

1 ENGROSSED HOUSE  
2 BILL NO. 2028

By: Steele, Shelton, McAffrey,  
Kern, McDaniel (Jeanie),  
Denney and Shumate of the  
House

4 and

5 Coates of the Senate

6  
7  
8 An Act relating to children; amending 10 O.S. 2001,  
9 Section 15, which relates to support of stepchildren;  
10 deleting obsolete language; amending 10 O.S. 2001,  
11 Section 21.1, as last amended by Section 1, Chapter  
12 94, O.S.L. 2007 (10 O.S. Supp. 2008, Section 21.1),  
13 which relates to custody or guardianship; deleting  
14 legislative intent; deleting stated conditions for  
15 when a court may deny custody to a noncustodial  
16 parent; prohibiting certain contributions from being  
17 considered in satisfaction of support obligation;  
18 providing for custody to be awarded to a parent  
19 unless a nonparent proves certain circumstances;  
20 prohibiting modification of custody except in certain  
21 circumstances; amending 10 O.S. 2001, Section 22.1,  
22 which relates to foster care by grandparents or other  
23 relatives; modifying agency designation; amending 10  
24 O.S. 2001, Section 22.2, which relates to the  
Investing in Stronger Oklahoma Families Act;  
modifying agency designation; amending 10 O.S. 2001,  
Section 24, which relates to the Oklahoma Indigent  
Defense System; modifying statutory references;  
amending 10 O.S. 2001, Section 24.1, which relates to  
volunteer attorneys for indigent children; deleting  
obsolete language; amending 10 O.S. 2001, Section  
170.1, which relates to authorization to consent to  
medical or dental care; clarifying language; amending  
10 O.S. 2001, Section 1211, as amended by Section 3,  
Chapter 415, O.S.L. 2004 (10 O.S. Supp. 2008, Section  
1211), which relates to juvenile law and issues  
training; limiting certain training requirements to  
certain persons; modifying certain training  
requirements; requiring each judicial district to  
develop rules; specifying time limit; amending 10

1 O.S. 2001, Sections 7001-1.1, 7001-1.2 and 7001-1.3,  
2 as last amended by Section 1, Chapter 258, O.S.L.  
3 2006 (10 O.S. Supp. 2008, Section 7001-1.3), which  
4 relate to the Oklahoma Children's Code; modifying  
5 legislative intent; modifying definitions; amending  
6 10 O.S. 2001, Sections 7002-1.1, as amended by  
7 Section 1, Chapter 69, O.S.L. 2005, 7002-1.2, 7002-  
8 2.1, 7002-2.2 and 7002-3.1 (10 O.S. Supp. 2008,  
9 Section 7002-1.1), which relate to jurisdiction;  
10 expanding scope of circumstances in which a court may  
11 assume jurisdiction; eliminating certain person from  
12 jurisdiction; authorizing a court to assume  
13 jurisdiction and take certain action in an emergency;  
14 providing for an automatic stay of certain action in  
15 certain circumstance; stating that certain orders in  
16 a deprived proceeding control over any conflicting  
17 order; specifying certain procedure; specifying  
18 procedures for venue; providing for transfer of venue  
19 in certain circumstance; limiting transfer;  
20 specifying residence; stating procedure for transfer;  
21 giving the court discretion in appointing a guardian  
22 ad litem in certain circumstances; authorizing the  
23 court to appoint a certain guardian ad litem in  
24 certain circumstance; specifying procedure for  
appointment of guardian ad litem or guardian;  
deleting certain persons authorized to bring a civil  
action in certain circumstances; amending 10 O.S.  
2001, Section 7003-1.1, which relates to assessment  
and investigations; modifying procedures and  
responsibilities after referral; eliminating  
requirement of certain statement in certain  
circumstance; amending 10 O.S. 2001, Sections 7003-  
2.1, as last amended by Section 5, Chapter 3, O.S.L.  
2003, 7003-2.4, as last amended by Section 2, Chapter  
293, O.S.L. 2008 and 7003-2.5 (10 O.S. Supp. 2008,  
Sections 7003-2.1 and 7003-2.4), which relate to  
protective custody; modifying circumstances in which  
a child may be taken into custody; requiring certain  
information to be in certain application; providing  
for a child to be taken into custody from a hospital  
in certain circumstance; deleting legislative intent;  
modifying determinations to be made in order;  
providing for certain alternative placements;  
deleting requirement for placement protocol for at-  
risk infants; providing immunity from liability for  
certain persons transporting a child; providing for  
certain presumption; providing for certain

1 designation in certain circumstance; authorizing the  
2 Department to provide certain notice for emergency  
3 custody hearing; modifying certain content of notice;  
4 deleting provisions relating to the emergency custody  
5 hearing; deleting certain required form; deleting  
6 certain time limitation; deleting certain notice;  
7 deleting certain order; providing immunity from  
8 liability for health care providers in certain  
9 circumstances; amending 10 O.S. 2001, Sections 7003-  
10 3.1, as amended by Section 17, Chapter 327, O.S.L.  
11 2002, 7003-3.3, 7003-3.4, 7003-3.5, 7003-3.6 and  
12 7003-3.7, as last amended by Section 1, Chapter 268,  
13 O.S.L. 2007 (10 O.S. Supp. 2008, Sections 7003-3.1  
14 and 7003-3.7), which relate to adjudication;  
15 specifying certain relief to be requested in  
16 petition; deleting certain required statements in  
17 petition; deleting certain provisions relating to  
18 termination of parental rights; specifying procedure  
19 for amendments; providing for a postadjudication  
20 petition in certain circumstances; providing  
21 limitation; specifying procedures when issuing a  
22 summons; modifying certain required content;  
23 providing for certain waiver of service; modifying  
24 certain notice proceedings and content; authorizing  
court-appointed counsel in certain circumstance;  
deleting certain time limitation; deleting provision  
authorizing access to certain information by  
attorney; providing reimbursement for certain travel;  
deleting limitation on certain application; deleting  
requirements for court-appointed special advocates;  
amending 10 O.S. 2001, Sections 7003-4.1, as amended  
by Section 4, Chapter 205, O.S.L. 2006, 7003-4.2,  
7003-4.3, 7003-4.4, 7003-4.5, 7003-4.6 and 7003-4.7,  
as amended by Section 1, Chapter 237, O.S.L. 2002 (10  
O.S. Supp. 2008, Sections 7003-4.1 and 7003-4.7),  
which relate to adjudicative hearings; authorizing  
certain proceedings to be held via teleconference;  
eliminating certain condition for certain testimony;  
modifying procedures relating to oral statements;  
requiring certain procedure for the taking of  
testimony of a child when facilities are available;  
providing for certain recess; specifying standard of  
proof; requiring certain persons to register with the  
court when a child has been adjudicated deprived;  
modifying circumstances in which reasonable efforts  
are not required to return child home; specifying  
time for permanency hearing; modifying procedures and

1 circumstances for filing for termination of parental  
2 rights; amending 10 O.S. 2001, Sections 7003-5.2,  
3 7003-5.3, as last amended by Section 2, Chapter 258,  
4 O.S.L. 2006, 7003-5.4, 7003-5.4a, 7003-5.5, as  
5 amended by Section 3, Chapter 258, O.S.L. 2006, 7003-  
6 5.5a, as amended by Section 1, Chapter 452, O.S.L.  
7 2004, 7003-5.6, as last amended by Section 2, Chapter  
8 196, O.S.L. 2007, 7003-5.6a, 7003-5.6b, 7003-5.6d, as  
9 last amended by Section 3, Chapter 196, O.S.L. 2007,  
10 7003-5.6e, as last amended by Section 4, Chapter 452,  
11 O.S.L. 2004, 7003-5.6f and 7003-5.6h, as amended by  
12 Section 1, Chapter 75, O.S.L. 2005 (10 O.S. Supp.  
13 2008, Sections 7003-5.3, 7003-5.5, 7003-5.5a, 7003-  
14 5.6, 7003-5.6d, 7003-5.6e and 7003-5.6h), which  
15 relate to dispositional hearings and orders; deleting  
16 certain provisions relating to medical care;  
17 specifying time frame for individualized service  
18 plan; providing for evidentiary hearing in certain  
19 circumstance; specifying content of individualized  
20 service plan; specifying certain information to be  
21 provided to a court; deleting certain requirements  
22 for disease screenings; modifying definition;  
23 requiring a showing of good cause before delaying  
24 dispositional hearing; specifying procedures for  
hearing; modifying procedures for trial home  
reunification; specifying content of certain written  
report; modifying procedures for permanency hearing;  
providing for memorialization of hearing; specifying  
plans authorized to be ordered by court; modifying  
procedures relating to written agreements with birth  
relatives in certain adoptions; specifying steps to  
preserve sibling contact; providing for postadoption  
agreements; modifying considerations in adoption  
determination; amending 10 O.S. 2001, Sections 7003-  
6.2, as last amended by Section 2, Chapter 268,  
O.S.L. 2007, 7003-6.2A, as amended by Section 6,  
Chapter 205, O.S.L. 2006, 7003-6.3 and 7003-6.4 (10  
O.S. Supp. 2008, Section 7003-6.2 and 7003-6.2A),  
which relate to modification and appeals of decrees  
or orders; deleting certain procedures during an  
appeal; providing for decision by court to be made on  
a priority basis; defining certain term; amending 10  
O.S. 2001, Section 7003-7.1, as amended by Section  
19, Chapter 327, O.S.L. 2002 (10 O.S. Supp. 2008,  
Section 7003-7.1), which relates to persons or  
agencies receiving custody; specifying applicable  
persons; deleting requirement for certain form;

1 modifying procedures for medical care; amending 10  
2 O.S. 2001, Sections 7003-8.1, as last amended by  
3 Section 1, Chapter 27, O.S.L. 2008, 7003-8.2, 7003-  
4 8.3, 7003-8.4, 7003-8.5, 7003-8.6, 7003-8.7, as  
5 amended by Section 1, Chapter 198, O.S.L. 2004, and  
6 Section 2, Chapter 198, O.S.L. 2004, as last amended  
7 by Section 1, Chapter 99, O.S.L. 2008 (10 O.S. Supp.  
8 2008, Sections 7003-8.1, 7003-8.7 and 7003-8.8),  
9 which relate to provisions affecting court  
10 proceedings and custody; modifying considerations  
11 when placing child with foster parent; modifying  
12 definition; modifying certain population count for  
13 appointment of referees; providing for reasonable  
14 compensation to be fixed by judge; specifying  
15 procedures for referees; specifying that the Oklahoma  
16 Child Support Services handle certain matters;  
17 amending 10 O.S. 2001, Sections 7004-1.1, 7004-1.3,  
18 7004-1.5, 7004-1.6, 7004-1.7 and Section 7, Chapter  
19 205, O.S.L. 2006, as amended by Section 4, Chapter  
20 159, O.S.L. 2008 (10 O.S. Supp. 2008, Section 7004-  
21 1.8), which relate to powers and duties of the  
22 Department of Human Services; modifying procedures;  
23 specifying procedures for travel; providing for  
24 annual report on progress of certain program;  
amending 10 O.S. 2001, Section 7004-2.1, which  
relates to grants and contracts for community-based  
services and care for deprived children; clarifying  
language; amending 10 O.S. 2001, Section 7004-3.1,  
7004-3.2, as amended by Section 20, Chapter 327,  
O.S.L. 2002, 7004-3.4, as amended by Section 6,  
Chapter 445, O.S.L. 2002 and 7004-3.5 (10 O.S. Supp.  
2008, Sections 7004-3.2 and 7004-3.4), which relate  
to children's shelters and youth services shelter  
facilities; deleting specific requirements for  
certain rules and policies; providing for use of  
physical force; amending 10 O.S. 2001, Sections 7005-  
1.1, 7005-1.2, 7005-1.3, as amended by Section 1,  
Chapter 153, O.S.L. 2005, 7005-1.6 and Section 4,  
Chapter 351, O.S.L. 2007, as amended by Section 3,  
Chapter 293, O.S.L. 2008 (10 O.S. Supp. 2008,  
Sections 7005-1.3 and 7005-1.9), which relate to  
children's records; making the provision of certain  
forms discretionary; modifying definitions; providing  
for the production of safety-analysis records;  
authorizing the establishment of certain fees;  
specifying certain disclosure is not prohibited;  
authorizing the redaction of certain names before

1 disclosure of certain records; amending 10 O.S. 2001,  
2 Sections 7006-1.1, 7006-1.2 and 7006-1.3, which  
3 relate to the termination of parental rights;  
4 clarifying procedures for termination; eliminating  
5 notice that termination does not terminate duty to  
6 support child; providing for the vacation of an order  
7 to terminate parental rights; amending 10 O.S. 2001,  
8 Section 7103, Section 15, Chapter 205, O.S.L. 2006,  
9 and 10 O.S. 2001, Sections 7105, as amended by  
10 Section 2, Chapter 184, O.S.L. 2005, 7105.1, 7106, as  
11 amended by Section 16, Chapter 205, O.S.L. 2006,  
12 7107, 7108, as amended by Section 1, Chapter 435,  
13 O.S.L. 2004, 7109, 7110, as last amended by Section  
14 5, Chapter 258, O.S.L. 2006, 7110.1, as amended by  
15 Section 3, Chapter 487, O.S.L. 2002, 7110.2, as last  
16 amended by Section 6, Chapter 258, O.S.L. 2006, 7111,  
17 7113 and 7115.1 (10 O.S. Supp. 2008, Sections 7104.1,  
18 7105, 7106, 7108, 7110, 7110.1 and 7110.2), which  
19 relate to the Oklahoma Child Abuse Reporting and  
20 Prevention Act; expanding duty to all persons;  
21 expanding scope of persons authorized to conduct  
22 certain investigation; eliminating priority basis  
23 investigations; providing for the documentation of  
24 whether certain persons have accessed services after  
specific amount of time; providing requirements to  
protect certain confidential information; requiring  
certain statement in notice; modifying council  
designation; amending 10 O.S. 2001, Sections 7202,  
7204, 7204.1, 7205, 7206, as amended by Section 3,  
Chapter 159, O.S.L. 2008, 7206.1, 7207, 7208, as  
amended by Section 7, Chapter 445, O.S.L. 2002, 7209,  
as last amended by Section 1, Chapter 159, O.S.L.  
2008, 7210, 7211, 7212, 7213, 7214, 7218 and 7221, as  
amended by Section 2, Chapter 159, O.S.L. 2008 (10  
O.S. Supp. 2008, Sections 7206, 7208, 7209 and 7221),  
which relate to the Oklahoma Foster Care and Out-of-  
Home Placement Act; deleting legislative intent;  
deleting provisions relating to delinquent children;  
specifying circumstance in which the preference of a  
child may be given in determining placement;  
providing for foster parent to give certain oral or  
written report to the court; specifying minimum  
visits by the Department with the foster child;  
modifying procedures for certain assessments;  
defining terms; providing for certain authorization  
for medical treatment; consolidating and clarifying  
provisions relating to medical treatment of a child

1 in the custody of the Department; specifying  
2 procedures for placement preferences; specifying  
3 procedures for deprived proceedings; clarifying that  
4 courts may order alleged perpetrators out of home of  
5 child; providing for certain alternative dispute  
6 resolution; providing for certain Department immunity  
7 in certain circumstances; providing for certain use  
8 immunity for in-court testimony; specifying  
9 procedures for permanent guardianship; providing  
10 procedures for the transfer and transport of a child;  
11 prohibiting the filing of social records in the court  
12 record; consolidating court-appointed special  
13 advocate training requirements and court procedures;  
14 repealing 10 O.S. 2001, Section 4, which relates to  
15 support and education; repealing 10 O.S. 2001,  
16 Section 5.1, which relates to the death of a  
17 custodial parent; repealing 10 O.S. 2001, Section 5A,  
18 which relates to visitation rights between siblings;  
19 repealing 10 O.S. 2001, Section 6, which relates to  
20 the custody of a child born out of wedlock; repealing  
21 10 O.S. 2001, Section 6.5, which relates to the use  
22 of certain words in reference to children born out of  
23 wedlock; repealing 10 O.S. 2001, Section 7, which  
24 relates to allowance out of child's property for  
support and education; repealing 10 O.S. 2001,  
Section 8, which relates to parent without control  
over child's property; repealing 10 O.S. 2001,  
Section 9, which relates to abuse of parental  
authority; repealing 10 O.S. 2001, Section 10, which  
relates to cessation of parental authority; repealing  
10 O.S. 2001, Section 11, which relates to public  
action for support of deceased parent's child;  
repealing 10 O.S. 2001, Section 12, which relates to  
maintenance of poor persons by parents; repealing 10  
O.S. 2001, Section 14, which relates to compensation  
for support of child; repealing 10 O.S. 2001, Section  
16, which relates to services and support after  
majority; repealing 10 O.S. 2001, Section 17, which  
relates to relinquishment of rights by parent;  
repealing 10 O.S. 2001, Section 18, which relates to  
payment of minor's wages; repealing 10 O.S. 2001,  
Section 21.2, which relates to definitions; repealing  
10 O.S. 2001, Section 21.3, which relates to right to  
custody; repealing 10 O.S. 2001, Section 21.4, which  
relates to authority to surrender, assign, relinquish  
or otherwise transfer custody; repealing 10 O.S.  
2001, Section 21.5, as amended by Section 1, Chapter

1 286, O.S.L. 2006 (10 O.S. Supp. 2008, Section 21.5),  
2 which relates to permanent custody to adult relative  
3 within the third degree; repealing 10 O.S. 2001,  
4 Section 21.6, which relates to right to authorize  
5 medical care; repealing 10 O.S. 2001, Section 23,  
6 which relates to the National Youth Administration;  
7 repealing Section 1, Chapter 141, O.S.L. 2008 (10  
8 O.S. Supp. 2008, Section 7002-1.3), which relates to  
9 jurisdiction over matters necessary to finalize  
10 permanency plan; repealing 10 O.S. 2001, Section  
11 7003-2.2, which relates to emergency medical  
12 treatment or mental health care; repealing 10 O.S.  
13 2001, Section 7003-2.3, which relates to  
14 authorization of medical or mental health treatment;  
15 repealing 10 O.S. 2001, Section 7003-7.2, which  
16 relates to children becoming unmanageable; repealing  
17 10 O.S. 2001, Section 7004-1.2, which relates to  
18 Management Information System; repealing 10 O.S.  
19 2001, Section 7004-1.4, which relates to mental  
20 health services for children; repealing 10 O.S. 2001,  
21 Section 7004-3.3, which relates to use of physical  
22 force; repealing 10 O.S. 2001, Section 7005-1.4, as  
23 last amended by Section 3, Chapter 351, O.S.L. 2007  
24 (10 O.S. Supp. 2008, Section 7005-1.4), which relates  
to disclosure of Department of Human Services records  
without court order; repealing 10 O.S. 2001, Section  
7005-1.5, which relates to release of Department of  
Human Services records to Indian tribes; repealing 10  
O.S. 2001, Section 7005-1.7, which relates to the  
federal Child Abuse Prevention and Treatment Act;  
repealing 10 O.S. 2001, Section 7006-1.4, which  
relates to custody with authority to consent to  
adoption after termination of parental rights;  
repealing 10 O.S. 2001, Section 7006-1.5, which  
relates to action to adopt not to be combined with  
action to terminate parental rights; repealing 10  
O.S. 2001, Section 7006-1.6, which relates to  
deprived children in custody; repealing Section 9,  
Chapter 205, O.S.L. 2006, Sections 10, 11, 12 and 13,  
Chapter 205, O.S.L. 2006, as amended by Sections 4,  
5, 6 and 7, Chapter 293, O.S.L. 2008 and Section 14,  
Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2008,  
Sections 7008-1.1, 7008-1.2, 7008-1.3, 7008-1.4,  
7008-1.5 and 7008-1.6), which relate to the Oklahoma  
Children and Juvenile Law Reform Committee; repealing  
10 O.S. 2001, Section 7101, which relates to short  
title for the Oklahoma Child Abuse Reporting and



1 Prevention Act; repealing 10 O.S. 2001, Section 7102,  
2 as last amended by Section 5, Chapter 351, O.S.L.  
3 2007 (10 O.S. Supp. 2008, Section 7102), which  
4 relates to public policy; repealing 10 O.S. 2001,  
5 Section 7104, as amended by Section 1, Chapter 53,  
6 O.S.L. 2005 (10 O.S. Supp. 2008, Section 7104), which  
7 relates to report of criminally inflicted injuries;  
8 repealing 10 O.S. 2001, Sections 7201, 7202.3,  
9 7202.4, 7203, 7203.1 and 7203.2, which relate to  
10 foster care; providing for codification; providing  
11 for noncodification; providing for recodification;  
12 and declaring an emergency.

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

14 ARTICLE I - CHILDREN'S CODE

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

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

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

Section 21.1 A. ~~Except as otherwise provided by this section,~~  
~~custody should be awarded or a guardian appointed in the following~~

1 ~~order of preference according to the best interests of the~~ Custody  
2 or guardianship of a child may be awarded to:

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

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

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

- 23 1. ~~a- for~~ For a period of at least twelve (12) months out of  
24 the last fourteen (14) months immediately preceding the

1 ~~determination~~ commencement of the custody or guardianship ~~action~~  
2 proceeding, the ~~noncustodial~~ parent has willfully failed, refused,  
3 or neglected to contribute to the ~~child's~~ support of the child:

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

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

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

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

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

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

24

1       ~~4. The noncustodial parent has been convicted of any crime~~  
2 ~~against public decency and morality pursuant to Title 21 of the~~  
3 ~~Oklahoma Statutes,~~

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

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

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

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

18           ~~a. is the child has been left in the physical custody of~~  
19           ~~a nonparent by a parent or parents of the child for~~  
20           ~~one (1) year or more, excluding parents on active duty~~  
21           ~~in the military, and~~

22           ~~b. the parent or parents have not maintained regular~~  
23           ~~visitation or communication with the child.~~

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

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

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

13 ~~b. has;~~

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

17 ~~c. is;~~

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

23 ~~d. has;~~

24

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

3            e. ~~is~~;

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

7            f. ~~is~~;

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

11           g. ~~is~~

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

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

17           a. ~~a person who is or has been subject to the~~  
18 ~~registration requirements of the Oklahoma Sex~~  
19 ~~Offenders Registration Act or any similar act in any~~  
20 ~~other state,~~

21           b. ~~a person who has been convicted of a crime listed in~~  
22 ~~the Oklahoma Child Abuse Reporting and Prevention Act~~  
23 ~~or in Section 582 of Title 57 of the Oklahoma~~  
24 ~~Statutes,~~

- ~~e. an alcohol dependent person or a drug dependent person as established by clear and convincing evidence and who can be expected in the near future to inflict or attempt to inflict serious bodily harm to himself or herself or another person as a result of such dependency,~~
- ~~d. a person who has been convicted of domestic abuse within the past five (5) years,~~
- ~~e. a person who is residing with an individual who is or has been subject to the registration requirements of the Oklahoma Sex Offenders Registration Act or any similar act in any other state,~~
- ~~f. a person who is residing with a person who has been previously convicted of a crime listed in the Oklahoma Child Abuse Reporting and Prevention Act or in Section 582 of Title 57 of the Oklahoma Statutes, or~~
- ~~g. a person who is residing with a person who has been convicted of domestic abuse within the past five (5) years.~~

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

1 ~~F. Except as otherwise provided by the Oklahoma Child~~  
2 ~~Supervised Visitation Program, court ordered supervised visitation~~  
3 ~~shall be governed by the Oklahoma Child Supervised Visitation~~  
4 ~~Program.~~

5 ~~G. For purposes of this section:~~

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

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

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

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

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

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

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



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

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

8        Section 22.1 A. ~~1-~~ The Oklahoma Legislature recognizes that:

9            ~~a. children~~

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

16            ~~b. while~~

17        2. While grandparents or other relatives are often willing to  
18 provide for the care of children who can no longer remain with their  
19 parents, there may exist financial obstacles to the provision of  
20 such care, or there may be a need for other services to enable the  
21 children to remain with their grandparents or other relatives in  
22 order to prevent ~~those children's~~ the entry of those children into  
23 the foster care system.

24

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

3            ~~a.~~ recognize

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

8            ~~b.~~ enhance;

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

14            ~~c.~~ provide;

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

21            ~~d.~~ reserve

22            4. Reserve the limited casework and supervisory resources of  
23 the Department ~~of Human Services~~ and the courts expended to care for  
24

1 children in state custody for those cases in which children do not  
2 have the option for safe, stable care within their immediate family.

3 ~~B.~~ C. The Department of Human Services shall establish and  
4 operate a relative support program pursuant to eligibility  
5 guidelines established in this section and by rules of the  
6 Department promulgated thereto which will divert children from the  
7 foster care program operated by the Department ~~of Human Services~~.  
8 The relative support program shall provide assistance to relatives  
9 within the third degree of relationship to a child who are caring  
10 for the child on a full-time basis, regardless of whether there is a  
11 court order granting custody of the child to the relative.

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

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

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

- 1 1. Case management services;
- 2 2. Monthly stipends or other financial assistance, family
- 3 support and preservation services;
- 4 3. Flexible funds to enable the grandparents or other relatives
- 5 to meet unusual or crisis expenditures, including but not limited
- 6 to, making housing deposits, utility deposits, or to purchase beds,
- 7 clothing and food;
- 8 4. Subsidized child care and after school care;
- 9 5. Respite care;
- 10 6. Transportation;
- 11 7. Counseling;
- 12 8. Support groups;
- 13 9. Assistance in accessing parental child support payments;
- 14 10. Aid in accessing food stamps, Social Security and other
- 15 public benefits;
- 16 11. Information about legal options for relative caregivers;
- 17 12. Assistance for establishing a relative guardianship or
- 18 relative custodianship for the child;
- 19 13. Available volunteer attorney services;
- 20 14. Mediation/family group conferencing; and
- 21 15. Community-based services and state or federal programs
- 22 available to the child and relatives to support the child's safety,
- 23 growth and health development.
- 24

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

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

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

20       2. Within limits of available funding, monthly stipends may be  
21 paid to grandparents or other relatives with the third degree of  
22 relationship to the child who have physical full-time custody of a  
23 child who would be unable to serve in that capacity without a  
24 monthly stipend because of inadequate financial resources, thus

1 exposing the child to the trauma of potential placement in a shelter  
2 or in foster care placement by the Department of Human Services.  
3 The statewide average monthly rate for children in the legal custody  
4 of grandparents or other relatives who are not certified as foster  
5 homes shall not exceed the cost of providing foster care.

