 ~~can be questioned without the foster parent's being present~~ at least  
17 one time per quarter.

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

21 The Department of Human Services shall implement a plan of  
22 reorganization of the offices servicing the two largest counties by  
23 population, according to the most recent Federal Decennial Census,  
24 in this state.

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

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

- 6 1. A safety assessment protocol and risk assessment protocol  
7 adopted by the Department;
- 8 2. Core areas of the Department; and
- 9 3. Job-specific areas and the application of necessary skills  
10 to effectively perform the duties of the position.

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

14 The central office program divisions of the Department of Human  
15 Services shall conduct an area-level services needs assessment, at  
16 least annually and using evidence-based practices as available, to  
17 determine the needs of families and children in each area, and the  
18 most efficient way to address those needs. Based upon the  
19 assessment, the Department shall increase the number and types of  
20 in-home services. The Department shall allocate funding to each  
21 area office for contracted services and shall report the results of  
22 the needs assessments and any action taken to the Oversight  
23 Committee created in Section 19 of this act on an annual basis.

24

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

4 A. The Department of Human Services shall:

5 1. Transfer the SWIFT Adoption program to the Field Operations  
6 Division; and

7 2. Integrate and reassign personnel in order to decrease  
8 workloads and utilize efficiencies among the programs.

9 B. 1. Unless prohibited by state or federal law, documents  
10 collected by the Department of Human Services for the purpose of  
11 approving persons requesting to adopt, provide foster care, care for  
12 children or adults, or provide home-based services shall be made  
13 available to any division or entity within the Department to make a  
14 determination for such person to provide another service.

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

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

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

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

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

3           3. Appointments to the Committee shall be made by September 1,  
4 2009.

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

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

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

11           7. The Committee shall meet at least biannually to review the  
12 reports provided by the Department as required by Section 20 of this  
13 act.

14           8. Members of the Committee shall receive no compensation for  
15 their service, but shall receive travel reimbursement in accordance  
16 with the provisions of Section 456 of Title 74 of the Oklahoma  
17 Statutes.

18           9. Administrative support for the Committee including, but not  
19 limited to, personnel necessary to ensure the proper performance of  
20 the duties and responsibilities of the Committee shall be provided  
21 by the staff of the Oklahoma House of Representatives.

22           C. The Committee shall:

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

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

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

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

9           The Department of Human Services shall provide a report to the  
10 Children's Services Oversight Committee at least biannually to  
11 update the Committee on the status of the implementation of the  
12 provisions of the audit and of this act.

13           SECTION 21. This act shall become effective November 1, 2009.

14           Passed the House of Representatives the 10th day of March, 2009.

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\_\_\_\_\_  
Presiding Officer of the House of  
Representatives

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

\_\_\_\_\_  
Presiding Officer of the Senate