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

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

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

23  
24

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

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

7       ~~N.~~ O. As a part of the relative support program, the Department  
8 shall develop, publish, and distribute an informational brochure for  
9 grandparents and other relatives who provide full-time care for  
10 children. The information provided under the program authorized by  
11 this section may include, but is not limited to, the following:

12       1. The benefits available to children and grandparents or other  
13 relatives pursuant to this section providing full-time care;

14       2. The procedures to access the relative support program;

15       3. A list of support groups and resources located throughout  
16 the state;

17       4. Such other information deemed necessary by the Department;

18 and

19       5. The brochure may be distributed through municipal and  
20 district courts, hospitals, public health nurses, child protective  
21 services, medical professional offices, county health departments,  
22 elementary and secondary schools, senior citizens centers, public  
23 libraries, local, city, county and state offices and community  
24 action agencies selected by the Department.

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

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

8        Section 22.2 A. This section shall be known and may be cited  
9 as the "Investing in Stronger Oklahoma Families Act".

10        B. It is the intent of the Oklahoma Legislature in enacting the  
11 Investing in Stronger Oklahoma Families Act to provide assistance to  
12 guardians of children, adoptive parents and other "created  
13 families", to assist such guardians, adoptive parents and families  
14 to assume permanent custody of children in need of safe and  
15 permanent homes, and to enhance family preservation and the  
16 stability of these homes.

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

22        D. The comprehensive strategic state plan shall:

23        1. Set a goal to annually increase the number of programs for  
24 "created families" which will increase safe and permanent homes for



1 children who are not in the custody of the Department but unable to  
2 reside with their biological parents and encourage and preserve the  
3 adoption or guardianship of and other legal custody arrangements for  
4 such children;

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

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

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

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

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

23 E. As part of the development and implementation of the  
24 comprehensive strategic plan, the Department shall, as funds are

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

8 F. The Legislature hereby encourages the establishment of  
9 family resource assistance that links federal, state and local  
10 resources and programs and that creates collaborative and  
11 interorganizational partnerships between state governmental agencies  
12 and private and nonprofit entities and attorneys. Such agencies and  
13 private and nonprofit entities shall include, but not be limited to:

- 14 1. The Department of Human Services;
- 15 2. The State Department of Education;
- 16 3. The Oklahoma Department of Career and Technology Education;
- 17 4. The Oklahoma Department of Commerce;
- 18 5. The Oklahoma Employment Security Commission;
- 19 6. The Oklahoma Health Care Authority;
- 20 7. The State Department of Health;
- 21 8. The Commission on Children and Youth;
- 22 9. The State Department of Mental Health and Substance Abuse  
23 Services;
- 24 10. The Oklahoma Department of Corrections;

- 1 11. The Oklahoma State Regents for Higher Education;
- 2 12. Community action agencies;
- 3 13. Local and municipal groups;
- 4 14. Substate planning groups;
- 5 15. Religious and charitable organizations;
- 6 16. Private child placement entities;
- 7 17. Public or private foundations; and
- 8 18. Representatives of the courts and attorneys who practice in
- 9 adoption.

10 G. The Department shall enter into collaborative and  
11 interorganizational partnerships as necessary to provide assistance  
12 to guardians, adoptive parents and other "created families".

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

- 15 1. Case management services;
- 16 2. Flexible funds to enable the relatives, guardians, adoptive  
17 parents and other created families to meet unusual or crisis  
18 expenditures, including but not limited to, making housing deposits,  
19 utility deposits, or purchasing beds, clothing and food;
- 20 3. Child care and after school care;
- 21 4. Respite care;
- 22 5. Transportation;
- 23 6. Counseling;
- 24 7. Support groups;

1 8. Assistance in accessing parental child support payments;

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

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

6 11. Available volunteer attorney services;

7 12. Mediation/family group conferencing; and

8 13. Community-based services and state or federal programs  
9 serving guardians of children, adoptive families and other created  
10 families.

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

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

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

23 1. The benefits that may be available to children and created  
24 families pursuant to this section providing full-time care;

1        2. The procedures to access the created families program;

2        3. A list of support groups and resources located throughout  
3 the state; and

4        4. Such other information deemed necessary by the Department.

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

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

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

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

23            a. that the grandparent or other relative is functioning  
24                    as the guardian or relative custodian of the minor

1                   pursuant to ~~Section 21.3 or 21.4 of this title~~ the  
2                   Oklahoma Children's Code, or

3                   b.     that the appointment of counsel for the grandparent or  
4                   other relative is in the best interests of the child.

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

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

1 paid a sum in excess of One Hundred Dollars (\$100.00) for services  
2 rendered in preliminary proceedings, and such compensation shall not  
3 exceed Five Hundred Dollars (\$500.00) for services rendered during  
4 trial and not to exceed One Hundred Dollars (\$100.00) for services  
5 rendered at each subsequent postdisposition hearing.

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

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

21 ~~B. The Indigent Defense System shall complete all cases~~  
22 ~~provided for in subsection A of this section and appeals for all~~  
23 ~~such cases for which the System has been appointed prior to July 1,~~  
24 ~~1996, as follows:~~

1 ~~1. For providing counsel at the district court level through~~  
2 ~~the disposition hearing if a hearing has not been held as of July 1,~~  
3 ~~1996, or through the next significant proceeding scheduled on or~~  
4 ~~after July 1, 1996, if a disposition hearing has already been held;~~  
5 ~~and~~

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

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

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

- 15 a. x-ray examination,
- 16 b. anesthetic,
- 17 c. medical or surgical diagnosis or treatment,
- 18 d. hospital care, or
- 19 e. immunization, blood tests, examinations, Guidance  
20 Services, and Early Intervention Services provided by  
21 a city or county Department of Health,

22 to be rendered to said minor under the general or special  
23 supervision and upon the advice of a physician and surgeon licensed  
24 under the laws of the State of Oklahoma, or to consent to an x-ray



1 examination, anesthetic, dental or surgical diagnosis or treatment  
2 and hospital care to be rendered to said minor by a dentist licensed  
3 under the laws of the State of Oklahoma.

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

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

18       1. A nonprescription medicine; and

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

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

24

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

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

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

1 ~~such training~~ relating to the topics described in paragraph 1 of  
2 this subsection.

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

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

22 B. ~~The paramount consideration in all proceedings concerning a~~  
23 ~~child alleged or found to be deprived is the health and safety and~~  
24

1 ~~the best interests of the child. The purpose of the laws relating~~  
2 ~~to children alleged or found to be deprived is to:~~

3 1. ~~Secure for each such child, the permanency, care and~~  
4 ~~guidance as will best serve the spiritual, emotional, mental and~~  
5 ~~physical health, safety and welfare of the child~~ Parents have a  
6 natural, legal, and moral right, as well as a duty, to care for and  
7 support their children and such rights are protected by state and  
8 federal laws as well as the Constitution. To that end, it is  
9 presumed that the best interests of a child are ordinarily served by  
10 leaving the child in the custody of the parents, who are expected to  
11 have the strongest bond of love and affection and to be best able to  
12 provide a child those needed qualities that make a child's life safe  
13 and secure. Nevertheless, this presumption may be rebutted where  
14 there is evidence of abuse and neglect or threat of harm;

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

23 3. ~~Preserve, unify and strengthen the child's family ties~~  
24 ~~whenever possible in the child's best interests and~~ Because the

1 state has an interest in its present and future citizens as well as  
2 a duty to protect those who, because of age, are unable to protect  
3 themselves, it is the policy of this state to provide for the  
4 protection of children who have been abused or neglected and who may  
5 be further threatened by the conduct of persons responsible for the  
6 health and, safety, and welfare of the child, such children. To  
7 this end, where family circumstances threaten the safety of a child,  
8 the state's interest in the welfare of the child takes precedence  
9 over the natural right and authority of the parent to the extent  
10 that it is necessary to protect the child and assure that the best  
11 interests of the child are met.

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

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

20 2. Provide expeditious and timely judicial and agency  
21 procedures for the protection of the child;

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

24



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

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

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

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

15       7. Recognize that permanency is in the best interests of the  
16 child;

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

23       9. ~~8. Assure adequate and appropriate care and treatment~~ Secure  
24 ~~for the each child, with the use of the least restrictive method of~~

1 ~~treatment or placement consistent with the treatment or placement~~  
2 ~~needs of the child~~ the permanency, care, education, and guidance as  
3 will best serve the spiritual, emotional, mental and physical  
4 health, safety, and welfare of the child.

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

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

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

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

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

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

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

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

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

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

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

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

19        c. ~~has knowingly placed or knowingly allowed the infant~~  
20 ~~be placed in or remain in conditions or surroundings~~  
21 ~~that posed or constituted a serious danger to the~~  
22 ~~health and safety of the infant thereby demonstrating~~  
23 ~~wanton disregard for the child's well-being,~~

1           d.   ~~is a father, or a putative father if the infant was~~  
2           ~~born out of wedlock, and:~~

3           ~~(1) if an infant is less than ninety (90) days of~~  
4           ~~age, who fails to show that he has exercised~~  
5           ~~proper parental rights and responsibilities with~~  
6           ~~regard to the infant, including, but not limited~~  
7           ~~to, contributing to the support of the mother of~~  
8           ~~the infant to the extent of his financial ability~~  
9           ~~during her term of pregnancy,~~

10          ~~(2) (a) if an infant is older than ninety (90) days~~  
11          ~~but less than fourteen (14) months of age,~~  
12          ~~who fails to show that he has exercised~~  
13          ~~proper parental rights and responsibilities~~  
14          ~~with regard to the infant, including, but~~  
15          ~~not limited to, contributing to the support~~  
16          ~~of the infant to the extent of his financial~~  
17          ~~ability, which may include contributing to~~  
18          ~~the support of the mother of the infant to~~  
19          ~~the extent of his financial ability during~~  
20          ~~her term of pregnancy.~~

21          ~~(b) Failure to contribute to the support of the~~  
22          ~~mother during her term of pregnancy,~~  
23          ~~pursuant to this subdivision, shall not in~~  
24          ~~and of itself be grounds for termination of~~

1 ~~the parental rights of the father or~~  
2 ~~putative father, or~~

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

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

16 ~~In any case where a father, or a putative father of an~~  
17 ~~infant born out of wedlock, claims that prior to the~~  
18 ~~receipt of notice of the hearing provided for in~~  
19 ~~Section 7006-1.2 of this title he had been~~  
20 ~~specifically denied knowledge of the infant or denied~~  
21 ~~the opportunity to exercise parental rights and~~  
22 ~~responsibilities with regard to the infant, such~~  
23 ~~father or putative father shall prove to the~~  
24 ~~satisfaction of the court that he made sufficient~~

1 ~~attempts to discover if he had fathered a child or~~  
2 ~~made sufficient attempts to exercise parental rights~~  
3 ~~and responsibilities with regard to the infant prior~~  
4 ~~to the receipt of notice, or~~

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

20 ~~Incidental or token visits, communications or~~  
21 ~~contributions shall not be sufficient to establish~~  
22 ~~and/or maintain a substantial and positive~~  
23 ~~relationship with the infant "Abandonment" means:~~

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

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

- 18           a. "Harm or threatened harm to the health or safety of a  
19                   child" means any real or threatened physical, mental,  
20                   or emotional injury or damage to the body or mind that  
21                   is not accidental including but not limited to sexual  
22                   abuse, sexual exploitation, neglect, or dependency.
- 23           b. "Sexual abuse" includes but is not limited to rape,  
24                   incest, and lewd or indecent acts or proposals made to

1 a child, as defined by law, by a person responsible  
2 for the health, safety, or welfare of the child.

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

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

15 4. "Adjudicatory hearing" means a hearing to determine whether  
16 the allegations of a petition pursuant to the provisions of Part 3  
17 of Article III of this Code are supported by the evidence and  
18 whether a child should be adjudged to be a ward of the court as  
19 provided by Section 1-4-601 of this title;

20 ~~3. 5. "Assessment" means a systematic process utilized by the~~  
21 ~~Department of Human Services to respond to reports of alleged child~~  
22 ~~abuse or neglect which, according to priority guidelines established~~  
23 ~~by the Department, do not constitute a serious and immediate threat~~  
24



1 ~~to a child's health, safety or welfare. The assessment includes,~~  
2 ~~but is not limited to, the following elements:~~

- 3 a. ~~an evaluation of the child's safety, and~~
- 4 b. ~~a determination regarding the family's need for~~  
5 ~~services the same as the term "safety analysis" as~~  
6 ~~defined in this section;~~

7 ~~4. 6. "Behavioral health" means mental health, substance abuse,~~  
8 ~~or co-occurring mental health and substance abuse diagnoses, and the~~  
9 ~~continuum of mental health, substance abuse, or co-occurring mental~~  
10 ~~health and substance abuse treatment;~~

11 ~~7. "Child" means any unmarried person under eighteen (18) years~~  
12 ~~of age ~~except any person convicted of a crime specified in Section~~~~  
13 ~~7306-1.1 of this title or any person who has been certified as an~~  
14 ~~adult pursuant to Section 7303-4.3 of this title and convicted of a~~  
15 ~~felony;~~

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

19 ~~6. 8. "Child with a disability" means any child who has a~~  
20 ~~physical or mental impairment which substantially limits one or more~~  
21 ~~of the major life activities of the child, or who is regarded as~~  
22 ~~having such an impairment by a competent medical professional;~~

23 ~~7. 9. "Child-placing agency" means a private agency licensed to~~  
24 ~~place children in foster family homes, group homes, adoptive homes,~~

1 transitional or independent living programs, or family child care  
2 homes or other out-of-home placements; and which approves and  
3 monitors such placements and facilities in accordance with the  
4 licensing requirements established by the Oklahoma Child Care  
5 Facilities Licensing Act;

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

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

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

13 Community-based services and programs may include, but are not  
14 limited to, emergency shelter, crisis intervention, group work, case  
15 supervision, job placement, recruitment and training of volunteers,  
16 consultation, medical, educational, home-based services, vocational,  
17 social, preventive and psychological guidance, training, counseling,  
18 early intervention and diversionary substance abuse treatment,  
19 sexual abuse treatment, transitional living, independent living, and  
20 other related services and programs;

21 ~~10.~~ 12. "Concurrent permanency planning" means, when indicated,  
22 the implementation of two plans for a child entering foster care.

23 One plan focuses on reuniting the parent and child; the other seeks  
24

1 to find a permanent out-of-home placement for the child with both  
2 plans being pursued simultaneously;

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

13 ~~11.~~ 14. "Court-appointed special advocate program" means an  
14 organized program, administered by either an independent, not-for-  
15 profit corporation, a dependent project of an independent, not-for-  
16 profit corporation or a unit of local government, which recruits,  
17 screens, trains, assigns, supervises and supports volunteers to be  
18 available for appointment by the court as guardians ad litem, ~~to~~  
19 ~~represent the best interests of a deprived child or a child alleged~~  
20 ~~to be deprived in a case for which a deprived petition has been~~  
21 ~~filed;~~

22 ~~12.~~ 15. "Custodian" means an individual other than a parent,  
23 legal guardian or Indian custodian, to whom legal custody of the  
24 child has been awarded by the court. As used in this title, the

1 term "custodian" shall not mean the Oklahoma Department of Human  
2 Services;

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

8 ~~13.~~ 17. "Department" means the Oklahoma Department of Human  
9 Services;

10 ~~14.~~ 18. "Dependency" means a child who is homeless or without  
11 proper care or guardianship through no fault of his or her parent,  
12 legal guardian, or custodian;

13 19. "Deprived child" means a child:

- 14 a. who is for any reason destitute, homeless, or  
15 abandoned,  
16 b. who does not have the proper parental care or  
17 guardianship ~~or whose home is an unfit place for the~~  
18 ~~child by reason of neglect, abuse, cruelty, or~~  
19 ~~depravity on the part of the child's parents, legal~~  
20 ~~guardian, or other person responsible for the child's~~  
21 ~~health or welfare,~~  
22 c. who has been abused, neglected, or is dependent,  
23 d. whose home is an unfit place for the child by reason  
24 of depravity on the part of the parent or legal

1 guardian of the child, or other person responsible for  
2 the health or welfare of the child,

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

16 ~~d.~~ f. who is a child with a disability deprived of the  
17 nutrition necessary to sustain life or of the medical  
18 treatment necessary to remedy or relieve a life-  
19 threatening medical condition in order to cause or  
20 allow the death of the child if such nutrition or  
21 medical treatment is generally provided to similarly  
22 situated children without a disability or children  
23 with disabilities; provided that no medical treatment  
24 shall be necessary if, in the reasonable medical

1 judgment of the attending physician, such treatment  
2 would be futile in saving the life of the child,  
3 ~~e. g.~~ g. who ~~is~~, due to improper parental care and  
4 guardianship, is absent from school as specified in  
5 Section 10-106 of Title 70 of the Oklahoma Statutes,  
6 if the child is subject to compulsory school  
7 attendance,  
8 ~~f. h.~~ h. whose parent, legal guardian or custodian for good  
9 cause desires to be relieved of custody, ~~or~~  
10 ~~g. i.~~ i. who has been born to a parent whose parental rights to  
11 another child have been involuntarily terminated by  
12 the court and the conditions which led to the making  
13 of the finding, which resulted in the termination of  
14 the parental rights of the parent to the other child,  
15 have not been corrected, or  
16 j. whose parent, legal guardian, or custodian has  
17 subjected another child to abuse or neglect or has  
18 allowed another child to be subjected to abuse or  
19 neglect and is currently a respondent in a deprived  
20 proceeding.

21 Nothing in the Oklahoma Children's Code shall be construed to  
22 mean a child is deprived for the sole reason the parent, legal  
23 guardian, or person having custody or control of a child, in good  
24 faith, selects and depends upon spiritual means alone through

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

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

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

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

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

20 ~~17. 22.~~ "Facility" means a place, an institution, a building or  
21 part thereof, a set of buildings, or an area whether or not  
22 enclosing a building or set of buildings used for the lawful custody  
23 and treatment of children;

24

1       ~~18.~~ 23. "Foster care" or "foster care services" means  
2 continuous twenty-four-hour care and supportive services provided  
3 for a child in foster placement including, but not limited to, the  
4 care, supervision, guidance, and rearing of a foster child by the  
5 foster parent;

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

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

9       ~~21.~~ 24. "Foster family home" means the private residence of a  
10 foster family which provides foster care services to a child. Such  
11 term shall include a nonkinship foster family home, a specialized  
12 foster home, a therapeutic foster family home, or the home of a  
13 relative or other kinship care home;

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

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

20       ~~24.~~ 25. "Foster parent eligibility assessment" includes a  
21 criminal background investigation including, but not limited to, a  
22 national criminal history records search based upon the submission  
23 of fingerprints, home assessments, and any other assessment required  
24 by the Department of Human Services, the Office of Juvenile Affairs,



1 or any child-placing agency pursuant to the provisions of the  
2 Oklahoma Child Care Facilities Licensing Act;

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

11 ~~25.~~ 27. "Guardian ad litem of the estate of the child" means a  
12 person appointed by the court to protect the property interests of a  
13 child pursuant to Section 1-8-109 of this title;

14 28. "Group home" means a residential facility housing no more  
15 than twelve children with a program which emphasizes family style  
16 living in a homelike environment. Such group home may also offer a  
17 program within the community to meet the specialized treatment needs  
18 of its residents licensed by the Department to provide full-time  
19 care and community-based services for more than five but fewer than  
20 thirteen children;

21 ~~26.~~ 29. "Harm or threatened harm to the health or safety of a  
22 child" means any real or threatened physical, mental, or emotional  
23 injury or damage to the body or mind that is not accidental  
24

1 including, but not limited to, sexual abuse, sexual exploitation,  
2 neglect, or dependency;

3 30. "Heinous and shocking abuse" includes, but is not limited  
4 to, aggravated physical abuse that results in serious bodily,  
5 mental, or emotional injury. "Serious bodily injury" means injury  
6 that involves:

7 a. a substantial risk of death,

8 b. extreme physical pain,

9 c. protracted disfigurement,

10 d. a loss or impairment of the function of a body member,  
11 organ, or mental faculty,

12 e. an injury to an internal or external organ or the  
13 body,

14 f. a bone fracture,

15 g. sexual abuse or sexual exploitation,

16 h. chronic abuse including, but not limited to, physical,  
17 emotional, or sexual abuse, or sexual exploitation  
18 which is repeated or continuing,

19 i. torture that includes, but is not limited to,  
20 inflicting, participating in or assisting in  
21 inflicting intense physical or emotional pain upon a  
22 child repeatedly over a period of time for the purpose  
23 of coercing or terrorizing a child or for the purpose  
24

1 of satisfying the craven, cruel, or prurient desires  
2 of the perpetrator or another person, or

3 j. any other similar aggravated circumstance;

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

6 a. chronic neglect that includes, but is not limited to,  
7 a persistent pattern of family functioning in which  
8 the caregiver has not met or sustained the basic needs  
9 of a child which results in harm to the child,

10 b. neglect that has resulted in a diagnosis of the child  
11 as a failure to thrive,

12 c. an act or failure to act by a parent that results in  
13 the death or near death of a child or sibling, serious  
14 physical or emotional harm, sexual abuse, sexual  
15 exploitation, or presents an imminent risk of serious  
16 harm to a child, or

17 d. any other similar aggravating circumstance;

18 32. "Independent living program" means a program specifically  
19 designed to assist a child to enhance those skills and abilities  
20 necessary for successful adult living. An independent living  
21 program may include, but shall not be limited to, such features as  
22 minimal direct staff supervision, and the provision of supportive  
23 services to assist children with activities necessary for finding an  
24 appropriate place of residence, completing an education or

1 vocational training, obtaining employment, or obtaining other  
2 similar services;

3 ~~27.~~ 33. "Individualized service plan" means a document written  
4 pursuant to Section 1-4-704 of this title that has the same meaning  
5 as "service plan" or "treatment plan" where those terms are used in  
6 the Oklahoma Children's Code;

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

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

11 ~~28.~~ 36. "Investigation" means ~~an approach utilized by the~~  
12 ~~Department to respond to reports of alleged child abuse or neglect~~  
13 ~~which, according to priority guidelines established by the~~  
14 ~~Department, constitute a serious and immediate threat to a child's~~  
15 ~~health or safety. An investigation includes, but is not limited to,~~  
16 ~~the following elements:~~

- 17 a. ~~an evaluation of the child's safety,~~
- 18 b. ~~a determination whether or not child abuse or neglect~~  
19 ~~occurred, and~~
- 20 c. ~~a determination regarding the family's need for~~  
21 ~~prevention and intervention related services~~ the same  
22 as the term "safety analysis" as defined in this  
23 section;

24

1       ~~29.~~ 37. "Kinship care" means full-time care of a child by a  
2 kinship relation;

3       ~~30.~~ 38. "Kinship guardianship" means a ~~judicially created~~  
4 ~~relationship between a child and a kinship relation of the child~~  
5 ~~established pursuant to the provisions of Section 7003-5.5 of this~~  
6 ~~title~~ permanent guardianship as defined in this section;

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

13       ~~32.~~ 40. "Mental health facility" means a mental health or  
14 substance abuse treatment facility as defined by the Inpatient  
15 Mental Health and Substance Abuse Treatment of Minors Act;

16       ~~33.~~ 41. "Minor" means the same as the term "child" as defined  
17 in this section;

18       42. "Multidisciplinary child abuse team" means any team  
19 established pursuant to Section ~~7110~~ 1-9-102 of this title of three  
20 or more persons who are trained in the prevention, identification,  
21 investigation, prosecution, and treatment of physical and sexual  
22 child abuse and who are qualified to facilitate a broad range of  
23 prevention and intervention-related services and services related to  
24

1 child abuse. For purposes of this definition, "freestanding" means  
2 a team not used by a child advocacy center for its accreditation;

3 ~~34.~~ 43. "Near death" means a child is in serious or critical  
4 condition, as certified by a physician, as a result of abuse or  
5 neglect;

6 ~~35.~~ 44. "Neglect" means ~~neglect as such term is defined by the~~  
7 ~~Oklahoma Child Abuse Reporting and Prevention Act~~ any of the  
8 following:

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

11 (1) adequate nurturance and affection, food,  
12 clothing, shelter, sanitation, hygiene, or  
13 appropriate education,

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

15 (3) supervision or appropriate caretakers, or

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

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

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

22 (2) illegal activities, or

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

1            c.    abandonment.

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

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

16            ~~37. 45. "Permanency hearing" means a hearing by the court to~~  
17 ~~determine whether a child is to be returned to the child's home or~~  
18 ~~whether other permanent placement will be sought within a specific~~  
19 ~~time frame for the child pursuant to Section 1-4-811 of this title;~~

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

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

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

15       ~~40.~~ 49. "Protective custody" means custody of a child taken  
16 ~~pursuant to Section 7003-2.1 of this title~~ by a law enforcement  
17 officer or designated employee of the court without a court order;

18       ~~41.~~ a.

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

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

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

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

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



- 1                   ~~(1) a man who has acknowledged or claims paternity of~~  
2                   ~~the child,~~
- 3                   ~~(2) a man named as the father by the mother of the~~  
4                   ~~child, or~~
- 5                   ~~(3) any man alleged to have engaged in sexual~~  
6                   ~~intercourse with the mother during a possible~~  
7                   ~~time of conception as that term is defined in~~  
8                   ~~Section 7700-1-2 of Title 10 of the Oklahoma~~  
9                   ~~Statutes;~~

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

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

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

- 23           a. ~~refer to, arrange for, or develop reasonable~~  
24           ~~supportive and rehabilitative services for the family~~

1 ~~of such child that are required both to prevent~~  
2 ~~unnecessary placement of the child outside of the~~  
3 ~~child's home and to foster, whenever appropriate, the~~  
4 ~~safe reunification of such child with the child's~~  
5 ~~family, or~~

6 ~~b. place a child who cannot be returned home into a~~  
7 ~~permanent placement;~~

8 45. a. ~~"Residual parental rights and responsibilities" means~~  
9 ~~those rights and responsibilities that remain with the~~  
10 ~~parent:~~

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

16 ~~(2) when a guardianship or kinship guardianship is~~  
17 ~~established for the child.~~

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

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

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

23 ~~(3) the responsibility for support of and costs of~~  
24 ~~medical care for the child,~~

1           ~~(4) the right to determine the religious faith of the~~  
2           ~~child, and~~

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

6           ~~e. Residual parental rights and responsibilities shall~~  
7           ~~not include the right to consent to the marriage of a~~  
8           ~~minor pursuant to the provisions of Section 3 of Title~~  
9           ~~43 of the Oklahoma Statutes;~~

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

16          ~~47. 53. "Review hearing" means a hearing by the court pursuant~~  
17          ~~to Section 1-4-808 of this title;~~

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

22           ~~a. "Assessment" means a written response to a report of~~  
23           ~~alleged child abuse or neglect where, following a risk~~  
24           ~~analysis, the Department determines there is a low to~~

1 moderate safety risk or no safety risk to the child  
2 and a referral to community services is appropriate.

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

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

16 (2) "Substantiated - Services recommended" means a  
17 report that is determined by a child protective  
18 services worker, after an investigation and based  
19 upon some credible evidence, to constitute child  
20 abuse or neglect which is of such a nature that  
21 the Department recommends prevention and  
22 intervention-related services for the parents or  
23 persons responsible for the care of the child or  
24

1                   children, but for which initial court  
2                   intervention is not required,

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

12                   (4) "Ruled out" means a report in which a child  
13                   protective services worker, after an  
14                   investigation, determines that no child abuse or  
15                   neglect has occurred;

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

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

- 1 a. ~~substantial risk of death,~~
- 2 b. ~~extreme physical pain,~~
- 3 c. ~~protracted and obvious disfigurement, or~~
- 4 d. ~~protracted loss or impairment of the function of a~~
- 5 ~~bodily member, organ or mental faculty;~~

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

10 ~~50. 56.~~ "Sibling" means a biologically or legally related  
11 brother or sister of a child;

12 ~~51. 57.~~ "Specialized foster care" means foster care provided to  
13 a child in a ~~specialized~~ foster home or agency-contracted home  
14 which:

- 15 a. has been certified by the Developmental Disabilities
- 16 Services Division of the Department of Human Services,
- 17 b. is monitored by the Division, and
- 18 c. is funded through the Home- and Community-Based Waiver
- 19 Services Program administered by the Division;

20 ~~52. 58.~~ "Temporary custody" means court-ordered custody of an  
21 adjudicated deprived child;

22 ~~53. 59.~~ "Therapeutic foster family home" means a foster family  
23 home which provides specific treatment services, pursuant to a  
24 therapeutic foster care contract, which are designed to remedy

1 social and behavioral problems of a foster child residing in the  
2 home;

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

4 a. ~~intense emotional or psychological anguish to or~~  
5 ~~suffering by a child, or~~

6 b. ~~physical pain for the purpose of coercing or~~  
7 ~~terrorizing a child;~~

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

11 ~~56.~~ 60. "Transitional living program" means a residential  
12 program that may be attached to an existing facility or operated  
13 solely for the purpose of assisting children to develop the skills  
14 and abilities necessary for successful adult living. The program  
15 may include, but shall not be limited to, reduced staff supervision,  
16 vocational training, educational services, employment and employment  
17 training, and other appropriate independent living skills training  
18 as a part of the transitional living program;

19 ~~57.~~ 61. "Treatment and service plan" means a document written  
20 pursuant to Section ~~7003-5.3~~ 1-4-704 of this title; and

21 ~~58.~~ 62. "Voluntary foster care placement" means the temporary  
22 placement of a child by the parent, legal guardian or custodian of  
23 the child in foster care pursuant to a signed placement agreement  
24

1 between the Department or a child-placing agency and the child's  
2 parent, legal guardian or custodian.

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

7 SECTION 12. AMENDATORY 10 O.S. 2001, Section 7002-1.1,  
8 as amended by Section 1, Chapter 69, O.S.L. 2005 (10 O.S. Supp.  
9 2008, Section 7002-1.1), is amended to read as follows:

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

16 a. ~~resides,~~

17 b. ~~is found,~~

18 c. ~~where the alleged acts of deprivation occurred, or~~

19 d. ~~where a parent or sibling has a deprived proceeding~~  
20 ~~pending,~~

21 shall ~~have~~ obtain jurisdiction ~~of~~ over any child who is or is  
22 alleged to be deprived, ~~shall have jurisdiction of the.~~

23 Jurisdiction shall also be obtained over any parent, legal guardian,  
24 or custodian or stepparent of such child, regardless of where such



1 ~~parent, legal guardian, custodian, or stepparent is found, and shall~~  
2 ~~have jurisdiction of~~ and any other adult person living in the home  
3 of such child who appears in court or has been properly served with  
4 a summons pursuant to Section 1-4-202 of this title.

5 2. When jurisdiction has been obtained over a child who is or  
6 is alleged to be a deprived child<sub>7</sub>:

7 a. such jurisdiction may be retained until the child  
8 becomes eighteen (18) years of age,

9 b. the court may issue any temporary order or grant any  
10 interlocutory relief authorized by this Code in an  
11 emergency, regardless of whether another district  
12 court within the county or state has prior or current  
13 jurisdiction to determine the custody, support, or  
14 visitation of the child,

15 c. all other action then pending or thereafter commenced  
16 within the county or state that concerns the custody,  
17 support, or visitation of the child shall be  
18 automatically stayed unless after notice to the  
19 parties in the deprived action, the written consent of  
20 such court is obtained and filed in the other  
21 proceeding; provided, a child's delinquency action  
22 may, in the discretion of the court, proceed pursuant  
23 to the Oklahoma Juvenile Code,

24

- 1           d. all orders entered in the deprived proceeding  
2           concerning the custody, support, or visitation of a  
3           child shall control over conflicting orders entered in  
4           other actions until such time as the jurisdiction of  
5           the court in the deprived proceeding terminates, and  
6           e. the judge presiding over a deprived action shall have  
7           the authority to make a final determination in the  
8           matter and preside over any separate action necessary  
9           to finalize a child's court-approved permanency plan  
10           including an adoption, guardianship, or other custody  
11           proceeding.

12           ~~3. For the convenience of the parties and in the interest of~~  
13 ~~justice, a proceeding under this chapter may be transferred to the~~  
14 ~~district court in any other county.~~

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

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

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

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

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

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

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

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

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

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

16           a. When a petition or motion to terminate parental rights  
17           has been filed, the case shall not be transferred  
18           until the sending court has concluded the termination  
19           proceeding.

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

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

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

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

14           (1) both parents where they reside together,

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

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

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

22           c. When the child is in the permanent custody of a public  
23           or private child care agency, the residence of the  
24

1 child shall be the county in which the child resides  
2 at the time when legal proceedings are initiated.

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

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

8 a. Prior to transferring a case to another venue, the  
9 court shall contact the judge in the other venue to  
10 confirm that the judge in the other venue will accept  
11 the transfer.

12 b. Upon written confirmation that transfer of venue is  
13 accepted, the transferring judge shall enter the  
14 transfer order, and certified copies of all documents  
15 of record with the clerk of the transferring court  
16 shall be transmitted to the receiving court along with  
17 the names and addresses of all parties entitled to  
18 notice of any further proceedings.

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

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

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

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

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

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

1 take appropriate action regarding the custody or visitation of the  
2 child, ~~or appointment of a guardian for the child.~~

3 B. Nothing in this section shall:

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

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

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

22 SECTION 14. AMENDATORY 10 O.S. 2001, Section 7002-2.1,  
23 is amended to read as follows:  
24



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

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

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

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

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

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

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

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

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

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

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

22 ~~2.~~ B. A petition or motion for termination of parental rights  
23 shall be filed by the district attorney for those petitions or  
24

1 motions required to be filed pursuant to the provisions of Section  
2 ~~15~~ 1-4-902 of this ~~act~~ title.

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

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

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

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

22 ~~3-~~ The Department shall forward a report of its assessment or  
23 investigation and findings to ~~the~~ any district attorney's office  
24

1 which may have jurisdiction to file a petition pursuant to Section  
2 1-4-902 of this title.

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

6 a. ~~an~~ the alleged abuse or neglect of a child was  
7 ~~perpetrated by perpetrator is~~ someone other than a  
8 person responsible for the child's health, safety, or  
9 welfare, and

10 b. ~~an~~ the alleged abuse or neglect of a the child does  
11 not appear to be attributable to failure on the part  
12 of a person responsible for the child's health,  
13 safety, or welfare to provide protection for the  
14 child,

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

21 2. ~~The Department shall determine whether the alleged~~  
22 ~~perpetrator is a parent of any child or is otherwise a person~~  
23 ~~responsible for the child's health, safety or welfare. If the~~  
24 ~~alleged perpetrator is determined to be a parent of a child or is~~

1 ~~otherwise a person responsible for the child's health, safety or~~  
2 ~~welfare, such determination shall constitute reasonable grounds to~~  
3 ~~conduct an assessment or investigation regarding such child pursuant~~  
4 ~~to subsection A of this section.~~

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

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

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

1 After making the referral to the law enforcement agency, the  
2 Department shall not be responsible for further investigation  
3 unless:

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

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

1 ~~or shall provide a written statement as to why a criminal~~  
2 ~~investigation was not conducted.~~

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

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

17 SECTION 18. AMENDATORY 10 O.S. 2001, Section 7003-2.1,  
18 as last amended by Section 5, Chapter 3, O.S.L. 2003 (10 O.S. Supp.  
19 2008, Section 7003-2.1), is amended to read as follows:

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

23 1. By a peace officer or employee of the court, without a court  
24 order if ~~the child's surroundings are such as to endanger the~~

1 ~~welfare of the child or if continuation of the child in the child's~~  
2 ~~home is contrary to the health, safety or welfare of the child~~ the  
3 officer or employee has reasonable suspicion that:

4 a. the child is in need of immediate protection due to  
5 abuse or neglect, or

6 b. the circumstances or surroundings of the child are  
7 such that continuation in the child's home or in the  
8 care or custody of the parent, legal guardian, or  
9 custodian would present an imminent danger to the  
10 child; or

11 2. By an order of the district court issued upon the  
12 application of the office of the district attorney. ~~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.~~ The application presented by the district  
16 attorney may be supported by a sworn affidavit which may be based  
17 upon information and belief. The application shall state facts  
18 sufficient to demonstrate to the court that a continuation of the  
19 child in the home or with the caretaker of the child is contrary to  
20 the child's welfare and there is reasonable suspicion to believe  
21 that:

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



1            b. the circumstances or surroundings ~~that~~ of the child  
2            are such as to endanger the welfare of that  
3            continuation in the child's home or in the care or  
4            custody of the parent, legal guardian, or custodian  
5            would present an imminent danger to the child.

6 The application and order may be verbal and upon being advised by  
7 the district attorney of the verbal order, law enforcement shall act  
8 on such order. If verbal, the district attorney shall submit a  
9 written application ~~shall be submitted~~ and proposed order to the  
10 district court within one (1) judicial day from the issuance of the  
11 verbal order. Upon approval, the application and order shall be  
12 filed with the court clerk.

13            ~~a.~~ B. When an order issued by the district court pursuant to  
14 ~~this paragraph~~ subsection A of this section places the child in the  
15 emergency custody of the Department of Human Services pending  
16 further hearing specified by Section ~~7003-2.4~~ 1-4-203 of this title,  
17 an employee of the Department may execute such order and physically  
18 take the child into custody in the following limited circumstance:

19                            ~~(1) the~~

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

22                            ~~(2) it is determined that assumption of the child's~~  
23                            custody from such facility is necessary to

24                            protect the child from risk of endangerment, and

1        ~~(3)~~ 2. It is believed that assumption of the ~~child's~~ custody of  
2 the child from the facility can occur without a ~~breach of the peace,~~  
3 ~~otherwise~~ risk to the child or the employee of the Department.

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

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

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

23 ~~The court shall include in the order a specific determination that~~  
24

1 ~~continuation of the child in the child's home is contrary to the~~  
2 ~~health, safety or welfare of the child; and~~

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

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

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

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

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

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

18 1. The child may be taken to a children's shelter located  
19 within the county where protective or emergency custody is assumed  
20 or, if there is no children's shelter within the county, to a  
21 children's shelter designated by the court, ~~provided that the~~  
22 ~~placement of an infant who appears to be or has been determined to~~  
23 ~~have a medical condition or illness that falls within the placement~~  
24 ~~protocol for at risk infants established pursuant to subsection D of~~

1 ~~this section shall be taken to a location as provided in the~~  
2 ~~placement protocol;~~

3       2. Except as otherwise provided by subsection ~~E~~ F of this  
4 section, the child may be taken before a judge of the district court  
5 or the court may be contacted verbally for the purpose of obtaining  
6 an order for emergency custody. The court may place the child in  
7 the emergency custody of the Department ~~of Human Services~~ or some  
8 other suitable person or entity pending further hearing specified by  
9 Section ~~7003-2.4~~ 1-4-203 of this title. ~~The Department may place~~  
10 ~~the child in a kinship foster care home, another foster home or~~  
11 ~~other suitable placement that is determined by the Department to~~  
12 ~~meet the needs of the child, provided that the placement of an~~  
13 ~~infant who appears to be or has been determined to have a medical~~  
14 ~~condition or illness that falls within the placement protocol for~~  
15 ~~at-risk infants established pursuant to subsection D of this section~~  
16 ~~shall be taken to a location as provided in the placement protocol;~~

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

22       4. The child may be taken directly to or retained in a ~~mental~~  
23 behavioral health ~~or substance abuse~~ treatment facility for  
24 evaluation or inpatient treatment, in accordance with the provisions

1 of the Inpatient Mental Health and Substance Abuse Treatment of  
2 Minors Act, when it ~~reasonably appears to the peace officer or court~~  
3 ~~employee that~~ the child is in need of ~~emergency mental~~ behavioral  
4 health care to preserve the child's health, or as otherwise directed  
5 by the court; and

6 5. Except as otherwise provided by subsection ~~E~~ F of this  
7 section, the district court of the county where the ~~emergency~~  
8 custody is assumed shall be immediately notified, verbally or in  
9 writing, that the child has been taken into custody. If  
10 notification is verbal, written notification shall be sent to the  
11 district court within one (1) judicial day of such verbal  
12 notification.

13 ~~E~~ F. The court may provide, in an order issued pursuant to  
14 this section or by a standing order or rule, for the disposition of  
15 children taken into ~~emergency~~ custody and notification of the  
16 assumption of such custody. Such order or rule shall be consistent  
17 with the provisions of subsection ~~B~~ E of this section, but may also:

18 1. Designate a licensed child care facility, other than a  
19 children's shelter appropriate for the temporary care of deprived  
20 children, if such the facility is willing to provide care, ~~provided~~  
21 ~~that the placement of an infant who appears to be or has been~~  
22 ~~determined to have a medical condition or illness that falls within~~  
23 ~~the placement protocol for at-risk infants established pursuant to~~  
24

1 ~~subsection D of this section shall be taken to a location as~~  
2 ~~provided in the placement protocol; and~~

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

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

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

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

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

1       ~~3. Appropriate placement pursuant to this subsection of at risk~~  
2 ~~infants shall include, but not be limited to, foster care, approved~~  
3 ~~kinship foster care and health care facilities. A children's~~  
4 ~~shelter shall not be deemed to be an appropriate placement for at-~~  
5 ~~risk infants unless the shelter meets the placement protocol.~~

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

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

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

22       I. A parent or person responsible for the child who is arrested  
23 on a charge or warrant other than child abuse or neglect or an act  
24 of child endangerment may designate another person to take physical

1 custody of the child. Upon this request, the peace officer may  
2 release the child to the physical custody of the designated person.

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

6 Section 7003-2.4 A. ~~1.~~ The peace officer ~~or an~~, employee of  
7 the court, or the employee of the Department of Human Services  
8 responsible for assuming physical custody of a child shall provide  
9 the parent, legal guardian, or physical custodian of a the child  
10 with immediate written notice of the protective or emergency custody  
11 of the child ~~whenever~~ if personally present, or if not present as  
12 soon as possible.

13 ~~2.~~ B. The written notice shall~~+~~

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

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

18 1. That an emergency custody hearing to determine custody of  
19 the child will occur within two (2) judicial days from the date the  
20 child was ~~removed from the home~~ taken into custody, and

21 ~~e. contain information about the;~~

22 ~~(1)~~ 2. The date, time, and place for the emergency custody  
23 hearing ~~process including, but not limited to, the date, time and~~

24



1 ~~place that the child was taken into protective or emergency~~  
2 ~~custody;~~<sub>i</sub>

3 ~~(2) 3. The nature of the allegation that led to placement of~~  
4 ~~the child into protective or emergency custody;~~<sub>i</sub>

5 ~~(3) 4. The address and telephone number of the local and county~~  
6 ~~applicable law enforcement agencies;~~

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

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

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

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

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

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

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

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

~~(4) require the Department to provide to any custodian or other person caring for the child information on Department of Human Services programs and services available to the child and provide written notice of any further proceedings to any foster or preadoptive parents or relatives providing care for a child.~~

~~b. If a child has been removed from the custodial parent of the child and the court, in the best interests of the child, is unable to release the child to the custodial parent, the court shall give priority for placement of the child with the noncustodial parent of the child unless such placement would not be in the~~

1 ~~child's best interests. If the court cannot place the~~  
2 ~~child with the noncustodial parent, custody shall be~~  
3 ~~consistent with the provisions of Section 21.1 of this~~  
4 ~~title. If custody of the child cannot be made~~  
5 ~~pursuant to the provisions of Section 21.1 of this~~  
6 ~~title, the reason for such determination shall be~~  
7 ~~documented in the court record.~~

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

14 ~~IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY~~

15 ~~STATE OF OKLAHOMA~~

16 ~~IN THE MATTER OF:~~

17 ~~\_\_\_\_\_~~

18 ~~ALLEGED DEPRIVED CHILD (REN)~~

19 ~~MEMORANDUM~~

20 ~~CHILD WELFARE WORKER:~~

21 ~~ASSISTANT DISTRICT ATTORNEY:~~

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

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

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

1 ~~PROTECT CHILD FROM HARM~~

2 ~~OTHER:~~

3 ~~NOTES:~~

4 ~~CHILD(REN) RELEASED TO:~~

5 \_\_\_\_\_

6 ~~ASSISTANT DISTRICT ATTORNEY~~

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

11 \_\_\_\_\_

12 ~~DHS CHILD WELFARE WORKER.~~

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

22 ~~2. If the petition is not filed as required by this subsection,~~  
23 ~~then the emergency custody order shall expire. The district~~  
24 ~~attorney shall submit for filing in the court record a written~~

1 ~~record specifying the reasons why the petition was not filed and~~  
2 ~~specifying to whom the child was released.~~

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

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

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

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

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

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

23  
24

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

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

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

23           Section 7003-2.5 No peace officer, employee of the court,  
24           employee of the Department of Human Services, or person acting

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

10 SECTION 21. AMENDATORY 10 O.S. 2001, Section 7003-3.1,  
11 as amended by Section 17, Chapter 327, O.S.L. 2002 (10 O.S. Supp.  
12 2008, Section 7003-3.1), is amended to read as follows:

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

18 2. The petition shall be verified and may be upon information  
19 and belief. The petition shall set forth:

- 20 a. with particularity, facts which bring the child within  
21 the purview of this ~~article~~ chapter,
- 22 b. the name, ~~age~~ date of birth, and residence of the  
23 child,
- 24 c. the names and residences of the child's parents,



- 1 d. the name and residence of the child's legal guardian,  
2 if there is one,  
3 e. the name and residence of the person or persons having  
4 custody or control of the child,  
5 f. the name and residence of the nearest known relative,  
6 if no parent, legal guardian or custodian of the child  
7 can be found, and  
8 g. the relief requested and ~~an endorsement of witnesses~~  
9 ~~intended to be called by the petitioner~~ including, but  
10 not limited to, or where applicable:

- 11 (1) an adjudication that the child is deprived,  
12 (2) a termination of parental rights,  
13 (3) the entry of an order for child support, and  
14 (4) a judicial determination of the child's  
15 paternity.

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

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

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

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

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

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

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

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

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

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

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

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

23 C. In any case in which the allegations contained within the  
24 original petition have been sustained and a child is found to be a

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

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

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

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

1           2. The summons shall ~~recite briefly the nature of the~~  
2 ~~proceeding with the phrase "as described more fully in the attached~~  
3 ~~petition" and shall require the person or persons who have the~~  
4 ~~custody or control of the child to appear personally and bring the~~  
5 ~~child before the court at a time and place stated~~ be attached to a  
6 copy of the petition and shall advise the parties of the right to  
7 counsel, including the right of the child's parent or legal guardian  
8 to court-appointed counsel if indigent.

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

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

21           B. 1. ~~The summons shall be served on the person who has legal~~  
22 ~~custody of the child. If the child has reached the age of twelve~~  
23 ~~(12) years, a copy shall be served on the child~~ A party other than  
24 the child may waive service of summons in writing or by voluntary

1 appearance at the hearing. A child's counsel may waive service of  
2 summons on the child's behalf.

3 ~~2. If the person who has legal custody of the child is other~~  
4 ~~than a parent, legal guardian or custodian of the child, a copy of~~  
5 ~~the summons shall be served on the parent, legal guardian or~~  
6 ~~custodian, or all, as hereinafter provided. A copy of the summons~~  
7 ~~shall be served on a custodial parent, guardian or next friend. If~~  
8 ~~no parent or guardian can be found, a summons shall be served on~~  
9 ~~such other person or persons as the court shall designate.~~

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

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

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

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

23 Section 7003-3.5 A. 1. Service of summons shall be made by  
24 personal delivery, by mail, or by publication as provided for

1 ~~service in civil actions, or service may be made by certified mail~~  
2 ~~to such person's last known address, requesting a return receipt~~  
3 ~~from the addressee only pursuant to Section 2004 of Title 12 of the~~  
4 Oklahoma Statutes or any successor statute.

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

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

16 4. The state shall conduct a distinct and meaningful search of  
17 all reasonably available sources to locate and notify the parents  
18 and legal guardians of proceedings being held pursuant to the  
19 Oklahoma Children's Code; provided, that a hearing shall not be  
20 delayed if a parent or legal guardian cannot be located.

21 B. 1. ~~The court shall not hold the hearing until at least~~  
22 ~~forty eight (48) hours after the service of the summons, except with~~  
23 ~~the consent of the parent, legal guardian or custodian~~ Before  
24 service by publication is authorized, the state shall file an

1 affidavit with the court stating that after a distinct and  
2 meaningful search of all reasonably available sources, the parent or  
3 legal guardian of the child could not be identified or located, as  
4 applicable, and describing the diligent efforts made to identify,  
5 locate, and serve the party. The affidavit shall be sufficient  
6 evidence of the diligence exercised by the state to identify or  
7 locate a party who is the subject of the publication notice.

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

18       3. The publication notice may be directed to all persons known,  
19 alleged, presumed, or claiming to be the father, mother, or legal  
20 guardian of the child. If the name of a party is unknown, the  
21 notice shall be directed to the unknown father, mother, or legal  
22 guardian, as applicable, and such notice, when published pursuant to  
23 this subsection, shall apply to and be binding upon those persons  
24 whose names are unknown. The notice shall contain the name of the



1 court and the case number, the initials of the child who is the  
2 subject of the proceedings, the date and location of the birth of  
3 the child, the name of the mother and father of the child, if known,  
4 the time and date of the hearing, and the purpose of the hearing.

5 The notice shall also contain, in type at least as large as the  
6 balance of the document, the following or substantially similar  
7 language:

8 "FAILURE TO APPEAR AT THIS HEARING CONSTITUTES CONSENT TO THE  
9 ADJUDICATION OF THIS CHILD AS A DEPRIVED CHILD AND MAY ULTIMATELY  
10 RESULT IN LOSS OF CUSTODY OF THIS CHILD OR THE TERMINATION OF  
11 PARENTAL RIGHTS TO THIS CHILD."

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

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

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

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

8 3. ~~An order determining that a child is deprived shall not~~  
9 ~~become final until thirty (30) days after the date of the~~  
10 ~~publication of the notice~~ Notice by publication may proceed  
11 simultaneously with efforts to serve notice by personal delivery or  
12 by mail upon a determination by the court that there is reason to  
13 believe service by personal delivery or by mail will not be  
14 successful.

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

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

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

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

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

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

14 Section 7003-3.7 A. 1.

15 a. If ~~the parents,~~ a parent or legal guardian ~~or~~  
16 ~~custodian~~ of the child requests an attorney and is  
17 found to be ~~without sufficient financial means~~  
18 indigent, counsel ~~shall~~ may be appointed by the court  
19 at the emergency custody hearing and shall be  
20 appointed if a petition has been filed alleging that  
21 the child is a deprived child ~~or if termination of~~  
22 ~~parental rights is a possible remedy~~; provided, that  
23 the court may appoint counsel without such request, if  
24 it deems representation by counsel necessary to

1 protect the interest of the ~~parents~~ parent, legal  
2 guardian, or custodian.

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

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

1           b.    The attorney appointed for the child shall make  
2                    arrangements to meet with the child as soon as  
3                    possible after receiving notification of the  
4                    appointment.  Except for good cause shown, the  
5                    attorney shall meet with the child ~~not less than~~  
6                    ~~twenty four (24) hours~~ prior to any hearing in such  
7                    proceeding.  The attorney may speak with the child  
8                    over the telephone if a personal visit is not possible  
9                    due to exigent circumstances.  If a meaningful  
10                  attorney-client relationship between the child and the  
11                  attorney is prohibited due to age or disability of the  
12                  child, the attorney shall contact the custodian or  
13                  caretaker of the child prior to the hearing.

14          c.    ~~The attorney shall be given access to all reports,~~  
15                  ~~records and other information relevant to the case and~~  
16                  ~~to any reports of examination of the child's parents,~~  
17                  ~~legal guardian or custodian made pursuant to this~~  
18                  ~~section.~~  The attorney shall represent the child and  
19                  any expressed interests of the child.  The attorney  
20                  shall make such further inquiry as the attorney deems  
21                  necessary to ascertain the facts, to interview  
22                  witnesses, examine and cross-examine witnesses, make  
23                  recommendations to the court and participate further  
24

1 in the proceedings to the degree appropriate for  
2 adequately representing the interests of the child.

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

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

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

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

16 ~~2.—The~~ After a petition is filed, the court shall appoint a  
17 guardian ad litem upon the request of the child, or the attorney of  
18 the child, and may appoint a guardian ad litem sua sponte or upon  
19 the request of the Department of Human Services, a licensed child-  
20 placing agency, or ~~any other~~ another party to the action.

21 ~~3.~~ 2. A guardian ad litem shall not be a district attorney, an  
22 employee of the office of the district attorney, the child's  
23 attorney, an employee of the court, an employee of a juvenile  
24

1 bureau, or an employee of any public agency having duties or  
2 responsibilities towards the child.

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

9 a. review documents, reports, records and other  
10 information relevant to the case, meet with and  
11 observe the child in appropriate settings, and  
12 interview parents, foster parents, health care  
13 providers, child protective services workers and any  
14 other person with knowledge relevant to the case,

15 b. advocate for the ~~child's~~ best interests of the child  
16 by participating in the case, attending any hearings  
17 in the matter and advocating for appropriate services  
18 for the child when necessary,

19 c. ~~maintain the confidentiality of information related to~~  
20 ~~a case as required by Article 7 of the Oklahoma~~  
21 ~~Children's Code,~~

22 ~~d.~~ monitor the ~~child's~~ best interests of the child  
23 throughout any judicial proceeding, and  
24

1        ~~e.~~ d.    present written reports on the ~~child's~~ best interests  
2                    of the child that include conclusions and  
3                    recommendations and the facts upon which they are  
4                    based.

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

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



1 and shall periodically review and revise the manual as deemed  
2 necessary.

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

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

11 ~~3.~~ For purposes of the Oklahoma Children's Code, ~~the terms~~ a  
12 "court-appointed special advocate" and a "guardian ad litem" shall  
13 have the same function except as otherwise provided by law. In like  
14 manner, a court-appointed special advocate, except as specifically  
15 otherwise provided by law or by the court, shall have the same  
16 power, duties, and responsibilities as assigned to a guardian ad  
17 litem by law and shall have such other qualifications, duties, and  
18 responsibilities as may be prescribed by rule by the Supreme Court.

19 ~~4.~~ 3. A court-appointed special advocate shall serve without  
20 compensation.

21 ~~5. No court-appointed special advocate shall be assigned a case~~  
22 ~~before:~~

23 a. ~~completing a training program in compliance with~~  
24 ~~nationally documented Court Appointed Special Advocate~~

standards. Documentation of training shall be submitted annually by local court appointed special advocate programs to the Oklahoma Court Appointed Special Advocate Association, and

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

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

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

1 ~~history state repository of the previous state of~~  
2 ~~residence.~~

3 ~~c. The Oklahoma Court Appointed Special Advocate~~  
4 ~~Association shall pay the fee for the criminal history~~  
5 ~~records search provided in this paragraph.~~

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

10 ~~2. Any person serving in a management position of a court~~  
11 ~~appointed special advocate organization, including a member of the~~  
12 ~~Board of Directors acting in good faith, shall be immune from any~~  
13 ~~civil liability or any vicarious liability for the negligence of any~~  
14 ~~court appointed special advocate organization advocates, managers,~~  
15 ~~or directors.~~

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

21 SECTION 27. AMENDATORY 10 O.S. 2001, Section 7003-4.1,  
22 as amended by Section 4, Chapter 205, O.S.L. 2006 (10 O.S. Supp.  
23 2008, Section 7003-4.1), is amended to read as follows:

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

6 1. a. Except as otherwise provided by this paragraph, all  
7 deprived proceedings shall be private unless  
8 specifically ordered by the judge to be conducted in  
9 public, but persons having a direct interest in the  
10 case shall be admitted, except as otherwise determined  
11 by the court.

12 b. To the extent that deprived proceedings involve  
13 discussion of confidential information from any child  
14 abuse or neglect report and record, or any information  
15 obtained from the Department of Human Services  
16 concerning a child or family who is receiving Title  
17 IV-B child welfare services, ~~Title IV-E~~ foster care or  
18 adoption assistance pursuant to Title IV-E of the  
19 Social Security Act (42 U.S.C. 678 et seq.), the  
20 confidentiality requirements of those programs apply.  
21 Accordingly, such information shall not be discussed  
22 in open court. To the extent that confidential  
23 information is relevant to the proceedings, it must be  
24 discussed in the court's chambers or some other

1           restricted setting, and the pertinent sections of the  
2           transcript shall be kept confidential.

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

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

17           4. If authorized by the court, any proceeding held pursuant to  
18 the Oklahoma Children's Code may be conducted via teleconference  
19 communication; provided, that when a parent or child appears for a  
20 proceeding via teleconference, the attorney representing that parent  
21 or child shall personally appear at the hearing. For purposes of  
22 this paragraph, "teleconference communication" means participation  
23 in the hearing by interactive telecommunication by the absent party,  
24 those parties present in court, the attorneys and others deemed to

1 be necessary participants to the proceeding including, but not  
2 limited to, foster parents and facility staff where a child may be  
3 receiving care or treatment.

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

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

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

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

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

23 1. The court determines in a hearing conducted outside the  
24 presence of the jury that the time, content and totality of

1 circumstances surrounding the taking of the statement provide  
2 sufficient indicia of reliability so as to render it inherently  
3 trustworthy. In determining trustworthiness, the court may  
4 consider, among other things, the following factors: the spontaneity  
5 and consistent repetition of the statement, the mental state of the  
6 declarant, whether the terminology used is unexpected of a child of  
7 similar age or of an incapacitated person, and whether a lack of  
8 motive to fabricate exists; and the child either:

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

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

19       2. No attorney for any party is present when the statement is  
20 made. However, if appropriate facilities are utilized that allow  
21 observation of the child without the child's knowledge or awareness  
22 in any way, any such attorney may be present as an observer, but not  
23 as a participant, and no such attorney shall have any right to  
24 intervene, object, or otherwise make his or her presence known to

1 the child before, after, or during the making of the statement of  
2 the child;

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

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

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

12 6. Every voice on the recording is identified;

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

16 8. Each party to the proceeding is afforded an opportunity to  
17 view the recording before the recording is offered into evidence;  
18 and

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

22 A statement may not be admitted under this subsection unless the  
23 proponent of the statement makes known to the parties an intention  
24 to offer the statement and the particulars of the statement at least



1 ten (10) days in advance of the proceedings to provide the parties  
2 with an opportunity to prepare to answer the statement.

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

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

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

- 16 a. the court,
- 17 b. the finder of fact, and
- 18 c. the parties to the proceeding.

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

24



1 competent, and the recording is accurate and has not  
2 been altered,

3 ~~3. Every,~~

4 c. every voice on the recording is identified, and

5 ~~4. Each~~

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

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

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

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

21 Section 7003-4.4 If the court finds that the factual  
22 allegations of the petition are not supported by a preponderance of  
23 the evidence, the court shall order the petition dismissed and shall  
24 order the child discharged from any custody. The child's parents,

1 guardian or other legal custodian shall also be discharged from any  
2 restriction or other previous temporary order.

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

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

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

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

11 3. It is in the best interests of the child ~~and the public~~ that  
12 the child be declared to be a deprived child and made a ward of the  
13 court,  
14 then the court shall sustain the petition, and shall make an order  
15 of adjudication finding the child to be deprived and shall adjudge  
16 the child as a ward of the court.

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

22 C. When a child has been adjudicated deprived, the court shall  
23 enter a dispositional order pursuant to the provisions of Section  
24 ~~7003.5-5~~ 1-4-707 of this title.

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

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

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

1 reunify the child and family are not required if the court  
2 determines, based upon a preponderance of the evidence, that:

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

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

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

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

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

24

1           d. ~~has been removed from the custody of the parents,~~  
2           ~~legal guardian or custodian of the child, pursuant to~~  
3           ~~the provisions of the Oklahoma Children's Code, due to~~  
4           ~~sexual abuse or severe physical abuse~~ subjected any  
5           child to aggravated circumstances including, but not  
6           limited to, heinous and shocking abuse or heinous and  
7           shocking neglect; or

8           3. ~~The child is an abandoned infant;~~

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

13          5. ~~The parent, legal guardian or custodian of the child has~~  
14          ~~been convicted of voluntary manslaughter of another child of the~~  
15          ~~parent, legal guardian or custodian or aided or abetted, attempted,~~  
16          ~~conspired in or solicited the commission of voluntary manslaughter~~  
17          ~~of another child of the parent, legal guardian or custodian or~~  
18          ~~another child within the household where the child resided;~~

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

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

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

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

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

17       ~~11. a. The court ordered a permanent plan of adoption,~~  
18           ~~guardianship, or other permanent out of home placement~~  
19           ~~for any siblings of the child because the parent~~  
20           ~~failed to correct the conditions which led to initial~~  
21           ~~court intervention with the sibling after the sibling~~  
22           ~~had been removed from that parent, or~~

23       ~~b. The parental rights of a parent over any sibling of~~  
24           ~~the child had been permanently severed and, according~~



1           ~~to the findings of the court, the parent had not~~  
2           ~~subsequently made a reasonable effort to correct the~~  
3           ~~problems that led to removal of the sibling of that~~  
4           ~~child from that parent;~~

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

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

18           ~~B. Upon The court shall conduct a permanency hearing within~~  
19           ~~thirty (30) days of a determination by the court that any of the~~  
20           ~~conditions specified in subsection A of this section exist, ~~the~~~~  
21           ~~court shall conduct a permanency hearing within thirty (30) days of~~  
22           ~~the determination by the court pursuant to the provisions of Section~~  
23           ~~7003-5.6d of this title. Reasonable efforts shall be made to place~~  
24           ~~the child in a timely manner in accordance with the permanency plan.~~

1       ~~C. Except when a petition for the termination of parental~~  
2 ~~rights is required to be filed pursuant to the provisions of Section~~  
3 ~~7003-4.7 of this title, the district attorney, the child's attorney,~~  
4 ~~or both may file a petition for termination of parental rights.~~

5       SECTION 33.        AMENDATORY        10 O.S. 2001, Section 7003-4.7,  
6 as amended by Section 1, Chapter 237, O.S.L. 2002 (10 O.S. Supp.  
7 2008, Section 7003-4.7), is amended to read as follows:

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

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

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

21       ~~2. Prior to the end of the fifteenth month when a child has~~  
22 ~~been placed in foster care by the Department of Juvenile Justice or~~  
23 ~~in a child-care institution, as defined in Section 472(c)(2) of the~~  
24 ~~Social Security Act, by the Department of Juvenile Justice for~~

1 ~~fifteen (15) of the most recent twenty-two (22) months. For~~  
2 ~~purposes of this paragraph, a child shall be considered to have~~  
3 ~~entered foster care on the earlier of:~~

4 a. ~~the date of disposition as a delinquent, or~~

5 b. ~~the date that is sixty (60) days after the date on~~  
6 ~~which the child is removed from the home;~~

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

9 4. 3. No later than sixty (60) days after a court has  
10 determined that reasonable efforts to reunite are not required due  
11 to a felony conviction of a parent who has:

12 a. committed the murder of any child or has aided or  
13 abetted, attempted, conspired in, or solicited the  
14 commission of the murder of any child,

15 b. committed voluntary manslaughter of another child of  
16 the parent, or has aided or abetted, attempted,  
17 conspired in, or solicited the commission of voluntary  
18 manslaughter of ~~another~~ any child ~~of the parent~~, or

19 c. committed a felony assault that has resulted in  
20 serious bodily injury to the child or to ~~another~~ any  
21 child ~~of the parent~~.

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

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

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

10        a. the parents or legal guardians have maintained a  
11        relationship with the child and the child would  
12        benefit from continuing this relationship,

13        b. the child, who is twelve (12) years or older, objects  
14        to the termination of the parent-child legal  
15        relationship,

16        c. the foster parents of the child are unable to adopt  
17        the child because of exceptional circumstances which  
18        do not include an unwillingness to accept legal  
19        responsibility for the child but are willing and  
20        capable of providing the child with a stable and  
21        permanent environment, and the removal of the child  
22        from the physical custody of the foster parents would  
23        be seriously detrimental to the emotional well-being

1 of the child because the child has substantial  
2 psychological ties to the foster parents,

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

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

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

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

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

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

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

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

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

23 C. After adjudication and at the request of a judge in any  
24 juvenile proceeding, the Department of Human Services shall

1 investigate the home conditions and environment of the child and the  
2 financial ability, occupation and earning capacity of the parent,  
3 legal guardian or custodian of the child. Upon request by the court  
4 of another state, the Department may conduct a similar  
5 investigation.

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

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

14 B. The plan shall be ~~filed~~ furnished to the court within thirty  
15 (30) days after the adjudication of the child and shall be made  
16 available to counsel for the parties and any applicable tribe by the  
17 Department ~~of Human Services~~ or the licensed child-placing agency  
18 ~~responsible~~ having custody of the child or responsibility for the  
19 supervision of the case, ~~or by the Department or the agency or~~  
20 ~~licensed child placing agency having custody of the child if the~~  
21 ~~child has been removed from the custody of its lawful parent or~~  
22 ~~parents.~~

23 C. 1. The ~~treatment and~~ individualized service plan shall be  
24 based upon a comprehensive assessment and evaluation of the child

1 and family and shall be developed with the participation of the  
2 parent, legal guardian, or legal custodian of the child, the  
3 attorney for the child, the guardian ad litem for the child, if any,  
4 the child's tribe, and the child, if appropriate. The health and  
5 safety of the child shall be the paramount concern in the  
6 development of the plan. The plan shall be:

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

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

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

19 4. The plan shall be signed by:

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

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

23 c. the child's attorney,

24



- 1            d. the guardian ad litem of the child, which may be a  
2            court-appointed special advocate,  
3            e. a representative of the child's tribe,  
4            f. the child, if possible, and  
5            g. the Department or other responsible agency.

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

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

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

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

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

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

8 2. Identification of ~~the specific services to be provided to~~  
9 ~~the child including, but not limited to, educational, vocational~~  
10 ~~educational, medical, drug or alcohol abuse treatment, or counseling~~  
11 ~~or other treatment services, and identification of the time-limited~~  
12 reunification services to be provided to the parent, legal guardian,  
13 or legal custodian, stepparent, other adult person living in the  
14 home, or other family members, ~~to remediate or alleviate the~~  
15 ~~conditions that led to the adjudication, including services needed~~  
16 ~~to assist the family to provide safe and proper care of the child or~~  
17 ~~to prevent further harm to the child;~~

18 3. Identification of the specific services to be provided to  
19 the child including, but not limited to, educational, vocational  
20 educational, medical, drug or alcohol abuse treatment, or counseling  
21 or other treatment services. The most recent available health and  
22 educational records of the child shall be provided to the court upon  
23 the court's request including:  
24

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

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

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

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

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

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

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

3            a.    the sequence and time frame for services to be  
4                    provided during and after any such to the parent, the  
5                    child, and if the child is placed in foster care, the  
6                    foster parent, to facilitate the child's return home  
7                    or to another permanent placement,

8            b.    ~~the reasons for such placement and a statement as to~~  
9                    ~~the unavailability or inappropriateness of local~~  
10                   ~~placement, or other good cause, for any~~ a description  
11                   of the child's placement which is not in as close  
12                   ~~proximity as possible to the home~~ and explanation  
13                   about whether the placement is the least restrictive,  
14                   most family-like setting available and in as close  
15                   proximity as possible to the home of the parent or  
16                   parents or legal guardian of the child when the case  
17                   plan is reunification, and how the placement is  
18                   consistent with the best interests and special needs  
19                   of the child,

20            c.    ~~the~~ a description of any services to be provided to or  
21                   resources that were requested by the child to ensure  
22                   ~~safe and proper care while in such~~ or the parent or  
23                   legal guardian of the child since the date of the  
24                   child's placement, and the projected date of discharge

1 whether those services or resources were provided and  
2 if not, the basis for the denial of the services or  
3 resources,

4 d. ~~the services necessary to assist the child to~~  
5 ~~reintegrate with the child's family or other~~  
6 ~~community based placement and a description of acts by~~  
7 ~~and conduct that is expected of the parent or parents,~~  
8 ~~legal guardian, custodian, or stepparent or other~~  
9 ~~adult person living in the home that would alleviate~~  
10 ~~the conditions that resulted in the removal of the~~  
11 ~~child before~~ efforts to be made by the parent of the  
12 child and the Department to enable the child can be  
13 returned to a safe return to his or her home,

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

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

21 (2) health care planning and medical coverage,

22 (3) transportation including, where appropriate,

23 assisting the child in obtaining a driver

24 license,

- (4) money management,
- (5) planning for housing,
- (6) social and recreational skills, and
- (7) establishing and maintaining connections with the  
child's family and community,

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

g. ~~a description of the initial support obligation to the~~  
~~child, as~~ a plan and schedule for regular and frequent  
visitation for the child and the child's parent or  
parents or legal guardian and siblings, unless the  
court has determined by the court,

h. ~~a description of any visitation rights and obligations~~  
~~of the parent or parents, legal guardian, or custodian~~  
~~during the period the child is in care, and~~

i. ~~a discussion of the safety and appropriateness of the~~  
~~child's placement, which placement is intended to be~~  
~~in the least restrictive and most family-like setting~~  
~~available, consistent with the best interests and~~

1 ~~special needs of the child and in as close proximity~~  
2 ~~as possible to the child's home~~ that visitation, even  
3 if supervised, would be harmful to the child, and

4 h. a plan for ensuring the educational stability of the  
5 child while in out-of-home placement including:

6 (1) assurances that the placement of the child  
7 considers the appropriateness of the current  
8 educational setting and the proximity to the  
9 school in which the child was enrolled at the  
10 time of placement, and

11 (2) where appropriate, an assurance that the  
12 Department has coordinated with appropriate local  
13 educational agencies to ensure that the child  
14 remains in the school in which the child was  
15 enrolled at the time of placement, or

16 (3) if remaining in the school in which the child was  
17 enrolled at the time of placement is not in the  
18 best interests of the child, assurances by the  
19 Department and local educational agencies to  
20 provide immediate and appropriate enrollment in a  
21 new school, with all of the educational records  
22 of the child provided to the school;

23 ~~6. Performance criteria that will measure the progress of the~~  
24 ~~child and family toward completion of the treatment and service plan~~

1 ~~including, but not limited to, time frames for achieving objectives~~  
2 ~~and addressing the identified problems;~~

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

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

7 ~~9. 10. The permanency goal plan for the child and, the reason~~  
8 ~~for selection of that goal; and~~

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

13 ~~(1) find an adoptive family or other permanent living~~  
14 ~~arrangement for the child;~~

15 ~~(2) place the child with an adoptive family, a fit~~  
16 ~~and willing kinship relation, a legal guardian,~~  
17 ~~kinship guardian, or in another planned permanent~~  
18 ~~living arrangement, and~~

19 ~~(3) finalize the adoption or guardianship, kinship~~  
20 ~~guardianship or other permanent placement.~~

21 ~~b. Such documentation shall include, at a minimum, child-~~  
22 ~~specific recruitment efforts such as the use of state,~~  
23 ~~regional and national adoption exchanges, including~~  
24 ~~electronic exchange systems plan and a description of~~



1           the steps being taken by the Department to finalize  
2           the plan. If the permanency plan is adoption or legal  
3           guardianship, the Department shall describe, at a  
4           minimum, child-specific recruitment efforts such as  
5           relative searches conducted and the use of state,  
6           regional, and national adoption exchanges to  
7           facilitate the orderly and timely placement of the  
8           child, whether in or outside of the state.

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

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

16           TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE  
17 IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE  
18 REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR  
19 UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME OR ATTEND COURT  
20 HEARINGS, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE  
21 RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.

22           ~~G.~~ H. Whenever a child who is subject to the provisions of this  
23 section is committed for inpatient ~~mental~~ behavioral health or  
24 substance abuse treatment pursuant to the Inpatient Mental Health

1 and Substance Abuse Treatment of Minors Act, the ~~individual~~  
2 ~~treatment and~~ individualized service plan shall be amended as  
3 necessary and appropriate, including, but not limited to,  
4 identification of the treatment and services to be provided to the  
5 child and the child's family upon discharge of the child from  
6 inpatient ~~mental~~ behavioral health or substance abuse treatment.

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

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

18 2. ~~May require, as part of the treatment and service plan, that~~  
19 ~~the father of the child, legal guardian, custodian, stepparent or~~  
20 ~~other adult person living in the home who is an alcohol dependent or~~  
21 ~~a drug dependent person, as such terms are defined by Section 3-403~~  
22 ~~of Title 43A of the Oklahoma Statutes, and whose conduct has~~  
23 ~~contributed to the dependency of such child or mother on alcohol or~~  
24 ~~drugs, or to the conditions which caused the child to be adjudicated~~

1 ~~deprived, complete a treatment program approved by the Alcohol and~~  
2 ~~Drug Abuse Prevention, Training, Treatment and Rehabilitation~~  
3 ~~Authority prior to the return of the child to the safe home, and~~

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

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

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

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

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

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

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

- 15       1. Demographic information;
- 16       2. Strengths, needs and general behavior of the child;
- 17       3. Circumstances which necessitated placement;
- 18       4. Type of custody and previous placement;
- 19       5. Pertinent family information including, but not limited to,  
20 the names of family members who are and who are not, by court order,  
21 allowed to visit the child and the child's relationship to the  
22 family which may affect placement;

1       6. Known and important life experiences and relationships which  
2 may significantly affect the child's feelings, behavior, attitudes  
3 or adjustment;

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

6       8. Education history to include present grade placement, last  
7 school attended, and special strengths and weaknesses. The  
8 Department of Human Services shall also assist the foster parents in  
9 getting the foster child's school records and gaining school  
10 admission; and

11       9. Known or available medical history including, but not  
12 limited to:

13           a. allergies,

14           b. immunizations,

15           c. childhood diseases,

16           d. physical handicaps,

17           e. psycho-social information, and

18           f. the name of the child's last doctor, if known.

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

24           1. Any medical or psychological conditions;

1        2. Diseases, illnesses, accidents, allergies, and congenital  
2 defects;

3        3. The child's Medicaid card or information on any other third-  
4 party insurer, if any; and

5        4. Immunization history.

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

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

24

1 ~~examinations or tests and the release of such test results for a~~  
2 ~~child, regardless of age, in the Department's permanent custody.~~

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

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

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

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

19 ~~b.~~ 2. The Department shall notify the foster family prior to  
20 movement of the child pursuant to the provisions of Section ~~7208~~ 1-  
21 4-805 of this title.

22 ~~c.~~ 3. The Department shall inform the ~~court~~ guardian ad litem,  
23 if any, and the child's attorney of the specific location of the  
24 child.

1       ~~2. If the movement was due to an emergency situation, the B.~~  
2       The notification required by this subsection section shall be made  
3       by the Department within one (1) business day after such a  
4       reasonable time after the Department is made aware of the need for  
5       movement, but in no event less than two (2) judicial days prior to  
6       movement unless an emergency exists. As used in this ~~subsection~~  
7       section, "emergency situation" means movement of a child that is:

8               ~~a. requested~~

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

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

17              ~~b. for~~

18              3. For emergency medical or mental health treatment,

19              ~~c. for;~~

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

24              ~~d. due~~



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

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

9        ~~2.~~ However, the Department may move any child due to an  
10 emergency court, on its own motion, may hold, or any party receiving  
11 notice pursuant to subsection A of this section, in which case a  
12 shall be granted, an informal hearing shall be conducted concerning  
13 the reasons and necessity for moving the child, if requested in  
14 writing, within ~~ten (10)~~ five (5) days following the moving of the  
15 child receipt of notice.

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

19        SECTION 38.        AMENDATORY        10 O.S. 2001, Section 7003-5.5,  
20 as amended by Section 3, Chapter 258, O.S.L. 2006 (10 O.S. Supp.  
21 2008, Section 7003-5.5), is amended to read as follows:

22        Section 7003-5.5 A. 1. When a child has been adjudicated  
23 deprived pursuant to the provisions of Section ~~7003-4.5~~ 1-4-603 of  
24 this title, ~~the court~~ a dispositional hearing may enter a

1 ~~dispositional order~~ be held on the same day as the adjudication  
2 hearing, but in any event the court shall hold a dispositional  
3 hearing and enter such order within the hearing shall be held and an  
4 order entered no later than forty (40) calendar days of such  
5 adjudication unless the court finds on the record that the best  
6 interests of the child will be served by granting a thereafter. The  
7 dispositional hearing shall not be delayed absent a showing of good  
8 cause and a finding by the court that the best interests of the  
9 child will be served by granting the delay. The court shall set  
10 forth the reasons why a delay is necessary and shall schedule the  
11 hearing at the earliest possible time following the delay.

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

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

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

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

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

18       2. The court shall further:

19           a. establish an initial permanency plan for the child,

20           and

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

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

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

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

12        ~~1. a. The court may place the child under supervision by the~~  
13 ~~Department of Human Services in the child's own home,~~  
14 ~~or in the custody of a suitable person elsewhere. If~~  
15 ~~a child has been removed from the custodial parent of~~  
16 ~~the child and the court, in the best interests of the~~  
17 ~~child, is unable to release the child to the custodial~~  
18 ~~parent, the court shall give priority for placement of~~  
19 ~~the child with the noncustodial parent of the child~~  
20 ~~unless such placement would not be in the child's best~~  
21 ~~interests. If the court cannot place the child with~~  
22 ~~the noncustodial parent, custody shall be consistent~~  
23 ~~with the provisions of Section 21.1 of this title. If~~  
24 ~~custody of the child cannot be made pursuant to the~~

1 ~~provisions of Section 21.1 of this title, the reason~~  
2 ~~for such determination shall be documented in the~~  
3 ~~court record. The court may require the parent or~~  
4 ~~other person to comply with such conditions as the~~  
5 ~~court may require and to give security by bond, with~~  
6 ~~surety or sureties approved by the court, for~~  
7 ~~compliance with such order.~~

8 b. ~~If it is consistent with the welfare of the child, the~~  
9 ~~child shall be returned to the child's parent, legal~~  
10 ~~guardian or custodian. Provided, that if it appears~~  
11 ~~to the court that the conduct of the parent, legal~~  
12 ~~guardian, custodian, or that a stepparent or other~~  
13 ~~adult person living in the home has contributed to~~  
14 ~~such deprivation, the court may issue a written order~~  
15 ~~specifying conduct to be followed by such parent,~~  
16 ~~legal guardian, custodian, stepparent or other adult~~  
17 ~~person living in the home with respect to such child.~~  
18 ~~The conduct specified shall be such as would~~  
19 ~~reasonably prevent the child from becoming or~~  
20 ~~continuing to be deprived.~~

21 c. ~~The order placing the child under supervision by the~~  
22 ~~Department in the child's own home shall remain in~~  
23 ~~effect for a period of not more than one (1) year, to~~  
24

1 ~~be specified by the court, and the order may be~~  
2 ~~extended or renewed by the court.~~

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

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

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

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

23 ~~6. If the child has been placed outside the home, and it~~  
24 ~~appears to the court that the parent, legal guardian, custodian,~~

1 ~~stepparent, or other adult person living in the home has contributed~~  
2 ~~to the deprivation of the child, the court may order that the~~  
3 ~~parent, legal guardian, custodian, stepparent, or other adult living~~  
4 ~~in the home be made subject to any treatment or placement plan~~  
5 ~~prescribed by the Department or other person or agency receiving~~  
6 ~~custody of the child.~~

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

15 ~~(1) the other parent is deceased,~~

16 ~~(2) the other parent has been determined by a court~~  
17 ~~of law to be incompetent or incapacitated,~~

18 ~~(3) the other parent's whereabouts or identity is~~  
19 ~~unknown. This fact shall be attested to by an~~  
20 ~~affidavit of the consenting parent,~~

21 ~~(4) the other parent who is eighteen (18) years of~~  
22 ~~age or older, has signed a statement consenting~~  
23 ~~to the transfer, executed before a notary public,~~

24

1 ~~(5) the parental rights of the other parent has been~~  
2 ~~terminated,~~

3 ~~(6) the other parent has been or is found by the~~  
4 ~~court of law to be unfit or unable to exercise~~  
5 ~~parental rights and responsibilities for the~~  
6 ~~child based upon situations enumerated in Section~~  
7 ~~7006-1.1 of this title,~~

8 ~~(7) is or has been subject to the registration~~  
9 ~~requirements of the Oklahoma Sex Offenders~~  
10 ~~Registration Act or any similar act in any other~~  
11 ~~state, or~~

12 ~~(8) has abandoned the child or is determined by the~~  
13 ~~court to be otherwise unfit to assume custody of~~  
14 ~~the child for any other reason.~~

15 ~~b. Prior to the entry of an order transferring the~~  
16 ~~permanent care and custody of a child, the court shall~~  
17 ~~receive an investigation and report regarding the~~  
18 ~~background and home of the prospective custodian.~~  
19 ~~Such investigation and report of the prospective~~  
20 ~~custodian shall be made pursuant to the requirements~~  
21 ~~of the Oklahoma Adoption Code. The Department of~~  
22 ~~Human Services shall only be required by the court to~~  
23 ~~make the home study and report as specified by this~~  
24 ~~paragraph in the following circumstances:~~



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

4           ~~(2) the child is in the custody or under the legal~~  
5           ~~supervision of the Department.~~

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

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

10          ~~(2) the child marries or is legally emancipated, or~~

11          ~~(3) the parent who consented to the transfer of the~~  
12          ~~permanent care and custody of the child petitions~~  
13          ~~the court for the recovery of the child and the~~  
14          ~~court finds after evidentiary hearing:~~

15           ~~(a) the child has been abused or neglected while~~  
16           ~~in the care and custody of the custodian,~~  
17           ~~and~~

18           ~~(b) it is in the best interests of the child~~  
19           ~~that custody of the child be returned to the~~  
20           ~~parents,~~

21          ~~(4) the district attorney, attorney for the child, or~~  
22          ~~custodian petitions the court for modification of~~  
23          ~~the order transferring permanent care and custody~~  
24          ~~and the court finds after evidentiary hearing~~

1                   ~~that it is in the best interests of the child for~~  
2                   ~~the order to be modified and the custody of the~~  
3                   ~~child be given to another person, pursuant to the~~  
4                   ~~Oklahoma Guardianship and Conservatorship Act or~~  
5                   ~~the Oklahoma Children's Code,~~

6                   ~~(5) the order terminates because of the death or~~  
7                   ~~incapacity of the custodian or the death of the~~  
8                   ~~child, or~~

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

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

12                  ~~(1) shall require that the placement be reviewed~~  
13                  ~~within one (1) year after transfer and may~~  
14                  ~~require the person to whom custody is transferred~~  
15                  ~~to submit any records or reports the court deems~~  
16                  ~~necessary for purposes of such review. Such~~  
17                  ~~order shall not require the Department to~~  
18                  ~~supervise the placement during such period,~~

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

23                  ~~(3) unless periodic reviews are required pursuant to~~  
24                  ~~this subparagraph, the court may close the case,~~

1                   ~~provided the order transferring the permanent~~  
2                   ~~care and custody of the child shall remain in~~  
3                   ~~full force and effect subject to the provisions~~  
4                   ~~of subparagraph b of this paragraph.~~

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

- 14           ~~(1) protection,~~
- 15           ~~(2) education,~~
- 16           ~~(3) care and control,~~
- 17           ~~(4) custody, and~~
- 18           ~~(5) decision making.~~

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

21       c.   ~~The petition for kinship guardianship shall allege~~  
22           ~~that:~~

- 23           ~~(1) the child is in the legal custody of the~~  
24           ~~Department,~~

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

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

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

22                   ~~f. If the court finds that the elements of the petition~~  
23                   ~~have been proven based on clear and convincing~~  
24

1 ~~evidence, or upon the consent of all parties, the~~  
2 ~~court shall grant the petition.~~

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

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

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

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

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

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

19 ~~(b) it is in the best interests of the child~~  
20 ~~that custody of the child be returned to the~~  
21 ~~parents,~~

22 ~~(4) the district attorney, an attorney for the child,~~  
23 ~~or the kinship guardian petitions the court for~~  
24 ~~modification of the order transferring permanent~~

1 ~~care and custody to a kinship guardian and the~~  
2 ~~court finds after evidentiary hearing that it is~~  
3 ~~in the best interests of the child for the order~~  
4 ~~to be modified and the custody of the child be~~  
5 ~~given to another person, pursuant to the Oklahoma~~  
6 ~~Guardianship and Conservatorship Act or the~~  
7 ~~Oklahoma Children's Code,~~

8 ~~(5) the order terminates because of the death or~~  
9 ~~incapacity of the kinship guardian or the death~~  
10 ~~of the child, or~~

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

12 ~~i. An order appointing a kinship guardian shall:~~

13 ~~(1) require that the placement be reviewed within one~~  
14 ~~(1) year after transfer and may require the~~  
15 ~~kinship guardian to whom custody is transferred~~  
16 ~~to submit any records or reports the court deems~~  
17 ~~necessary for purposes of such review. Such~~  
18 ~~order shall not require the Department to~~  
19 ~~supervise the placement during such period,~~

20 ~~(2) not require periodic reviews by the court~~  
21 ~~thereafter if the parties agree with the assent~~  
22 ~~of the court that such reviews are not necessary~~  
23 ~~to serve the best interests of the child, unless~~

24

1                   ~~periodic reviews are otherwise required by the~~  
2                   ~~court, and~~

3                   ~~(3) unless periodic reviews are required, the court~~  
4                   ~~may close the case, provided the order~~  
5                   ~~transferring permanent care and custody to a~~  
6                   ~~kinship guardian shall remain in full force and~~  
7                   ~~effect subject to the provisions of this~~  
8                   ~~subparagraph.~~

9                   ~~j. Except as otherwise provided by the court, the~~  
10                   ~~appointment of a kinship guardian shall not affect or~~  
11                   ~~impair the visitation rights of a parent.~~

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

15                   ~~D. Any order entered pursuant to this section shall include a~~  
16                   ~~statement informing the child's parent that the consequences of~~  
17                   ~~noncompliance with the requirement of the court may include~~  
18                   ~~termination of the parent's rights with respect to the child or~~  
19                   ~~shall include a statement informing the child's legal guardian or~~  
20                   ~~eustodian that the consequences of noncompliance with the~~  
21                   ~~requirement of the court may include removal of the child from the~~  
22                   ~~eustody of the legal guardian or eustodian.~~

23                   ~~E. 1. Except as otherwise provided in subsection F of this~~  
24                   ~~section, in any dispositional order removing a child from the home~~

1 ~~of the child, the court shall make a determination as to whether, in~~  
2 ~~accordance with the best interests of the child:~~

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

5       ~~b. reasonable efforts to reunite the family are not~~  
6       ~~feasible, and reasonable efforts are being made to~~  
7       ~~secure an alternate permanent placement for the child.~~

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

11       ~~F. 1. At any hearing held pursuant to the provisions of this~~  
12 ~~section, if the court finds that continuation of reasonable efforts~~  
13 ~~to return the child home are inconsistent with the permanency plan~~  
14 ~~for a child, the court shall determine whether reasonable efforts~~  
15 ~~have been made to place the child in a timely manner in accordance~~  
16 ~~with the permanency plan and to complete whatever steps are~~  
17 ~~necessary to finalize the permanent placement of the child.~~

18       ~~2. Reasonable efforts to reunite the child with the child's~~  
19 ~~family shall not be required however, pursuant to the provisions of~~  
20 ~~Section 7003 4.6 of this title.~~

21       ~~G. 1. If it is consistent with the welfare of the child, in~~  
22 ~~cases where the child has been adjudicated to be deprived due to~~  
23 ~~repeated absence from school, the court may order counseling and~~  
24 ~~treatment for the child and the parents of the child to be provided~~



1 ~~by the local school district, the county, the Department or a~~  
2 ~~private individual or entity.~~

3 ~~2. Prior to final disposition, the court shall require that it~~  
4 ~~be shown by the appropriate school district that a child found to be~~  
5 ~~truant has been evaluated for literacy, learning disabilities,~~  
6 ~~mental retardation, and hearing and visual impairments and other~~  
7 ~~impediments which could constitute an educational handicap. The~~  
8 ~~results of such tests shall be made available to the court for use~~  
9 ~~by the court in determining the disposition of the case.~~

10 ~~3. No child who has been adjudicated deprived upon the basis of~~  
11 ~~noncompliance with the mandatory school attendance law alone may be~~  
12 ~~placed in a public or private institutional facility or be removed~~  
13 ~~from the custody of the lawful parent, legal guardian or custodian~~  
14 ~~of the child.~~

15 ~~4. A deprived adjudication based solely upon repeated absence~~  
16 ~~from school shall not constitute a ground for termination of~~  
17 ~~parental rights.~~

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

22 ~~I. 1. If reasonable efforts are required for the return of the~~  
23 ~~child to the child's home, the court shall allow the parent of the~~  
24 ~~child not less than three (3) months to correct conditions which led~~

1 ~~to the adjudication of the child as a deprived child prior to~~  
2 ~~terminating the parental rights of the parent pursuant to the~~  
3 ~~provisions of Section 7006 1.1 of this title.~~

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

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

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

1 ~~full force and effect and shall control over any prior custody or~~  
2 ~~child support order entered in an administrative or district court~~  
3 ~~action.~~

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

24

1 SECTION 39. AMENDATORY 10 O.S. 2001, Section 7003-5.5a,  
2 as amended by Section 1, Chapter 452, O.S.L. 2004 (10 O.S. Supp.  
3 2008, Section 7003-5.5a), is amended to read as follows:

4 Section 7003-5.5a ~~Every child who has been returned to a person~~  
5 ~~named in a petition shall be supervised for a period of six (6)~~  
6 ~~months prior to dismissal of the case; provided, the A. The court~~  
7 ~~may increase or decrease the duration of such supervision as the~~  
8 ~~best interests of the child may require. Supervision by the~~  
9 ~~Department of Human Services during this period shall be in~~  
10 ~~accordance with rules promulgated by the Commission for Human~~  
11 Services order a trial home reunification by returning the child to  
12 the care of the parent or legal guardian from whom the child was  
13 removed for a period not to exceed six (6) months.

14 B. During the period of the trial home reunification, the  
15 Department of Human Services shall:

16 1. Continue to have legal custody of the child, thereby  
17 permitting the Department to visit the child in the home of the  
18 parent, at school, in a child care facility, or any other setting  
19 the Department deems necessary and appropriate;

20 2. Continue to provide appropriate services to both the parent,  
21 if eligible, and the child during the period of the trial home  
22 reunification;

23

24

1       3. Terminate the trial home reunification, without court order  
2 or authorization, in order to protect the child's health, safety, or  
3 welfare and remove the child to foster care;

4       4. Advise the court and parties within three (3) judicial days  
5 of the termination of the trial home reunification when a visit is  
6 terminated by the Department without a court order; and

7       5. Prepare a report for the court when the trial home  
8 reunification is terminated whether by the Department or court order  
9 which describes the circumstances of the child during the trial home  
10 reunification and recommends appropriate orders, if any, for the  
11 court to enter to provide for the safety and stability of the child.

12       C. In the event a trial home reunification is terminated by the  
13 Department by removing the child to foster care without prior court  
14 order or authorization, the court shall conduct a hearing within  
15 fifteen (15) days of receiving notice of the termination of the  
16 trial home reunification by the Department and shall determine  
17 whether a continuation of the child in the child's home or with the  
18 child's caretaker is contrary to the welfare of the child and  
19 whether reasonable efforts were made to prevent the removal of the  
20 child from the trial home reunification.

21       SECTION 40.       AMENDATORY       10 O.S. 2001, Section 7003-5.6,  
22 as last amended by Section 2, Chapter 196, O.S.L. 2007 (10 O.S.  
23 Supp. 2008, Section 7003-5.6), is amended to read as follows:

1 Section 7003-5.6 A. 1. Every case regarding a child alleged  
2 or adjudicated to be deprived shall be reviewed by the court at a  
3 hearing no later than six (6) months from the date of the child's  
4 ~~out of home placement~~ removal from the home and at least once every  
5 six (6) months thereafter until permanency is achieved or the court  
6 otherwise terminates jurisdiction except as otherwise set forth in  
7 paragraph 2 of this subsection. A review hearing may be held  
8 concurrently with a permanency hearing. ~~A child shall be considered~~  
9 ~~to have entered an out of home placement on the earlier of the~~  
10 ~~adjudication date or the date that is sixty (60) days after the date~~  
11 ~~on which the child is removed from the home. Such reviews shall~~  
12 ~~continue until such time as:~~

13 1. ~~The conditions which caused the child to be adjudicated have~~  
14 ~~been corrected;~~

15 2. ~~The parental rights of the parent are terminated and a final~~  
16 ~~adoption decreed or the child is placed with a suitable custodian or~~  
17 ~~kinship guardian; or~~

18 3. ~~The court otherwise terminates jurisdiction~~

19 When the Department of Human Services has documented a  
20 compelling reason why a petition to terminate parental rights to a  
21 child is not in the best interests of the child that is based upon a  
22 consideration that the child is presently not capable of functioning  
23 in a family setting, the court shall reevaluate the status of the  
24

1 child every ninety (90) days until there is a final determination  
2 that the child cannot be placed in a family setting.

3 3. At any time during the pendency of the case, any party may  
4 request the court to review the case. If granted, the requesting  
5 party shall serve notice on all parties of the date and time of the  
6 hearing.

7 ~~B. The provisions of this section shall also apply to a child~~  
8 ~~who has been removed from the home of the parent or parents, legal~~  
9 ~~guardian or custodian of the child after the child has been returned~~  
10 ~~to that home~~ If a foster parent, preadoptive parent, or relative is  
11 currently providing care for a child, the Department shall give the  
12 foster parent, preadoptive parent, or relative notice of a  
13 proceeding concerning the child. A foster parent, preadoptive  
14 parent, or relative providing care for a child has the right to be  
15 heard at the proceeding. Except when allowed to intervene, the  
16 foster parent, preadoptive parent, or relative providing care for  
17 the child is not considered a party to the juvenile court proceeding  
18 solely because of notice and the right to be heard at the  
19 proceeding.

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

24

1       ~~D. In addition to the parties, adequate prior written notice of~~  
2 ~~review hearings shall be provided by the Department pursuant to~~  
3 ~~rules promulgated by the Commission for Human Services to the~~  
4 ~~current foster parents, preadoptive parent, or relative providing~~  
5 ~~care for the child. A right to be heard at such hearings shall be~~  
6 ~~provided by the court to the current foster parent of a child, the~~  
7 ~~child's guardian ad litem, and to any preadoptive parent or relative~~  
8 ~~providing care for the child. Such notice and right to be heard~~  
9 ~~shall not be construed as requiring any foster parent, preadoptive~~  
10 ~~parent or relative to be made a party to such deprived proceedings~~  
11 ~~if not currently a party to the action.~~

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

17       ~~F.~~ D. At each review hearing the court shall:

18       1. Determine ~~whether~~ and include the following in its orders:

19       a. ~~the child should be returned to the child's parent or~~  
20 ~~placed with willing and suitable kinship relations.~~

21       ~~Before a return to the child's parent is ordered, the~~  
22 ~~court must find that the parties:~~

23       ~~(1) have complied with, performed, and completed the~~  
24 ~~terms and conditions of the individual treatment~~



1 ~~and service plan which are essential and~~  
2 ~~fundamental to the health, safety or welfare of~~  
3 ~~the child as determined by the court,~~

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

8 ~~(3) have made marked progress towards reunification~~  
9 ~~with the child, and~~

10 ~~(4) have maintained a close and positive relationship~~  
11 ~~with the child,~~

12 ~~b. the child should continue in out of home placement for~~  
13 ~~a specified period. The court shall project a likely~~  
14 ~~date by which the child may be:~~

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

16 ~~(2) placed with a willing and suitable guardian or~~  
17 ~~custodian, or~~

18 ~~(3) placed for adoption, or other permanent~~  
19 ~~arrangement,~~

20 ~~e. the rights of the parent of the child should be~~  
21 ~~terminated and the child placed for adoption, placed~~  
22 ~~with a guardian or custodian, or provided with another~~  
23 ~~permanent arrangement, or~~

24

- 1        ~~d. the child, because of exceptional circumstances,~~  
2        ~~should remain in long term out of home placement as a~~  
3        ~~permanent plan or with a goal of independent living~~  
4        whether the individualized service plan, services, and  
5        placement meet the special needs and best interests of  
6        the child with the child's health, safety, and  
7        educational needs specifically addressed,
- 8        b. whether there is a need for the continued placement of  
9        the child,
- 10       c. whether the current permanency plan for the child  
11       remains the appropriate plan to meet the health,  
12       safety, and best interests of the child,
- 13       d. whether the services set forth in the individualized  
14       service plan and the responsibilities of the parties  
15       need to be clarified or modified due to the  
16       availability of additional information or changed  
17       circumstances or as the court determines to be in the  
18       best interests of the child and necessary for the  
19       correction of the conditions that led to the  
20       adjudication of the child,
- 21       e. whether the terms of visitation need to be modified,  
22       including the visitation with siblings if separated,
- 23       f. the time frame that should be followed to achieve  
24       reunification or other permanent plan for the child,

1           g. whether reasonable efforts have been made to provide  
2           for the safe return of the child to the child's own  
3           home. If the court determines or has previously  
4           determined that reasonable efforts are not required  
5           pursuant to the provisions of Section 1-4-809 of this  
6           title, or that continuation of reasonable efforts to  
7           reunite the child with the child's family is  
8           inconsistent with the permanency plan for the child,  
9           the court shall determine if reasonable efforts are  
10           being made to place the child in a timely manner in  
11           accordance with the permanency plan and determine the  
12           steps necessary to finalize permanency for the child,

13           h. where appropriate, when the child is sixteen (16)  
14           years of age or older, whether services are being  
15           provided that will assist the child in making the  
16           transition from foster care to independent living.  
17           The court shall inquire or cause inquiry to be made of  
18           the child regarding any proposed independent living  
19           plan,

20           i. whether the nature and extent of services being  
21           provided the child and parent or parents of the child  
22           are adequate and shall order that additional services  
23           be provided or studies, assessments, or evaluations be  
24           conducted, if necessary, to ensure the safety of the

1 child and to protect the child from further physical,  
2 mental, or emotional harm, or to correct the  
3 conditions that led to the adjudication,

4 j. whether, in accordance with the safety or well-being  
5 of any child, reasonable efforts have been made to:

6 (1) place siblings, who have been removed, together  
7 in the same foster care, guardianship, or  
8 adoptive placement, and

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

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

1           2. Consider in-state and out-of-state placement options for the  
2 child; and

3           3. ~~Make a determination as to whether:~~

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

1 4. Determine the safety of the child and consider fully all  
2 relevant prior and current information including, but not limited  
3 to, the report or reports submitted pursuant to Sections ~~7208~~ 1-4-  
4 805 and ~~7003-5.6a~~ 1-4-808 of this title;

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

11 ~~6. Order such modification to the existing individual treatment~~  
12 ~~and service plan as the court determines to be in the best interests~~  
13 ~~of the child and necessary for the correction of the conditions that~~  
14 ~~led to the adjudication of the child.~~

15 E. In making its findings, the court shall consider the  
16 following:

17 1. Whether compliance with the individualized service plan has  
18 occurred, including whether the Department has provided care that is  
19 consistent with the health, safety, and educational needs of the  
20 child while in an out-of-home placement;

21 2. The extent of progress that has been made toward alleviating  
22 or correcting the conditions that caused the child to be adjudicated  
23 deprived;

1        3. Whether the child should be returned to a parent or parents  
2 and whether or not the health, safety, and welfare of the child can  
3 be protected by a parent or parents if returned home; and

4        4. An appropriate permanency plan for the child, including  
5 concurrent planning when applicable, pursuant to Section 1-4-704 of  
6 this title.

7        SECTION 41.        AMENDATORY        10 O.S. 2001, Section 7003-5.6a,  
8 is amended to read as follows:

9        Section 7003-5.6a A. The Department of Human Services or the  
10 agency having supervision of the case or, if the child has been  
11 removed from the custody of ~~its~~ the child's parents, the Department  
12 or the agency or child-placing agency having custody of ~~such~~ the  
13 child shall cause to be prepared for each review hearing required  
14 herein a written report concerning each child who is the subject of  
15 ~~such~~ review.

16        B. ~~Such~~ The report shall include, but not be limited to:

17        1. A summary of the physical, mental, and emotional condition  
18 of the child, the conditions existing in the out-of-home placement  
19 where the child has been placed, and the ~~child's~~ adjustment of the  
20 child thereto;

21        2. A report on the ~~child's~~ progress of the child in school and,  
22 if the child has been placed outside the child's home, the  
23 visitation exercised by the parents of ~~such~~ the child or other  
24 persons authorized by the court;

1 3. Services being provided to a child sixteen (16) years of age  
2 or older to assist in the transition from out-of-home care or other  
3 community placement to independent living; ~~and~~

4 4. ~~If~~ When the Department is responsible for supervision of the  
5 child or is the legal custodian of the child, ~~any efforts~~ a  
6 description of:

7 a. progress on the part of the parent or parents to  
8 correct the conditions which caused the child to be  
9 adjudicated deprived-,

10 b. changes that still need to occur and the specific  
11 actions the parents would take to make the changes,  
12 and

13 c. services and assistance that have been offered or  
14 provided to the parents since the previous hearing and  
15 the services which are needed in the future;

16 5. A description of the placements of the child by number and  
17 type with dates of entry and exit, reasons for the placement or  
18 change in placement, and a statement about the success or lack of  
19 success of each placement;

20 6. The efforts of the Department to locate the parents and  
21 involve them in the planning for the child if the parents are not  
22 currently communicating with the Department;  
23  
24



1 7. Compliance by the Department, as applicable, and the parent  
2 with the court's orders concerning the individualized service plans,  
3 previous court orders, and the Department recommendations;

4 8. Whether the current placement is appropriate for the child,  
5 its distance from the home of the child, and whether it is the least  
6 restrictive, most family-like placement available;

7 9. A proposed timetable for the return of the child to the home  
8 or other permanent placement; and

9 10. Specific recommendations, giving reasons therefor, whether:

10 a. ~~the parental rights of the parent or parents of the~~  
11 ~~child should be terminated and the child placed for~~  
12 ~~adoption~~ trial reunification should be approved by the  
13 court,

14 b. ~~the child should remain in the home or be placed~~  
15 ~~outside the home of the child's lawful parents, or~~  
16 trial reunification should be continued to a date  
17 certain as specified by the court,

18 c. the child should remain in or be placed outside of the  
19 home of the parent or legal guardian of the child, or  
20 ~~be returned to the home from which the child was~~  
21 ~~removed~~

22 d. the child should remain in the current placement when  
23 the permanency plan is other than reunification with  
24 the parent or legal guardian of the child.

1 C. The attorney representing a child and the guardian ad litem  
2 of a child, if any, whose case is being reviewed may submit a report  
3 to the court for presentation at the review hearing to assist the  
4 court in reviewing the placement or status of the child. The legal  
5 custodian shall not deny to a child the right of access to counsel  
6 and shall facilitate such access.

7 SECTION 42. AMENDATORY 10 O.S. 2001, Section 7003-5.6b,  
8 is amended to read as follows:

9 Section 7003-5.6b A. ~~1. Pursuant to the provisions of this~~  
10 ~~subsection, the~~ The Department of Human Services shall establish and  
11 administer an ongoing program of supported guardianship to assist  
12 families wishing to make a long-term commitment to a child by  
13 accepting guardianship of the child. The supported guardianship  
14 program shall enable the family to assume the parental role without  
15 ongoing Department oversight but allow the family to return to the  
16 Department for services as needed.

17 ~~2. As soon as the federal Department of Health and Human~~  
18 ~~Services authorizes additional demonstration projects for additional~~  
19 ~~use monies designated for expenditure for Title IV-E of the Social~~  
20 ~~Security Act, which requires federal funds to be spent on children~~  
21 ~~in foster care, the Department of Human Services shall request a~~  
22 ~~waiver or demonstration project authorization for such monies. The~~  
23 ~~waiver shall allow federal funds to be utilized to support children~~  
24 ~~whose guardianship is transferred in situations where adoption is~~

1 ~~not possible and an identified family has made a long term~~  
2 ~~commitment to the child in addition to other programs authorized by~~  
3 ~~law.~~

4 ~~3. Upon obtaining a waiver, the Department shall conduct a~~  
5 ~~three year demonstration program. The children involved must meet~~  
6 ~~state established criteria.~~

7 ~~4. The program of supported guardianship shall be operational~~  
8 ~~upon receipt and according to the terms of the approved waiver.~~

9 ~~B. By January 1, 1998, the Department of Human Services and the~~  
10 ~~Department of Juvenile Justice shall submit to the Chairman of the~~  
11 ~~House of Representatives Human Services Committee and the Chairman~~  
12 ~~of the State Senate Human Resources Committee written recommended~~  
13 ~~legislation for the development and implementation of a program for~~  
14 ~~the long term permanent placement of children in cases where the~~  
15 ~~court has found that adoption of the child or termination of~~  
16 ~~parental rights to the child is not possible or not in the best~~  
17 ~~interests of the child. Such program shall include, but not be~~  
18 ~~limited to, permanent guardianship through the juvenile court,~~  
19 ~~supported guardianship and long term or permanent foster care of the~~  
20 ~~child. The Postadjudication Review Advisory Board and the Oklahoma~~  
21 ~~Commission on Children and Youth shall assist the departments in~~  
22 ~~meeting the requirements of this section.~~

23

24

1 SECTION 43. AMENDATORY 10 O.S. 2001, Section 7003-5.6d,  
2 as last amended by Section 3, Chapter 196, O.S.L. 2007 (10 O.S.  
3 Supp. 2008, Section 7003-5.6d), is amended to read as follows:

4 Section 7003-5.6d A. 1. The court shall conduct a permanency  
5 hearing ~~on behalf of a child~~ to determine the appropriate permanency  
6 goal for the child and to order completion of all steps necessary to  
7 finalize the permanent plan. The hearing shall be held no later  
8 than:

- 9 a. six (6) months after placing the child in out-of-home  
10 placement and every six (6) months thereafter, and  
11 b. thirty (30) days after a determination by the court  
12 that reasonable efforts to return a child to either  
13 parent are not required pursuant to the provisions of  
14 Section ~~7003-4.6~~ 1-4-809 of this title ~~and every six~~  
15 ~~(6) months thereafter.~~

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

- 18 a. the adjudication date, or  
19 b. the date that is sixty (60) days after the date on  
20 which the child is removed from the home.

21 3. Subsequent permanency hearings shall be held at least every  
22 six (6) months for any child who continues to be in an out-of-home  
23 placement. At the request of a party, the Department of Human  
24

1 Services, or on the motion of the court, the initial and subsequent  
2 permanency hearings may be held more frequently.

3 4. At each permanency hearing, the court may consider testimony  
4 of any person who has relevant information about the status of the  
5 child or the status of the treatment plan. All parties shall have  
6 the opportunity to present evidence and to cross-examine witnesses.  
7 The rules of evidence shall not apply to permanency hearings and all  
8 evidence helpful in determining the proper permanency goal shall be  
9 considered including, but not limited to, oral and written reports,  
10 which may be admitted and may be relied upon to the extent of their  
11 probative value, even though not competent for the purposes of the  
12 adjudicatory hearing.

13 B. A permanency hearing may be held concurrently with a  
14 dispositional or review hearing. ~~All permanency decisions must be~~  
15 ~~in writing and in accordance with the health, safety or welfare of~~  
16 ~~the child and the long term best interests of the child. In the~~  
17 ~~case of a child who will not be returned to the parent, the hearing~~  
18 ~~shall consider in state and out of state permanent placement~~  
19 ~~options.~~

20 C. ~~In addition to the parties, adequate prior written notice of~~  
21 ~~permanency hearings shall be provided by the Department pursuant to~~  
22 ~~rules promulgated by the Commission for Human Services to the~~  
23 ~~current foster parents and to any preadoptive parent or relative~~  
24 ~~providing care for the child. A If a foster parent, preadoptive~~

1 parent, or relative is currently providing care for a child, the  
2 Department shall give the foster parent, preadoptive parent, or  
3 relative notice of a proceeding concerning the child. A foster  
4 parent, preadoptive parent, or relative providing care for a child  
5 has the right to be heard at such hearing shall be provided by the  
6 court to the current foster parents of a child, the child's guardian  
7 ad litem, and to any preadoptive parent or relative providing care  
8 for the child. Such notice and right to be heard shall not be  
9 construed as requiring any the proceeding. Except when allowed to  
10 intervene, the foster parent, preadoptive parent, or relative to be  
11 made a party to such action providing care for the child is not  
12 considered a party to the juvenile court proceeding solely because  
13 of notice and the right to be heard at the proceeding.

14 D. At the hearing, the court shall determine or review the  
15 continued appropriateness of the most suitable permanency plan based  
16 on the child's need for a permanent placement as indicated by the  
17 recommended permanency plan or other evidence submitted of the child  
18 and whether a change in the plan is necessary; the date by which the  
19 goal of permanency for the child is scheduled to be achieved, and  
20 whether the current placement of the child continues to be the most  
21 suitable for the health, safety, and welfare of the child. The  
22 court shall also, in an age-appropriate manner, inquire or cause  
23 inquiry to be made of the child regarding the proposed permanency  
24

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

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

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

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

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

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

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

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

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

8 E. ~~The court shall enter an order for completion of all steps~~  
9 ~~necessary to finalize the permanent placement of the child A~~  
10 ~~transcript shall be made of each permanency hearing or the~~  
11 ~~proceeding shall be memorialized by appropriate written findings of~~  
12 ~~facts, and the court having considered all relevant information~~  
13 ~~shall order one of the following permanency plans for the child:~~

14 ~~1. Reunification with the parent, parents, or legal guardian of~~  
15 ~~the child where:~~

16 ~~a. reunification can be expected to occur within an~~  
17 ~~established time frame that is consistent with the~~  
18 ~~developmental needs of the child, and~~

19 ~~b. the health and safety of the child can be adequately~~  
20 ~~safeguarded if returned home;~~

21 ~~2. Placement for adoption after the rights of the parents have~~  
22 ~~been terminated or after a petition has been filed to terminate~~  
23 ~~parental rights;~~

24



1       3. Placement with a person who will be the permanent guardian  
2 of the child and is able to adequately and appropriately safeguard  
3 the health, safety, and welfare of the child; or

4       4. Placement in the legal custody of the Department under a  
5 planned permanent living arrangement, provided that there are  
6 compelling reasons documented by the Department and presented to the  
7 court that none of the above described plans is appropriate for the  
8 health, safety, and welfare of the child.

9       F. In addition to the findings required under subsection E of  
10 this section, the court shall also make written findings related to:

11       1. Whether the Department has made reasonable efforts to  
12 finalize the permanency plan that is in effect for the child and a  
13 summary of the efforts the Department has made; or, in the case of  
14 an Indian child, whether the Department has made active efforts to  
15 provide remedial services and rehabilitative programs as required by  
16 25 U.S.C., Section 1912(d);

17       2. If the permanency plan is for the child to remain in out-of-  
18 home care, whether the child's out-of-home placement continues to be  
19 appropriate and in the best interests of the child;

20       3. If the current placement is not expected to be permanent,  
21 the court's projected timetable for return home or for placement in  
22 an adoptive home with a guardian, or another planned permanent  
23 living arrangement; and

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

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

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

9       G. The court may make appropriate orders to ensure timely  
10 implementation of the permanency plan and shall order the plan to be  
11 accomplished within a specified period of time.

12       SECTION 44.        AMENDATORY        10 O.S. 2001, Section 7003-5.6e,  
13 as last amended by Section 4, Chapter 452, O.S.L. 2004 (10 O.S.  
14 Supp. 2008, Section 7003-5.6e), is amended to read as follows:

15       Section 7003-5.6e A. 1. When a child has been in out-of-home  
16 care for twelve (12) months or longer, the court may require that  
17 the Department of Human Services facilitate a meeting held no later  
18 than thirty (30) days prior to the permanency hearing to discuss  
19 recommendations regarding the child's permanency plan that will be  
20 reported to and reviewed by the court.

21       2. The court may direct that the assigned guardian ad litem,  
22 which may be a court-appointed special advocate, if any, a judicial  
23 case manager, or the Department make arrangements for the meeting.  
24 The foster parents of the child, the parents of the child, or the

1 parents' attorney, a postadjudication review board member, the  
2 guardian ad litem who has been appointed to the case, the child, and  
3 others as appropriate, and the child's attorney shall be contacted  
4 to assist in the preparation of the report; provided, however,  
5 persons determined not to require reasonable efforts pursuant to the  
6 provisions of Section 1-4-809 of this title shall not be required to  
7 attend.

8 B. 1. Prior to a permanency hearing, the Department of Human  
9 Services shall prepare a report regarding the child for court review  
10 and shall provide a copy of the report to the court and the parties  
11 not less than three (3) judicial days prior to the permanency  
12 hearing.

13 2. The report shall include the proposed permanency plan by the  
14 Department, the efforts by the Department to effectuate the  
15 permanency plan for the child, address the options for the permanent  
16 placement of the child, and examine the reasons for excluding higher  
17 priority options.

18 3. Unless a permanency hearing has been conducted, the  
19 Department, as applicable, shall contact the foster parents of the  
20 child, the parents of the child, or the parents' attorney, a  
21 postadjudication review board member, the guardian ad litem, or the  
22 court appointed special advocate who has been appointed to the case,  
23 and the child's attorney to assist in the preparation of the report.  
24

1 ~~B.~~ C. The up-to-date and accurate report shall also contain,  
2 but not be limited to, the following information, if relevant:

3 1. Efforts and progress demonstrated by the child's parent to  
4 complete an individual treatment and service plan;

5 ~~2. Extent to which the parent or legal guardian cooperated and~~  
6 ~~used the services provided;~~

7 ~~3.~~ Status of the child, including the child's ~~mental~~  
8 behavioral, physical, and emotional health; ~~and~~

9 ~~4. Plan for permanency for the child~~

10 3. A recommendation regarding whether the child's current  
11 permanency goal should be continued or modified, the reasons  
12 therefor, and the anticipated date for meeting the goal; and

13 4. A recommendation regarding whether the placement of the  
14 child should be extended and the reasons for the recommendation.

15 ~~C.~~ D. The child's attorney, the parents or parents' attorney,  
16 the foster parent, the postadjudicatory review board member, the  
17 guardian ad litem, or the court appointed special advocate of the  
18 child, ~~or the Department of Human Services~~ may submit ~~an~~ additional  
19 informational ~~report~~ reports to the court for review.

20 SECTION 45. AMENDATORY 10 O.S. 2001, Section 7003-5.6f,  
21 is amended to read as follows:

22 Section 7003-5.6f A. ~~If a child has resided with a birth~~  
23 ~~relative before being adopted, the adoptive parents and that birth~~  
24 ~~relative may enter~~ 1. When the court, pursuant to Section 1-4-812

1 of this title, finds that a deprived child should be placed for  
2 adoption, nothing in the adoption laws of this state shall be  
3 construed to prevent the petitioners for adoption of the child from  
4 voluntarily entering into an a written agreement pursuant to the  
5 provisions of this section regarding communication with, visitation  
6 of or contact between the child, adoptive parents and the birth  
7 relative with the birth relatives, including a birth parent, to  
8 permit postadoption contact between the birth relatives and the  
9 child. The postadoption contact agreement shall be issued by the  
10 court in a separate instrument at the time an adoption decree is  
11 entered if the court finds the agreement is voluntary, does not pose  
12 a threat to the safety of the child, and is in the best interests of  
13 the child.

14 B- 2. For purposes of this section, "birth relative" means a  
15 parent, stepparent, grandparent, great-grandparent, ~~brother, sister~~  
16 sibling, uncle or aunt of a minor adoptee. This relationship may be  
17 by blood or marriage, provided a sibling relationship may be by  
18 whole or half blood, marriage, or affinity through a common legal or  
19 biological parent. For an Indian child, birth relative includes  
20 members of the extended family as defined by the laws or customs of  
21 the Indian child's tribe or, in the absence of laws or customs,  
22 shall be a person who has reached eighteen (18) years of age and who  
23 is the Indian child's great-grandparent, grandparent, aunt or uncle,  
24 brother or sister, brother-in-law or sister-in-law, niece, nephew,

1 or first or second cousin or stepparent, as provided in the Indian  
2 Child Welfare Act, United States Code, Title 25, Section 1903.

3 3. If a child who is separated from a sibling is ordered to be  
4 placed for adoption, the court shall order that the Department shall  
5 take all of the following steps to facilitate ongoing sibling  
6 contact or visitation:

7 a. provide information to prospective adoptive parents  
8 about the importance of sibling relationships to the  
9 adopted child and counseling on methods for  
10 maintaining sibling relationships,

11 b. provide prospective adoptive parents with information  
12 about siblings of the child; provided, the address  
13 where the siblings reside shall not be disclosed  
14 unless authorized by a court order for good cause  
15 shown, and

16 c. encourage prospective adoptive parents to make a plan  
17 for facilitating postadoptive contact between the  
18 child who is the subject of a petition for adoption  
19 and any siblings of that child.

20 4. The terms of the postadoption agreement executed under this  
21 section shall be limited to, but need not include, the following if  
22 the child has an existing relationship with the birth relative:

23 a. provisions for visitation between the child and the  
24 birth relatives,

- 1            b. provisions for contact between birth relatives and the  
2            child or an adoptive parent, or both,  
3            c. provisions for the adoptive parent to facilitate  
4            sibling contact or visitation, and  
5            d. provisions for the sharing of information about the  
6            child.

7            5. The terms of any postadoption agreement shall be limited to  
8 the sharing of information about the child if the child did not have  
9 an existing relationship with the birth relative.

10           ~~C. B. 1. An A postadoption agreement regarding communication~~  
11 ~~with, visitation of or contact between the child, adoptive parents~~  
12 ~~and a birth relative is not legally enforceable unless the terms of~~  
13 ~~the agreement are contained in a written court order entered in~~  
14 ~~accordance with this section.~~

15           2. An order must be sought and shall be filed in the adoption  
16 action. The order shall be issued by separate instrument at the  
17 time an adoption decree is entered.

18           3. The court shall not enter a proposed order unless the terms  
19 of the order have been approved in writing by the prospective  
20 adoptive parents, the birth relative who desires to be a party to  
21 the agreement, the child, if twelve (12) years of age or older, and,  
22 if the child is in the custody of the Department of Human Services,  
23 a representative of the Department. The child shall be represented  
24

1 by an attorney for purposes of consent to the postadoption  
2 agreement.

3 4. The postadoption agreement approved by the court regarding  
4 sibling contact or visitation shall be provided by the Department to  
5 the adoptive parent or parents, foster parent, relative caretaker,  
6 legal guardian of the child and siblings or others as necessary to  
7 facilitate the sibling contact or visitation.

8 ~~D. The court shall not enter a proposed order unless the court~~  
9 ~~finds that the communication, visitation of or contact between the~~  
10 ~~child, the adoptive parents and a birth relative as agreed upon and~~  
11 ~~contained in the proposed order would be in the child's best~~  
12 ~~interests and poses no threat to the safety of the child or~~  
13 ~~integrity of the adoptive placement.~~

14 ~~E. C. Failure to comply with the terms of an agreed order~~  
15 ~~regarding communication, visitation or contact that has been entered~~  
16 ~~the postadoption agreement as ordered by the court pursuant to this~~  
17 ~~section shall not be grounds for:~~

18 1. Setting aside an adoption decree;

19 2. Revocation of a written consent to an adoption after that  
20 consent has become irrevocable; ~~and~~

21 3. An action for citation of indirect contempt of court; and

22 4. Preventing the adoptive parent or parents of the child from  
23 changing residence within or outside the state.

24



1        ~~F. D. 1. An agreed order entered pursuant to the provisions of~~  
2 ~~this section may be enforced or modified by filing a petition or~~  
3 ~~motion with the court that includes a certified copy of the order~~  
4 ~~granting the communication, contact or visitation, but only if the~~  
5 ~~petition or motion is accompanied by an affidavit with supporting~~  
6 ~~documentation that the parties have mediated or attempted to mediate~~  
7 ~~any dispute under the agreement or that the parties agree to a~~  
8 ~~proposed modification~~ Although the entry of the decree of adoption  
9 terminates the jurisdiction of the juvenile court over the child,  
10 the enforcement of the postadoption agreement and subsequent order  
11 shall be under the continuing jurisdiction of the court granting the  
12 petition for adoption.

13        2. The court may not order compliance with the agreement absent  
14 a finding that the party seeking the enforcement participated in  
15 good faith in mediation or other appropriate dispute resolution  
16 proceedings regarding the conflict prior to the filing of the  
17 enforcement action, and that the enforcement is in the best  
18 interests of the child. Documentary evidence or offers of proof may  
19 serve as the basis for the court's decision regarding enforcement.  
20 No testimony or evidentiary hearing shall be required.

21        3. The prevailing party may be awarded reasonable attorney fees  
22 and costs. All costs and fees of mediation or other appropriate  
23 dispute resolution proceedings shall be borne by each party,  
24 excluding the child.

1       ~~3. The court shall not modify an agreed order pursuant to this~~  
2 ~~section unless it~~ E. A postadoption agreement may be modified or  
3 terminated only if the court finds that the modification or  
4 termination is necessary to serve the best interests of the child,  
5 and~~+~~

6           ~~a. the modification is agreed to by the adoptive parent~~  
7           ~~and the birth relative, or~~

8           ~~b. exceptional circumstances have arisen since the agreed~~  
9           ~~order was entered that justify modification of the~~  
10           ~~order~~ all parties, including the child if the child is  
11           twelve (12) years of age or older at the time of the  
12           requested modification or termination.

13       SECTION 46.        AMENDATORY        10 O.S. 2001, Section 7003-5.6h,  
14 as amended by Section 1, Chapter 75, O.S.L. 2005 (10 O.S. Supp.  
15 2008, Section 7003-5.6h), is amended to read as follows:

16       Section 7003-5.6h A. During any permanency hearing, if it is  
17 determined by the court that a child should be placed for adoption,  
18 the foster parent of the child shall be considered eligible to adopt  
19 the child, if the foster parent meets established eligibility  
20 requirements pursuant to this section.

21       B. If the child has resided with a foster parent for at least  
22 one (1) year, the court shall give great weight to the foster parent  
23 in the adoption consideration for the child unless there is an  
24

1 existing loving emotional bond with a relative of the child by blood  
2 or marriage who is willing, able, and eligible to adopt the child.

3 C. In making such determination, the court shall consider  
4 whether the child has become integrated into the foster family to  
5 the extent that the child's familial identity is with the foster  
6 family, and whether the foster family is able and willing  
7 permanently to treat the child as a member of the family. The court  
8 shall consider, without limitation:

9 1. The love, affection, and other emotional ties existing  
10 between the child and the relatives of the child, and the child's  
11 ties with the foster family;

12 2. The capacity and disposition of the child's relatives as  
13 compared with that of the foster family to give the child love,  
14 affection, and guidance and to continue the education of the child;

15 3. The length of time a child has lived in a stable,  
16 satisfactory foster home and the desirability of the child's  
17 continuing to live in that environment;

18 4. The physical and mental health of the relatives of the child  
19 as compared with that of the foster family;

20 5. The experiences of the child in the home, school, and  
21 community, both when with the parents from whom the child was  
22 removed and when with the foster family; ~~and~~

23 6. The age and preference of the child;

24 7. The long-term best interests of the child; and

1        8. Any other factor considered by the court to be relevant to a  
2 particular placement of the child.

3        SECTION 47.        AMENDATORY        10 O.S. 2001, Section 7003-6.2,  
4 as last amended by Section 2, Chapter 268, O.S.L. 2007 (10 O.S.  
5 Supp. 2008, Section 7003-6.2), is amended to read as follows:

6        Section 7003-6.2 A. Any interested party aggrieved by any  
7 order or decree may appeal to the Supreme Court pursuant to Section  
8 ~~7003-6.4~~ 1-5-103 of this title and the rules of the Supreme Court of  
9 this state.

10        B. The pendency of an appeal thus taken shall not suspend the  
11 order of the district court regarding a child, nor shall it remove  
12 the child from the custody of that court or of the person,  
13 institution or agency to whose care such child has been committed,  
14 unless the Supreme Court shall so order, except as provided in  
15 ~~subsection C~~ Section 1-4-801 of this ~~section~~ title. The pendency of  
16 an appeal from an order of adjudication shall not prevent the  
17 district court from holding a dispositional hearing unless the  
18 appellate court shall so order.

19        ~~C. 1. If the court determines it would be in the best~~  
20 ~~interests of a child, the court may place the child in the legal~~  
21 ~~custody of the Department of Human Services. If the child is placed~~  
22 ~~in the custody of the Department, the court may not direct the~~  
23 ~~Department to place the child in a specific home or placement.~~

24

1       ~~2. At any hearing including, but not limited to, hearings~~  
2 ~~conducted pursuant to Section 7003 8.6 of this title, where it is~~  
3 ~~determined that a child in state custody will be released from state~~  
4 ~~custody, the district attorney or the attorney for the child may~~  
5 ~~give verbal notice to the court of an objection to the order of the~~  
6 ~~court and an intention to seek review of that order based on the~~  
7 ~~grounds that the order of the court releasing the child from state~~  
8 ~~custody creates a serious risk of danger to the health or safety of~~  
9 ~~the child.~~

10       ~~3. Upon giving such notice, the court issuing the custody order~~  
11 ~~in question shall stay the custody order filing of an application~~  
12 ~~and completion of review as provided in this section. The district~~  
13 ~~attorney or attorney for the child shall file with the presiding~~  
14 ~~judge of the administrative judicial district a written application~~  
15 ~~for review within three (3) judicial days from the custody order.~~  
16 ~~If a written application for review is not filed within such time~~  
17 ~~period, or if a written notice to the trial court withdrawing the~~  
18 ~~objection is filed within that time period, the objection will be~~  
19 ~~deemed abandoned and the stay shall be lifted.~~

20       ~~4. Each application for review shall be assigned by the~~  
21 ~~presiding judge of the administrative judicial district to a judge~~  
22 ~~within that administrative judicial district with juvenile docket~~  
23 ~~responsibilities. The review shall be completed within five (5)~~  
24 ~~judicial days of the filing of the written application for review.~~

1 ~~The review conducted by the reviewing judge shall address the~~  
2 ~~question of whether releasing the child from state custody creates a~~  
3 ~~serious risk of danger to the health or safety of the child. The~~  
4 ~~reviewing court shall review the record of the hearing and any other~~  
5 ~~evidence deemed relevant by the reviewing court. At the conclusion~~  
6 ~~of the review, the reviewing court shall issue its findings of fact~~  
7 ~~and conclusions of law and report them to the court issuing the~~  
8 ~~custody order under review.~~

9       5. ~~A finding by the reviewing court that the order releasing~~  
10 ~~the child from state custody creates a serious risk of danger to the~~  
11 ~~health or safety of the child shall be controlling and the court~~  
12 ~~issuing the order under review shall proceed to enter a different~~  
13 ~~custody order. If the reviewing court finds that the order under~~  
14 ~~review does not create a serious risk of danger to the health or~~  
15 ~~safety of the child and that the order is otherwise appropriate then~~  
16 ~~the court issuing the order under review shall lift the stay and the~~  
17 ~~order shall be subject to appeal as provided in subsection A of this~~  
18 ~~section. The failure of any court to issue the stay mandated by~~  
19 ~~this subsection shall be subject to immediate mandamus to an~~  
20 ~~appropriate court.~~

21       SECTION 48.       AMENDATORY       10 O.S. 2001, Section 7003-6.2A,  
22 as amended by Section 6, Chapter 205, O.S.L. 2006 (10 O.S. Supp.  
23 2008, Section 7003-6.2A), is amended to read as follows:

24

1 Section 7003-6.2A A. At any hearing pursuant to the provisions  
2 of the Oklahoma Children's Code for the purpose of determining the  
3 placement of a child or that a child in state custody is to be  
4 released from state custody, the court shall provide an opportunity  
5 to a representative of the Department of Human Services, the present  
6 foster parent, the guardian ad litem and the child, if of sufficient  
7 age as determined by the court, to present sworn testimony regarding  
8 the placement of the child or release of the child from state  
9 custody. In all cases in which the Office of Juvenile System  
10 Oversight has conducted an investigation regarding placement of a  
11 child or release of a child from state custody and believes there is  
12 a serious risk of danger to the health or safety of that child, the  
13 Oklahoma Commission on Children and Youth shall provide to the court  
14 and the parties a written report of their investigation and  
15 recommendation for placement of the child. Such report shall be  
16 provided to the court and the parties no less than five (5) days  
17 prior to the hearing. The court, upon motion of any party, shall  
18 order attendance of any person preparing such report when it appears  
19 there is a substantial likelihood that material evidence not  
20 contained in the report may be produced by the testimony of any  
21 person having prepared the report. The court shall consider the  
22 report when making his or her decision regarding placement of a  
23 child or release of a child from state custody.

24

1 B. The court, the district attorney or the attorneys for the  
2 parties may cross examine the representative of the Department of  
3 ~~Human Services~~, the child, if of sufficient age as determined by the  
4 court, the present foster parents, and the guardian ad litem.

5 C. The court shall issue written findings of fact and  
6 conclusions of law. All hearings concerning such cases shall be on  
7 the record. The failure of any court to provide an opportunity to a  
8 representative of the Department of ~~Human Services~~ or to the present  
9 foster parent, the guardian ad litem and to the child, if of  
10 sufficient age as determined by the court, to present the sworn  
11 testimony pursuant to this section shall be subject to immediate  
12 mandamus to an appropriate court.

13 SECTION 49. AMENDATORY 10 O.S. 2001, Section 7003-6.3,  
14 is amended to read as follows:

15 Section 7003-6.3 In ~~the published~~ opinions of the appellate  
16 courts of this state in proceedings including, but not limited to,  
17 deprived, adoption and, paternity proceedings and other proceedings  
18 under this Code title, the initial of the child's surname shall be  
19 used rather than the name of the child.

20 SECTION 50. AMENDATORY 10 O.S. 2001, Section 7003-6.4,  
21 is amended to read as follows:

22 Section 7003-6.4 A. All appeals of cases involving deprived or  
23 allegedly deprived children, including termination of parental  
24 rights, shall be initiated by filing a petition in error in the



1 Supreme Court within thirty (30) days of the order appealed from.  
2 The record on appeal shall be completed within sixty (60) days from  
3 the date of the order.

4 B. The briefing schedule is established as follows:

5 1. Appellant's brief in chief shall be filed twenty (20) days  
6 after the trial court clerk notifies all parties that the record is  
7 complete and such notice has been filed in the office of the Clerk  
8 of the Supreme Court;

9 2. Appellee's answer brief shall be filed fifteen (15) days  
10 after the appellant's brief in chief is filed; and

11 3. Appellant's reply brief may be filed within ten (10) days  
12 after the appellee's answer brief is filed; ~~and~~.

13 ~~4. C. 1.~~ 1. Adjudication of the appeals described in this section  
14 shall be expedited by the Supreme Court and a decision shall be  
15 rendered on a priority basis in all cases.

16 2. The term "priority basis" as used in this section means that  
17 a decision shall be filed within six (6) months from the date the  
18 briefing is completed.

19 SECTION 51. AMENDATORY 10 O.S. 2001, Section 7003-7.1,  
20 as amended by Section 19, Chapter 327, O.S.L. 2002 (10 O.S. Supp.  
21 2008, Section 7003-7.1), is amended to read as follows:

22 Section 7003-7.1 A. ~~1. Whenever the court transfers custody~~  
23 ~~of a child as provided in this article, the~~ This section applies to  
24 persons, institutions, or agencies, other than the Department of

1 Human Services, which receive custody of a child pursuant to a court  
2 order as provided by the Oklahoma Children's Code.

3 B. 1. The person, institution, or agency, ~~or department~~  
4 receiving custody shall have the right to, and shall be responsible  
5 for, the care and control of the child, and shall have the duty and  
6 authority to provide the following for the child:

7 a. food, clothing, and shelter,

8 b. medical care as authorized by the court, and

9 c. education, ~~and discipline for the child.~~

10 2. ~~The court shall complete a form approved by the Oklahoma~~  
11 ~~Supreme Court to verify information that has been considered prior~~  
12 ~~to the custody transfer.~~

13 ~~B. 1. Except for an emergency psychiatric admission pursuant~~  
14 ~~to the Inpatient Mental Health and Substance Abuse Treatment of~~  
15 ~~Minors Act, such The person, institution, or agency or department~~  
16 may provide or arrange for the ~~provision of an~~ emergency admission,  
17 inpatient evaluation, or inpatient treatment of ~~such minor~~ a child  
18 only pursuant to ~~a court order as provided by the Inpatient Mental~~  
19 ~~Health and Substance Abuse Treatment of Minors Act.~~ Nothing in this  
20 subsection shall be interpreted to prohibit or preclude the  
21 provision of outpatient behavioral health services, including an  
22 outpatient examination, counseling, educational, rehabilitative or  
23 other similar services to such ~~minor~~ child, as necessary and

24

1 appropriate, in the absence of a specific court order for such  
2 services.

3 ~~2. The medical care, surgery and extraordinary care shall be~~  
4 ~~charged to the appropriate agency where the child qualifies for the~~  
5 ~~care under law, rule or administrative order or decision.~~

6 3. Nothing in this subsection shall be interpreted to:

7 a. relieve a parent of the obligation to provide for the  
8 support of the child as otherwise provided by law, or

9 b. limit the authority of the court to order a parent to  
10 make support payments or to make payments or  
11 reimbursements for medical care or treatment,  
12 including ~~mental~~ behavioral health care or treatment,  
13 to the person, institution, or agency ~~or department~~  
14 having custody of the child, or

15 c. abrogate the right of the child to any benefits  
16 provided through public funds for which the child is  
17 otherwise eligible.

18 4. No person, agency, or institution shall be liable in a civil  
19 suit for damages for authorizing or not authorizing ~~surgery or~~  
20 ~~extraordinary care in instances where an emergency exists~~ medical  
21 care, as determined by competent medical authority.

22 C. 1. If the child is placed in the custody of ~~the Department~~  
23 ~~of Human Services~~ a person, institution, or agency, whether in  
24 emergency, temporary, or permanent custody, the ~~Department~~ person,

1 ~~institution, or agency shall determine the appropriate placement of~~  
2 ~~the child. However, under no circumstances may the Department of~~  
3 ~~Human Services return a child to a parent that contributed to the~~  
4 ~~child being deprived due to abuse or neglect, without prior approval~~  
5 ~~of the court. Any change in the placement of a child adjudicated to~~  
6 ~~be deprived shall be in accord with the provisions of subsection B~~  
7 ~~of Section 7003-5.4a of this title~~ ensure the child is not returned  
8 to the care or supervision of any person from whom the child was  
9 removed or to any person the court has previously ordered not to  
10 have contact with the child without specific authorization from the  
11 court.

12 2. The person, institution, or agency, ~~or Department~~ having  
13 legal custody of a child pursuant to an order of the court shall  
14 receive notice of court proceedings regarding the child and shall be  
15 allowed to intervene upon application as a party to all court  
16 proceedings pertaining to the care and custody of the child  
17 ~~including, but not limited to: adjudication, disposition, review of~~  
18 ~~disposition, termination of parental rights and proceedings pursuant~~  
19 ~~to the Inpatient Mental Health and Substance Abuse Treatment of~~  
20 ~~Minors Act.~~

21 SECTION 52. AMENDATORY 10 O.S. 2001, Section 7003-8.1,  
22 as last amended by Section 1, Chapter 27, O.S.L. 2008 (10 O.S. Supp.  
23 2008, Section 7003-8.1), is amended to read as follows:

24

1 Section 7003-8.1 A. In placing a child in the custody of an  
2 individual, ~~or in the custody of a private agency,~~ or institution,  
3 the court ~~shall,~~ and the Department of Human Services shall, if at  
4 all possible, select a person ~~or an,~~ agency, or institution governed  
5 by persons of the same religious faith as that of the parents of the  
6 child, or in case of a difference in the religious faith of the  
7 parents, then of the religious faith of the child, ~~or, if the~~  
8 ~~religious faith of the child is not ascertainable, then of the faith~~  
9 ~~of either of the parents.~~

10 B. Except as otherwise provided by this section or by law, it  
11 shall be left to the discretion of the judge to place the custody of  
12 children where their total needs will best be served. If an  
13 individual meets the minimum required age for placement purposes,  
14 the age of an otherwise eligible individual shall not be a reason  
15 for denying the individual placement or custody of a child.

16 C. ~~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, so that permanency may occur at the earliest opportunity.~~  
20 ~~Identification of appropriate in state and out of state placements~~  
21 ~~should be made 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

1       ~~D.~~ A prospective foster or adoptive parent shall not be an  
2 approved placement for a child if the prospective foster or adoptive  
3 parent or any other person residing in the home of the prospective  
4 foster or adoptive parent has been convicted of any of the following  
5 felony offenses:

6       1. Within the five-year period preceding the application date,  
7 a physical assault, battery, or a drug-related offense;

8       2. Child abuse or neglect;

9       3. Domestic abuse;

10       4. A crime against a child, including, but not limited to,  
11 child pornography; ~~and~~ or

12       5. A crime involving violence, including, but not limited to,  
13 rape, sexual assault or homicide, but excluding those crimes  
14 specified in paragraph 1 of this subsection.

15       ~~E.~~ D. 1. Under no circumstances shall a child be placed with  
16 or in the custody of an individual subject to the Oklahoma Sex  
17 Offenders Registration Act or an individual who is married to or  
18 living with an individual subject to the Oklahoma Sex Offenders  
19 Registration Act.

20       2. In addition, prior to the court placing a child in the  
21 custody of an individual, the court shall inquire as to whether the  
22 individual has been previously convicted of any ~~other~~ felony or a  
23 relevant misdemeanor or has any felony or ~~relevant~~ misdemeanor  
24 charges pending.

1 3. Prior to the custody order being entered, the individual  
2 seeking custody shall ~~respond by certified affidavit or through~~  
3 ~~sworn testimony to the court and shall~~ provide an Oklahoma criminal  
4 history record obtained pursuant to Section 150.9 of Title 74 of the  
5 Oklahoma Statutes to the court.

6 4. For purposes of this subsection the terms:

7 a. "relevant misdemeanor" may include, ~~but shall not be~~  
8 ~~limited to,~~ assault and battery, alcohol- or drug-  
9 related offenses, ~~crimes involving domestic abuse and~~  
10 violence or other offenses deemed relevant by the  
11 court involving the use of physical force or violence  
12 against the person or property of another, and

13 b. "individual" shall not include a parent, or legal  
14 guardian, ~~or custodian~~ of the child.

15 ~~F. E.~~ The provisions of this section shall not apply in any  
16 paternity or domestic relations case, unless otherwise ordered by  
17 the court.

18 SECTION 53. AMENDATORY 10 O.S. 2001, Section 7003-8.2,  
19 is amended to read as follows:

20 Section 7003-8.2 In proceedings pursuant to this Code, the  
21 court may allow mileage, as in civil actions, to witnesses and  
22 reimbursement for expert witnesses ~~but such.~~ However, any mileage  
23 and reimbursement paid in accordance with this section shall not be  
24 tendered in advance of the hearing.

1 SECTION 54. AMENDATORY 10 O.S. 2001, Section 7003-8.3,  
2 is amended to read as follows:

3 Section 7003-8.3 A willful violation of any provision of an  
4 order of the court issued under the provisions of this Code shall  
5 constitute indirect contempt of court, and shall be punishable as  
6 such. Punishment for any such act of contempt shall not exceed a  
7 fine of Three Hundred Dollars (\$300.00), or imprisonment in the  
8 county jail for ~~not~~ more than thirty (30) days, or both such fine  
9 and imprisonment.

10 SECTION 55. AMENDATORY 10 O.S. 2001, Section 7003-8.4,  
11 is amended to read as follows:

12 Section 7003-8.4 ~~A.~~ Except as otherwise provided by this  
13 ~~section~~ Code, the district attorney shall prepare and prosecute ~~any~~  
14 ~~case or every hearing and proceeding~~ within the purview of the  
15 Oklahoma Children's Code, and shall act as petitioner in all cases.

16 ~~B. 1. A petition for termination of parental rights may be~~  
17 ~~filed by the district attorney or the attorney of a child alleged or~~  
18 ~~adjudicated deprived.~~

19 ~~2. If the child's attorney files a petition for the termination~~  
20 ~~of the parental rights of the parents of the child, the district~~  
21 ~~attorney shall join in the petition or motion for those petitions or~~  
22 ~~motions required to be filed by the district attorney pursuant to~~  
23 ~~the provisions of Section 15 of this act.~~

24



1 SECTION 56. AMENDATORY 10 O.S. 2001, Section 7003-8.5,  
2 is amended to read as follows:

3 Section 7003-8.5 Nothing contained in the Oklahoma Children's  
4 Code shall prevent a court from immediately assuming custody of a  
5 child and ordering whatever action may be necessary, including  
6 medical or ~~mental~~ behavioral health treatment, to protect the  
7 child's health, safety, or welfare.

8 SECTION 57. AMENDATORY 10 O.S. 2001, Section 7003-8.6,  
9 is amended to read as follows:

10 Section 7003-8.6 A. Any judge who is assigned to hear juvenile  
11 cases in counties having a population in excess of ~~one hundred~~  
12 ~~thousand (100,000)~~ eighty thousand (80,000) and where funding is  
13 available may appoint a suitable person or persons to act as referee  
14 or referees on a full-time or part-time basis, to hold office at the  
15 pleasure of the judge. ~~Such referees~~ Referees shall be ~~lawyers~~  
16 licensed to practice law in this state and shall be specially  
17 qualified for their duties. ~~The judge may direct that any case, or~~  
18 ~~all cases of a class or within a county to be designated by the~~  
19 ~~judge, shall be heard in the first instance by a referee in the~~  
20 ~~manner provided for the hearing of cases by the court. Upon the~~  
21 ~~conclusion of the hearing in each case, the referee shall transmit~~  
22 ~~to the court all papers relating to the case, together with the~~  
23 ~~referee's findings of fact and conclusions of law, and~~

24

1 ~~recommendations in writing~~ Reasonable compensation shall be fixed by  
2 the presiding judge of the administrative district.

3 B. ~~Notice of the referee's findings and recommendations shall~~  
4 ~~be given to the parent, guardian or custodian of the child, the~~  
5 ~~child's attorney, guardian ad litem or court appointed special~~  
6 ~~advocate, foster parent or to any other person concerned whose case~~  
7 ~~has been heard by the referee. A hearing by the court shall be~~  
8 ~~allowed upon the filing with the court of a request for such~~  
9 ~~hearing, if the request is filed within three (3) days after the~~  
10 ~~service of such notice. In case no hearing by the court is~~  
11 ~~requested, the findings and recommendations of the referee, when~~  
12 ~~confirmed by an order of the court, shall become the decree of the~~  
13 ~~court~~ All referees are subject to the administrative authority and  
14 assignment power of the chief judge of the juvenile court of the  
15 county. The duties and powers of referees shall be to hear and  
16 report all matters assigned by the chief juvenile judge and to  
17 recommend findings of fact, conclusions of law, temporary and  
18 interim orders, and final orders of judgment.

19 C. 1. Upon conclusion of the hearing, the referee shall  
20 provide a copy in writing of the recommended findings, conclusions,  
21 and orders to the parties, counsel, and the referring judge  
22 instanter.

23 2. Unless stayed by order of the referee or the reviewing  
24 judge, all orders of a referee shall become immediately effective

1 and shall continue in full force and effect until vacated or  
2 modified upon rehearing by order of the reviewing judge. Any order  
3 entered by a referee becomes a final order of the reviewing court  
4 upon expiration of three (3) judicial days following its entry,  
5 unless a review was ordered or requested. The chief judge of the  
6 juvenile court may establish requirements that any or all  
7 recommended orders of the referee must be expressly approved by the  
8 reviewing judge before becoming effective.

9 D. 1. Any party, as well as the Department of Human Services  
10 when the child is in the legal custody of the Department, may file a  
11 written objection to the referee's recommendations within three (3)  
12 judicial days after notice of the recommendations. The objection  
13 shall clearly specify the reason and grounds for the objection. On  
14 receipt of the objection, the reviewing court shall set a hearing  
15 date for the review. The objecting party shall promptly provide a  
16 copy of the objection and notice of the review to the Department and  
17 all parties to the action. Failure to file a timely request for  
18 district court review shall constitute a waiver of any and all  
19 objections to the recommendations of the referee.

20 2. The review of the district court shall be limited to a  
21 review of the record developed before the referee.

22 3. The court shall accept the findings of fact of the referee  
23 unless they are clearly erroneous. After a review of the objection,  
24 the court may confirm or reconfirm the recommendations, reject, or

1 modify them in whole or in part, receive further evidence, or remand  
2 them with instructions.

3 SECTION 58. AMENDATORY 10 O.S. 2001, Section 7003-8.7,  
4 as amended by Section 1, Chapter 198, O.S.L. 2004 (10 O.S. Supp.  
5 2008, Section 7003-8.7), is amended to read as follows:

6 Section 7003-8.7 A. ~~In any postadjudicatory hearing concerning~~  
7 ~~the status of a~~ Upon notice to the parent or other person legally  
8 obligated to support the child and upon an opportunity to be heard  
9 and a finding of financial ability to pay, the court, if the court  
10 determines may order the parent is able to pay, shall order the  
11 parents of any deprived child or other person to:

12 1. Reimburse the Department of Human Services, in whole or in  
13 part, for any costs and expenses incurred by the Department in  
14 providing any services or authorizing actions taken pursuant to the  
15 Oklahoma Children's Code for the child including, but not limited  
16 to, all or some part of placement services, medical care and mental  
17 health services of a child, as authorized by law;

18 2. Reimburse any law enforcement agency, in whole or in part,  
19 for any costs or expenses incurred by the law enforcement agency for  
20 protective custody services or other authorized actions taken  
21 pursuant to the Oklahoma Children's Code; and

22 3. Reimburse the court fund, in whole or in part, for any  
23 disbursements made from the court fund in conjunction with the case,  
24

1 including, but not limited to, court-appointed attorney fees, expert  
2 witness fees, sheriff's fees, witness fees, transcripts and postage.

3 ~~B. 1. After a judicial determination that the parent of the  
4 child is able to pay, in whole or in part, the costs and  
5 reimbursements specified by this section, the court shall order  
6 payment of the costs and reimbursements. The court may order such  
7 payments and reimbursements to be paid in installments and shall set  
8 the amount and due date of each installment.~~

9 ~~2. The court may order the terms and conditions of the payment  
10 of costs and expenses described in subsection A of this section.~~

11 When any parent is financially able but has willfully failed to pay  
12 the costs and reimbursements as ordered by the court pursuant to  
13 this section, the parent may be held in indirect contempt of court  
14 and, upon conviction, shall be punished pursuant to Section 566 of  
15 Title 21 of the Oklahoma Statutes.

16 ~~3. Even though the court has previously found the parent  
17 indigent, if a parent is subsequently found to be financially able  
18 to pay costs and reimbursements, the court shall require payment of  
19 costs and reimbursements required by this section. The court may  
20 order such costs and reimbursements to be paid in installments.~~

21 ~~C. The court shall have all powers incident to such orders  
22 necessary for their enforcement, including the power and authority  
23 to require bond or other security for the payment of such order; and~~

24

1 ~~may resort to execution and the power of punishment for contempt for~~  
2 ~~noncompliance with such order.~~

3 ~~D. 1. The court may order reimbursements to be paid directly~~  
4 ~~to the organization or institution having the care and custody of~~  
5 ~~the child or children, or directly to the clerk of the court.~~

6 ~~2. All such funds ordered and paid to the clerk shall be~~  
7 ~~accounted for; provided, that when payments are made in advance for~~  
8 ~~any child, and custody of the court is terminated before the end of~~  
9 ~~the period, then the clerk may refund, by proper voucher, the unused~~  
10 ~~or unaccrued portion of such payment; or the refund may be~~  
11 ~~authorized and paid on claim properly verified and approved by the~~  
12 ~~judge.~~

13 ~~E. 1. The Department may effectuate an order for payment of~~  
14 ~~any costs and expenses authorized pursuant to this section against~~  
15 ~~any asset of the parent. Any assignment, attachment, garnishment,~~  
16 ~~or lien against such assets shall be served upon the person in~~  
17 ~~possession of the assets or shall be recorded in the office of the~~  
18 ~~county clerk in the county in which the parent resides or in which~~  
19 ~~the asset is located.~~

20 ~~2. Pursuant to the provisions of Section 236 of Title 56 of the~~  
21 ~~Oklahoma Statutes, the Department may contract on a contingency fee~~  
22 ~~basis with private attorneys for the collection and enforcement of~~  
23 ~~orders for payment of costs and expenses against such assets. Any~~  
24 ~~such third party payment shall be paid directly to the Department.~~

1 SECTION 59. AMENDATORY Section 2, Chapter 198, O.S.L.  
2 2004, as last amended by Section 1, Chapter 99, O.S.L. 2008 (10 O.S.  
3 Supp. 2008, Section 7003-8.8), is amended to read as follows:

4 Section 7003-8.8 A. 1. When paternity of an alleged or  
5 adjudicated deprived child ~~is at issue~~ has not been established, the  
6 court, within six (6) months after the filing of a deprived  
7 petition, shall either establish paternity or defer the issue of  
8 paternity establishment to the appropriate administrative or  
9 district court for any child for whom paternity has not been legally  
10 established according to ~~Section 7700-101 et seq. of this title~~ the  
11 Uniform Parentage Act.

12 2. When paternity is ~~an~~ at issue, an alleged father and mother  
13 of the child named in a deprived petition shall be given notice in  
14 the petition and summons that paternity may be established in ~~a~~ the  
15 deprived action. ~~The Oklahoma Department of Human Services~~ Child  
16 Support ~~Enforcement Division~~ Services shall proceed with paternity  
17 establishment for any case deferred to the administrative or other  
18 district court division under this subsection.

19 3. After the establishment of paternity, the court shall  
20 address ~~the issue of~~ current child support pursuant to subsection B  
21 of this section. In addition, the court may:

22 a. order the father to pay child support for past months  
23 when no child support order was in effect according to  
24

1 the provisions of Section 83 of ~~this title~~ Title 10 of  
2 the Oklahoma Statutes, or

3 b. reserve or refer the issue of prior support to ~~the~~  
4 Oklahoma ~~Department of Human Services~~ Child Support  
5 ~~Enforcement Division~~ Services.

6 4. The order establishing paternity shall be filed as a  
7 separate document and shall not be confidential. The court clerk of  
8 the district court where the ~~child support~~ paternity order has been  
9 filed shall provide, upon request, a copy of the order establishing  
10 paternity to a representative of ~~the Oklahoma Department of Human~~  
11 ~~Services~~ Child Support ~~Enforcement Division~~ Services. A court order  
12 for the release of the order establishing paternity or other  
13 information contained in the court record pertaining to paternity  
14 and child support shall not be required. The order may be captioned  
15 with a different case style in order to establish and enforce a  
16 child support order in an action other than the deprived proceeding.

17 B. 1. Each parent of any child named in a deprived petition  
18 shall be given notice in the petition and summons that child support  
19 may be ordered or modified in the deprived action.

20 2. Within six (6) months after the filing of a deprived  
21 petition, the court shall ~~either~~ address the issue of child support  
22 or defer the issue of establishment or enforcement of child support  
23 to the appropriate administrative or district court. ~~The Oklahoma~~  
24 ~~Department of Human Services~~ Child Support ~~Enforcement Division~~



1 Services shall proceed with the establishment or enforcement of  
2 child support orders for any case deferred to the administrative or  
3 other district court division under this subsection; provided,  
4 Oklahoma Child Support Services shall enforce all child support  
5 orders entered by the court.

6 3. a. If there is an existing order for child support, the  
7 existing order shall remain in effect unless the court  
8 finds the existing order is not in the best interests  
9 of the child or children involved.

10 b. The court shall use the child support guidelines as  
11 provided for in Sections 118 and 119 of Title 43 of  
12 the Oklahoma Statutes in determining the amount each  
13 parent is to pay for care and maintenance of a child  
14 and issue an order describing the finding of the  
15 court.

16 c. The court may deviate from the child support  
17 guidelines when it is determined necessary in order  
18 for the parent to meet the obligations of a court-  
19 imposed ~~individual treatment and~~ individualized  
20 service plan or for other reasons as the court deems  
21 appropriate. If the court deviates from the amount of  
22 child support indicated by the child support  
23 guidelines, the court shall make specific findings of  
24 fact supporting such action.

- 1 d. Each parent shall be individually ordered to pay his  
2 or her percentage of the total monthly child support  
3 obligation including parents who reside together.
- 4 e. The court shall order the parent to provide medical  
5 insurance whenever the parent has insurance available  
6 through employment or other group plan, regardless of  
7 whether insurance is available at the time the order  
8 is entered.
- 9 f. The child support order shall contain an immediate  
10 income assignment provision pursuant to Section 115 of  
11 Title 43 of the Oklahoma Statutes.
- 12 g. A child support computation form as provided for in  
13 Section 120 of Title 43 of the Oklahoma Statutes shall  
14 be completed by the court, counsel of record, or may  
15 be referred to Oklahoma Child Support Services for  
16 completion. Upon being signed by the judge and, the  
17 computation form shall be incorporated as a part of  
18 the child support order.
- 19 h. (1) A standard child support order form shall be used  
20 in the deprived action. The form shall be  
21 prescribed by ~~the Oklahoma Department of Human~~  
22 ~~Services Child Support Enforcement Division~~  
23 Services and shall be published by the  
24 Administrative Office of the Courts.

1 (2) The child support order shall be filed as a  
2 separate document and shall not be confidential.

3 (3) The court clerk of the district court where the  
4 child support order has been filed shall provide,  
5 upon request, a copy of the support order to a  
6 representative of the Oklahoma Department of  
7 ~~Human Services~~ Child Support Enforcement Division  
8 Services. A court order for the release of the  
9 child support order or other information  
10 contained in the court record pertaining to child  
11 support shall not be required.

12 (4) The order may be captioned with a different case  
13 style in order to enforce the child support order  
14 in an action other than the deprived proceeding.

15 i. The child support order may be modified upon a  
16 material change in circumstances.

17 j. The child support order may be enforced by any method  
18 allowed by law.

19 k. After a deprived action is dismissed, the most recent  
20 child support order entered in the deprived action  
21 shall remain in full force and effect, unless the  
22 judge presiding over the deprived action orders  
23 otherwise. If there was no prior administrative or  
24 district court case, the deprived action child support

1 order shall be docketed and filed in a new district  
2 court family division action and enforced for current  
3 child support and arrearages. If the judge presiding  
4 over the deprived action modified a preexisting child  
5 support order or if there was an existing  
6 administrative or district court case, the child  
7 support order entered in the deprived action shall be  
8 filed in the existing case and enforced for current  
9 child support and arrearages. The child support order  
10 may be modified after being docketed in district  
11 court.

12 C. All child support payments shall be paid through the  
13 Oklahoma Centralized Support Registry as provided for in Section 413  
14 of Title 43 of the Oklahoma Statutes.

15 D. When a child's ~~placement~~ custody is changed from one parent  
16 or caretaker to another pursuant to the Oklahoma Children's Code,  
17 the change in ~~placement~~ custody shall transfer child support  
18 payments to the new caretaker unless the caretaker is receiving  
19 foster care payments or Temporary Assistance to Needy Families  
20 payments for the care of the child. Child support payments to the  
21 caretaker shall terminate when the child no longer resides with the  
22 caretaker.

23 E. The Department of Human Services shall promulgate rules  
24 necessary to implement the provisions of this section.

1 SECTION 60. AMENDATORY 10 O.S. 2001, Section 7004-1.1,  
2 is amended to read as follows:

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

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

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

14 a. place ~~such~~ the children in a children's shelter, a  
15 foster home ~~or a relative's home~~, group home, or in  
16 any licensed facility established for the care of  
17 children. In determining any placement for a child  
18 who has been removed from the custody of a custodial  
19 parent and placed with the Department in emergency ~~or~~  
20 ~~protective~~ custody, priority shall be given by the  
21 Department to the placement of such child with the  
22 noncustodial parent of the child unless such placement  
23 is not in the best interests of the child. ~~If it is~~  
24 ~~determined by the Department that placement with the~~

1 ~~noncustodial parent is not in the best interests of~~  
2 ~~the child, custody shall be consistent with the~~  
3 ~~provisions of Section 21.1 of this title. If custody~~  
4 ~~of the child cannot be made pursuant to the provisions~~  
5 ~~of Section 21.1 of this title, the reason for such~~  
6 ~~determination shall be specified in the agency records~~  
7 ~~concerning the child. In addition, such reasons shall~~  
8 ~~be made known to the court by the Department,~~

9 b. if ordered by the court, provide supervision of  
10 children alleged to be 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 by rules~~  
14 ~~promulgated by the Commission for Human Services,~~  
15 ~~consist of periodic visitation with the child, the~~  
16 ~~child's custodian, and such other persons as may be~~  
17 ~~necessary to assess the safety of the child and to~~  
18 ~~offer voluntary services. Such supervision Department~~  
19 and shall not exceed the period allowed for the filing  
20 of a petition or, if a petition is filed, the period  
21 authorized by the court,

22 c. admit an alleged deprived child ~~in the Department's~~  
23 ~~emergency custody~~ to a hospital or mental behavioral  
24 ~~health facility as provided in Section 5-507 of Title~~

1 ~~43A of the Oklahoma Statutes and shall, if such child~~  
2 ~~is found by the court to be a child in need of mental~~  
3 ~~health treatment, place the child, as provided in~~  
4 ~~paragraph 2 of subsection D of Section 5 512 of Title~~  
5 ~~43A of the Oklahoma Statutes~~ the Inpatient Mental  
6 Health and Substance Abuse Treatment of Minors Act,

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

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

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

1        ~~f. g.~~ provide for each child placed in the Department's  
2        emergency custody to receive, as soon as practicable  
3        after the filing of the petition, an initial health  
4        screening to identify any health problems that require  
5        immediate treatment, to diagnose infections and  
6        communicable diseases and to evaluate injuries or  
7        other signs of neglect or abuse. The Department shall  
8        provide such medical care as is necessary to preserve  
9        the child's health and protect the health of others in  
10       contact with the child in accordance with the  
11       provisions of Chapter III of this Code; and

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

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



1 ~~such~~ the review, the Department may use any  
2 facilities, public or private, which ~~offer to~~ aid in  
3 the ~~determination of the correct placement of the~~  
4 ~~child~~ assessment,

5 b. shall develop and, ~~upon approval by the court,~~  
6 implement an ~~individual treatment and~~ individualized  
7 service plan for each ~~deprived child placed in the~~  
8 Department's ~~custody~~ in accord with the requirements  
9 of Section ~~7003-5.1 et seq.~~ 1-4-704 of this title,

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

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

1 ~~court to be a child in need of mental health~~  
2 ~~treatment, place the child as provided in paragraph 2~~  
3 ~~of subsection D of Section 5-512 of Title 43A of the~~  
4 ~~Oklahoma Statutes~~ the Inpatient Mental Health and  
5 Substance Abuse Treatment of Minors Act,

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

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

1           g. provides medical care necessary to preserve the health  
2           of the child in accordance with the provisions of  
3           Chapter III of the Oklahoma Children's Code.

4           ~~3. Transfer any B. The Department may move a child in its~~  
5 ~~custody from any authorized placement to another authorized~~  
6 ~~placement if such transfer is consistent with the treatment needs of~~  
7 ~~the child or as may be required in an emergency, subject to the~~  
8 ~~provisions of Section 7003-5.4a 1-4-804 of this title.~~ The  
9 Department, in placing a child who has reentered foster care, shall  
10 consider previous foster placements as well as a kinship foster home  
11 placement if available. The placement shall be consistent with the  
12 best interests of the child.

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

- 16           ~~a. the guidance centers operated by the State Department~~  
17           ~~of Health,~~
- 18           ~~b. the Department of Mental Health and Substance Abuse~~  
19           ~~Services, and~~
- 20           ~~c. community based private nonprofit agencies and~~  
21           ~~organizations; and~~

22           ~~5. Provide, when voluntarily requested by a parent, legal~~  
23 ~~guardian or custodian pursuant to rules promulgated by the~~  
24

1 ~~Commission, family preservation or other services aimed at the~~  
2 ~~prevention of child abuse or neglect~~

3 C. The Department shall assure that any child who has attained  
4 the minimum age for compulsory school attendance and is eligible for  
5 a foster care payment under Title IV-E of the Social Security Act,  
6 42 U.S.C. 670 et seq., is:

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

10 2. Instructed in elementary or secondary education in any  
11 legally authorized education program;

12 3. In an independent study elementary or secondary education  
13 program in accordance with the law of the state or jurisdiction in  
14 which the program is located, which is administered by the local  
15 school or school district; or

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

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

1        E. The Department shall receive notice of all court proceedings  
2 regarding any child in its custody and shall, upon application, be  
3 allowed to intervene as a party for a specified purpose, to any  
4 court proceedings pertaining to the care and custody of the child.

5        ~~B.~~ F. The Department may participate in federal programs  
6 relating to ~~deprived~~ abused and neglected children and services for  
7 such children; and apply for, receive, use and administer federal  
8 funds for such purposes.

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

14        SECTION 61.        AMENDATORY        10 O.S. 2001, Section 7004-1.3,  
15 is amended to read as follows:

16        Section 7004-1.3 A. The Department of Human Services shall  
17 carefully define the children and youth programs of the Department  
18 as to their purpose, the population served, and performance  
19 expectations. Planning for new programs and services and major  
20 modifications to existing ones shall include evaluation of their  
21 effect on other programs and services and communication and  
22 coordination with other public and private children and youth  
23 service providers in order to assure successful and cost-effective  
24 implementation of the program. An evaluation component that

1 includes monitoring and evaluation of client outcomes shall be  
2 incorporated into all of the Department's programs and services to  
3 children and youth, whether provided directly by the agency or  
4 through a contract.

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

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

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

21 4. All child care services and facilities operated by the  
22 Department shall be accredited by the National Council on  
23 Accreditation, when applicable.

24

1 B. The Department shall develop a five-year plan for children  
2 and youth services provided by the agency. The plan shall be  
3 reviewed annually and modified as necessary. Agency budget  
4 recommendations of the Department for services to children and youth  
5 shall be based upon documented needs, and the development of budget  
6 recommendations and priorities shall be closely integrated with  
7 agency and interagency program planning and management.

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

15 1. An analysis and evaluation of programs and services  
16 continued, established and discontinued during the period covered by  
17 the report;

18 2. A description of programs and services which should be  
19 implemented;

20 3. Statutory changes necessary;

21 4. Relevant information concerning the number of children in  
22 the Department's custody during the period covered by the report;

23 and  
24

1           5. Such other information as will enable a user of the report  
2 to ascertain the effectiveness of the Department's programs and  
3 services.

4           SECTION 62.           AMENDATORY           10 O.S. 2001, Section 7004-1.5,  
5 is amended to read as follows:

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

8           B. The Department shall establish, in accordance with the  
9 provisions of this section, standards for becoming a kinship foster  
10 care family.

11           C. 1. ~~a-~~ When a child has been removed from the child's home  
12 and is in the care and custody of the Department, the Department  
13 shall attempt to place the child with a person determined by the  
14 Department to have a kinship relationship with the child if such  
15 placement is in the best interests of the child.

16           ~~b-~~ 2. In determining a kinship placement for a child who has  
17 been removed from the custody of a custodial parent and placed with  
18 the Department in emergency or protective custody, priority shall be  
19 given by the Department to the placement of ~~such~~ the child with the  
20 noncustodial parent of the child unless such placement is not in the  
21 best interests of the child. If it is determined by the Department  
22 that placement with the noncustodial parent is not in the best  
23 interests of the child, ~~custody~~ placement shall be consistent with  
24 the provisions of Section ~~21-1~~ 1-4-204 of this title. ~~If custody of~~



1 ~~the child cannot be made pursuant to the provisions of Section 21.1~~  
2 ~~of this title, the reason for such determination shall be specified~~  
3 ~~in the agency records concerning the child. In addition, such~~  
4 ~~reasons shall be made known to the court by the Department. A~~  
5 ~~child's~~ The health, safety, or welfare of a child shall be of  
6 paramount concern in any placement.

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

10 ~~C. D.~~ 1. Upon the completion of the records search to  
11 ascertain if there is an Oklahoma record of criminal history for the  
12 prospective kinship foster parent or any other adult residing in the  
13 prospective kinship foster parent's home, and subject to any other  
14 standards established by law or by the Department, a child may be  
15 placed in the kinship home. A kinship foster parent shall not be  
16 entitled to any payments for providing foster care until such foster  
17 parent receives final approval from the Department to be a kinship  
18 foster parent.

19 2. Following placement, the Oklahoma State Bureau of  
20 Investigation shall complete a national criminal history records  
21 search based upon submission of fingerprints for any kinship foster  
22 parent and any adult residing in the home of such parent, and shall  
23 make the results of the records search available to the Department  
24 pursuant to the provisions of the Oklahoma Child Care Facilities

1 Licensing Act, and applicable state and federal law. The Director  
2 of Human Services or designee may authorize an exception to the  
3 fingerprinting requirement for an adult residing in the kinship  
4 foster care home who has a severe physical condition which precludes  
5 ~~such person's~~ the person from being fingerprinted.

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

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

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

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

19 ~~E.~~ F. The Department shall determine whether the person is able  
20 to effectively care for the foster child by:

- 21 1. Reviewing personal and professional references;
- 22 2. Observing during a visit to the home of the kinship foster  
23 care family; and
- 24 3. Interviewing the kinship foster care parent.

1        ~~F.~~ G. 1. When the kinship foster parent is finally approved by  
2 the Department, in accordance with applicable state and federal law  
3 and rules promulgated by the Commission for Human Services regarding  
4 foster care services, the kinship foster care family shall be  
5 eligible to receive payment for the full foster care rate for the  
6 care of the child and any other benefits that might be available to  
7 foster parents, whether monetary or in services.

8        2. If a child is placed with a kinship foster parent prior to  
9 the home's final approval as a foster care home, the Department  
10 shall immediately refer ~~such~~ the child and family for assistance  
11 through the Temporary Assistance for Needy Families Program.

12        ~~G.~~ H. 1. The Department and the kinship foster care parent  
13 shall develop a plan for the care of the child, which shall be  
14 periodically reviewed and updated.

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

19        ~~H.~~ I. The Commission for Human Services shall promulgate rules  
20 necessary to carry out the provisions of this section ~~pursuant to~~  
21 ~~the Administrative Procedures Act.~~

22        SECTION 63.        AMENDATORY        10 O.S. 2001, Section 7004-1.6,  
23 is amended to read as follows:

24

1 Section 7004-1.6 A. This section and Section 3230 of Title 70  
2 of the Oklahoma Statutes shall be known and may be cited as the  
3 "Independent Living Act".

4 B. The purpose of the Independent Living Act shall be:

5 1. To ensure that eligible individuals, who have been or are in  
6 the foster care program of the Department of Human Services due to  
7 abuse or neglect, receive the protection and support necessary to  
8 allow ~~the~~ those individuals to become self reliant and productive  
9 citizens through the provision of requisite services that include,  
10 but are not limited to, transitional planning, housing, medical  
11 coverage, and education; and

12 2. To break the cycle of abuse and neglect that obligates the  
13 state to assume custody of children.

14 C. Individuals eligible for services pursuant to the  
15 Independent Living Act include any individual up to twenty-one (21)  
16 years of age who has been in the custody of the Department ~~of Human~~  
17 ~~Services~~ or a federally recognized Indian tribe due to abuse or  
18 neglect for any nine (9) of the twenty-four (24) months after the  
19 individual's sixteenth birthday and before the individual's  
20 eighteenth birthday.

21 D. Individuals who are eligible for services pursuant to the  
22 Independent Living Act and who are between eighteen (18) and twenty-  
23 one (21) years of age shall be eligible, ~~when funds become~~  
24 ~~available~~, for Medicaid coverage, provided such individuals were

1 also in the custody of the Department of ~~Human Services~~ or a  
2 federally recognized Indian tribe on the date they reached eighteen  
3 (18) years of age. ~~The Legislature directs the Oklahoma Health Care~~  
4 ~~Authority to submit a State Medicaid Plan Amendment to the federal~~  
5 ~~Health Care Financing Administration to provide medical coverage for~~  
6 ~~such individuals to become effective fiscal year 2003.~~

7 SECTION 64. AMENDATORY 10 O.S. 2001, Section 7004-1.7,  
8 is amended to read as follows:

9 Section 7004-1.7 A. A pilot program to serve children at high  
10 risk of abuse and neglect shall be established by the Department of  
11 Human Services in consultation with an evaluation team created  
12 pursuant to this section if funds are available. ~~The pilot program~~  
13 ~~shall begin no later than February 1, 2002, and end no later than~~  
14 ~~May 1, 2005.~~

15 B. The pilot program shall:

16 1. Identify the populations of children at high risk of abuse  
17 and neglect and the characteristics of those children ~~at high risk~~  
18 ~~of abuse and neglect,~~ including, but not limited to, populations in  
19 which parental drug and/or alcohol abuse, mental illness, mental  
20 and/or physical disability, and domestic abuse are an issue;

21 2. Develop and design programs to provide services to children  
22 at high risk of abuse and neglect;

23 3. Develop methods for coordinating state and local services to  
24 assist high risk children and their families;

1 4. Allow and provide for participation of both urban and rural  
2 concerns in developing and designing such programs;

3 5. Monitor, evaluate, and review the programs implemented to  
4 serve populations of children at high risk of abuse and neglect; and

5 6. Include such other areas, programs, services, and  
6 information deemed necessary by the Department ~~of Human Services~~ to  
7 provide a comprehensive assessment of the needs and programs  
8 necessary to provide assistance to children at high risk of abuse  
9 and neglect.

10 C. An evaluation team shall determine the effectiveness of the  
11 pilot program, and make a ~~preliminary~~ report to the Legislature, ~~no~~  
12 ~~later than February 1, 2005~~ and to the Department annually for as  
13 long as the program is funded. Such report shall cover:

14 1. Effective programs that will serve children that are at high  
15 risk of abuse and neglect;

16 2. Statewide expansion of programs;

17 3. Funding sources;

18 4. Training of professionals to serve such populations;

19 5. Monitoring, evaluating and reviewing continued effectiveness  
20 of such programs;

21 6. Special needs of children at risk of abuse and neglect from  
22 parental addiction to drugs and alcohol and parental mental illness  
23 and mental and/or physical disability and from domestic abuse; and  
24

1           7. Recommendations regarding the issuance of grants and  
2 contracts for serving such high-risk populations.

3           D. The evaluation team shall consist of not more than two  
4 representatives from the following entities who have expertise in  
5 child abuse prevention or a related field and who have an  
6 understanding of program evaluation techniques:

7           1. The Department of Human Services;

8           2. The Department of Mental Health and Substance Abuse  
9 Services;

10          3. The Oklahoma Commission on Children and Youth;

11          4. The Oklahoma Indian Affairs Commission;

12          5. The Oklahoma Institute for Child Advocacy;

13          6. The Oklahoma Court-Appointed Special Advocate Association;

14          7. The University of Oklahoma; and

15          8. Oklahoma State University.

16          E. 1. Upon receipt of recommendations ~~of the team evaluating~~  
17 ~~the pilot project~~ from the evaluation team established pursuant to  
18 this section, ~~which indicates~~ indicate that the expansion of the  
19 pilot project on a statewide basis would be economically feasible  
20 and practical, the Commission for Human Services shall promulgate  
21 rules for developing a statewide program serving populations of  
22 children at high risk of abuse and neglect, provided funding is  
23 available for such expansion.

1           2. Upon promulgation of rules by the Commission, the provisions  
2 of this section shall become effective statewide.

3           F. The Department ~~of Human Services~~ may:

4           1. Contract for services necessary to carry out the duties of  
5 the Department pursuant to the provisions of this section; and

6           2. Accept the services of volunteer workers or consultants and  
7 reimburse them for their necessary expenses pursuant to the State  
8 Travel Reimbursement Act.

9           SECTION 65.           AMENDATORY           Section 7, Chapter 205, O.S.L.  
10 2006, as amended by Section 4, Chapter 159, O.S.L. 2008 (10 O.S.  
11 Supp. 2008, Section 7004-1.8), is amended to read as follows:

12           Section 7004-1.8 ~~On or before January 1, 2007, the~~ The  
13 Department of Human Services shall ~~establish~~ maintain a performance-  
14 based incentive compensation program for employees exclusively  
15 working as child welfare specialists. All full-time child welfare  
16 specialists shall be eligible to participate in the performance-  
17 based incentive compensation program. Eligibility factors shall  
18 include, but not be limited to, child welfare specialists who have  
19 met or exceeded the suggested federal child welfare outcomes,  
20 received "exceeds standards" employee evaluations, as defined by the  
21 Office of Personnel Management, completed Department-sponsored field  
22 training, and obtained an advanced higher education degree in social  
23 work or closely related field. The eligibility of a child welfare  
24 specialist shall not be based upon the level of seniority that has



1 | been obtained by the child welfare specialist. The Oklahoma  
2 | Commission for Human Services shall promulgate rules as necessary to  
3 | implement the provisions of this section.

4 | SECTION 66. AMENDATORY 10 O.S. 2001, Section 7004-2.1,  
5 | is amended to read as follows:

6 | Section 7004-2.1 A. 1. The Department of Human Services  
7 | shall, to the extent of funds available, directly or by grant or  
8 | contract, develop and implement a diversity of community-based  
9 | services and community-based care for children who are alleged or  
10 | adjudicated deprived. Community-based services are prevention and  
11 | remedial services including, but not limited to 7:

- 12 | a. home-based counseling, therapy, and crisis  
13 | intervention services,
- 14 | b. nonresidential educational, vocational, social and  
15 | psychological diagnostic and counseling services,
- 16 | c. substance abuse treatment, sexual abuse treatment,  
17 | emergency shelter and foster care, and other related  
18 | protection, prevention and treatment services which  
19 | are provided, whenever practicable, in or near a  
20 | child's home community.

21 | 2. If a child is placed with a noncustodial parent, the  
22 | noncustodial parent's home shall be construed to be the child's home  
23 | community. Community-based care is care in a foster home, group  
24 | home, community residential center or similar nonsecure facility

1 consistent with the individualized treatment needs of the child and  
2 provided, whenever practicable, in or near a child's home community.

3 3. The Department is authorized to contract with any federal,  
4 state, local, or tribal governmental agency, or with any qualified  
5 private person, association, or agency to develop, administer,  
6 coordinate, or provide community-based services and community-based  
7 care.

8 B. The Department shall establish procedures for the letting of  
9 grants or contracts, and the conditions and requirements for the  
10 receipt of such grants or contracts, for community-based services  
11 and community-based care. A copy of ~~such~~ the procedures shall be  
12 made available to any member of the general public upon request.

13 C. Requests for proposals developed by the Department shall be  
14 based upon documented client and service needs and identified  
15 priorities. The request for proposals shall clearly identify the  
16 program or services requirements, the population to be served, and  
17 performance expectations. The agency shall adopt clear, written  
18 guidelines to ensure uniformity in the management, monitoring, and  
19 enforcement of contracts for services. If in-state private  
20 providers are unable or unwilling to respond to the proposal, then  
21 out-of-state providers should be encouraged to respond.

22 D. Nothing in this section shall serve to limit the authority  
23 of the Department to secure federal funding for community-based  
24 services and community-based care or compliance by the Department

1 with federal law and regulations governing the expenditure of such  
2 funds.

3 E. Any state-funded grant or contract for the establishment of  
4 community residential care or treatment facilities for children  
5 shall require, as a condition for receipt of such grant or contract,  
6 documented assurance from the agency or organization establishing  
7 such facility that appropriate arrangements have been made for  
8 providing the educational services to which residents of the  
9 facility are entitled pursuant to state and federal law.

10 F. The Department ~~of Human Services~~ is hereby authorized to,  
11 and shall, enter into cooperative agreements with the Department of  
12 Juvenile Justice for the use by both Departments of existing  
13 community-based programs, management information, and client  
14 tracking systems, and other shared resources as deemed necessary or  
15 appropriate by both Departments.

16 G. 1. The Department ~~of Human Services~~ is hereby authorized to  
17 expend a sum not to exceed One Million Four Hundred Thousand Dollars  
18 (\$1,400,000.00) from monies appropriated for that purpose from the  
19 Human Services Fund during each fiscal year for the purpose of:

20 a. providing subsidy payments to licensed nonprofit child  
21 care institutions within the State of Oklahoma to  
22 furnish food, clothing, shelter, and upkeep for  
23 Oklahoma children, and ~~to assist~~

24

1           b.   assisting the agency in developing a more  
2           comprehensive program to meet the needs of each child  
3           in the program including, but not limited to, social  
4           services, recreational activities and individual and  
5           family counseling with the goal of returning the child  
6           to his or her family.

7           2.   Such subsidy shall be made on a per capital basis not to  
8           exceed One Thousand Two Hundred Dollars (\$1,200.00) per year and  
9           shall be expended in twelve (12) monthly payments beginning July 1  
10          of the fiscal year. Nothing in this section shall preclude an  
11          individual from receiving federal matching funds for which he would  
12          otherwise be eligible.

13          SECTION 67.        AMENDATORY        10 O.S. 2001, Section 7004-3.1,  
14          is amended to read as follows:

15          Section 7004-3.1 A. 1. The Department of Human Services is  
16          authorized to manage and operate the children's shelter located ~~at~~  
17          in Oklahoma City, known and designated as the Pauline Mayer  
18          Children's Shelter, and the children's shelter located in Tulsa,  
19          known and designated as the Laura Dester Children's Shelter.

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

1 B. The Commission for Human Services shall establish and  
2 maintain ~~such~~ methods of administration, including those necessary  
3 to establish and maintain a merit system of personnel  
4 administration, and shall prescribe ~~such~~ rules ~~as it deems~~ necessary  
5 for the efficient and effective operation of the children's  
6 facilities operated by the Department.

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

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

17 a. ~~such~~ personnel possess sufficient education, training,  
18 experience, and background to provide adequate and  
19 safe professional care and services to ~~said~~ children,  
20 and ~~that the~~

21 b. children will not be exposed to abuse, deprivation,  
22 criminal conduct, or other unwholesome conditions  
23 attributable to employee incompetence or misconduct.  
24

1 D. 1. It shall be the duty of the State Fire Marshal and the  
2 Commissioner of Public Health to cause annual unannounced  
3 inspections of children's facilities operated by the Department,  
4 utilizing adequately trained and qualified inspection personnel, to  
5 determine and evaluate conditions in their respective areas of  
6 agency jurisdiction. ~~Such inspections~~

7 2. Inspections shall include, but not be limited to, compliance  
8 with:

9 a. minimum fire, life, and health safety standards, and  
10 ~~compliance with~~

11 b. minimum standards governing general sanitation of the  
12 institution.

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

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

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

23

24

1           a.    give assistance to local school districts in providing  
2                    an education to children in facilities operated by the  
3                    Department, ~~may~~

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

5           c.    provide facilities for such purposes.

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

11           SECTION 68.            AMENDATORY            10 O.S. 2001, Section 7004-3.2,  
12 as amended by Section 20, Chapter 327, O.S.L. 2002 (10 O.S. Supp.  
13 2008, Section 7004-3.2), is amended to read as follows:

14           Section 7004-3.2 A.  The ~~Commission for~~ Department of Human  
15 Services shall promulgate written rules, ~~outline~~ policies, and  
16 procedures governing the operation of those facilities operated by  
17 or under contract with the Department ~~of Human Services~~ wherein  
18 children may be ~~housed~~ placed.  ~~Said policies and procedures shall~~  
19 ~~include, but not be limited to, standards of cleanliness,~~  
20 ~~temperature and lighting, availability of medical and dental care,~~  
21 ~~provision of food, furnishings, clothing and toilet articles,~~  
22 ~~supervision, appropriate and permissible use of restriction and~~  
23 ~~confinement, procedures for enforcing rules of conduct consistent~~  
24 ~~with due process of law and visitation privileges.~~

1 B. The policies prescribed shall, at a minimum, ensure that:

2 1. A child shall not be punished by physical force, deprivation  
3 of nutritious meals, ~~deprivation of~~ or family visits, or solitary  
4 confinement;

5 2. A child shall have the opportunity to participate in  
6 physical exercise each day;

7 3. A child shall be allowed ~~daily access to showers and his~~ or  
8 her own clothing or individualized clothing ~~which is clean;~~

9 4. A child shall have constant access to writing materials and  
10 may send mail without limitation, censorship, or prior reading, and  
11 may receive mail without prior reading, except that mail may be  
12 opened in the presence of the child, without being read, to inspect  
13 for contraband or if authorized by the court for the protection of  
14 the child;

15 5. A child shall have ~~reasonable opportunity~~ a right to  
16 communicate and to visit with his or her family on a regular basis,  
17 and to communicate with persons in the community provided the  
18 communication or visitation is in the best interests of the child;

19 6. A child shall have ~~immediate~~ timely access to medical care  
20 as needed, ~~and shall receive necessary psychological and psychiatric~~  
21 ~~services;~~

22 7. A child in the custody or care of the Department shall be  
23 provided access to an education including teaching, educational  
24 materials, and books, ~~provided, that such policies shall provide~~



1 ~~emphasis upon basic literacy skills, including but not limited to~~  
2 ~~curricula requirements stressing reading, writing, mathematics,~~  
3 ~~science, vocational technical education, and other courses of~~  
4 ~~instruction designed to assure that such children will be capable of~~  
5 ~~being assimilated into society as productive adults capable of self-~~  
6 ~~support and full participation;~~

7 8. A child shall have ~~reasonable~~ a right to access to ~~an~~ the  
8 child's attorney ~~upon request;~~

9 9. A child shall be afforded a grievance procedure, including  
10 an appeal procedure; ~~and~~

11 10. A child's ~~mental~~ behavioral health needs ~~and mental well-~~  
12 ~~being will~~ shall be met, protected, and served through provision of  
13 guidance, counseling, and treatment programs, staffed by competent,  
14 professionally qualified persons, ~~serving under the supervision of~~  
15 ~~qualified mental health professionals as such term is defined by the~~  
16 ~~Inpatient Mental Health and Substance Abuse Treatment of Minors Act;~~  
17 and

18 11. Use of physical force, when authorized, shall be the least  
19 force necessary under the circumstances and shall be permitted only  
20 under the following circumstances:

- 21 a. for self-protection,
- 22 b. to separate children who are fighting,
- 23 c. to restrain children in danger of inflicting harm to  
24 themselves or others, or

1           d. to deter children who are in the process of leaving  
2           the facility without authorization.

3           C. Any contract or agreement entered into by the Department of  
4 ~~Human Services~~ for the residential care and treatment of children in  
5 the custody of the Department of ~~Human Services~~ shall provide that  
6 the contractor shall comply with the provisions of subsections A and  
7 B of this section ~~and the provisions of this part.~~

8           SECTION 69.           AMENDATORY           10 O.S. 2001, Section 7004-3.4,  
9 as amended by Section 6, Chapter 445, O.S.L. 2002 (10 O.S. Supp.  
10 2008, Section 7004-3.4), is amended to read as follows:

11           Section 7004-3.4 A. 1. The Commission for Human Services is  
12 authorized and directed to establish the Office of Client Advocacy  
13 within the Department and to employ ~~such~~ personnel ~~as may be~~  
14 necessary to carry out the purposes of this section and the duties  
15 listed in this section. ~~Such personnel~~ Personnel may be dismissed  
16 only for cause.

17           ~~1-~~ 2. The chief administrative officer of the Office of Client  
18 Advocacy shall be the Advocate General, who shall be an attorney  
19 selected from a list of three names submitted by the Oklahoma  
20 Commission on Children and Youth. The Advocate General shall be a  
21 member of the Oklahoma Bar Association and shall have a minimum of  
22 three (3) years' experience as an attorney. The compensation of the  
23 Advocate General shall be no less than that of the classification of  
24 Attorney III as established in the Merit System of Personnel

1 Administration classification and compensation plan, but shall be an  
2 unclassified position.

3 ~~2-~~ 3. The duties and responsibilities of the Advocate General  
4 are ~~as follows~~ to:

5 a. supervise personnel assigned to the Office of Client  
6 Advocacy,

7 b. monitor and review grievance procedures and hearings,

8 c. establish and maintain a fair, simple, and expeditious  
9 system for resolution of grievances of:

10 (1) all children in the custody of the Department of  
11 Human Services regarding:

12 (a) the substance or application of any written  
13 or unwritten policy or rule of the  
14 Department or ~~of an~~ agent of the Department,  
15 or

16 (b) any decision or action by an employee or ~~an~~  
17 agent of the Department, or of any child in  
18 the custody of the Department,

19 (2) foster parents relating to the provision of  
20 foster care services pursuant to this section and  
21 Section ~~7204.1~~ 1-9-117 of this title, and

22 (3) all persons receiving services from the  
23 Developmental Disabilities Services Division of  
24 the Department of Human Services,

1 d. investigate allegations of abuse, neglect, sexual  
2 abuse, and sexual exploitation, as those terms are  
3 defined in the Oklahoma ~~Child Abuse Reporting and~~  
4 ~~Prevention Act~~ Children's Code, by a ~~caretaker of~~  
5 ~~children~~ person responsible for a child, regardless of  
6 custody:

7 (1) residing outside their own homes other than  
8 children in foster care,

9 (2) in a day treatment program as defined in Section  
10 175.20 of ~~this title~~ Title 10 of the Oklahoma  
11 Statutes, and submit a report of the results of  
12 the investigation to the appropriate district  
13 attorney and to the State Department of Health,

14 (3) receiving services from a community services  
15 worker as that term is defined in Section 1025.1  
16 of Title 56 of the Oklahoma Statutes, and

17 (4) residing in a state institution listed in Section  
18 1406 of ~~this title~~ Title 10 of the Oklahoma  
19 Statutes,

20 e. establish a system for investigating allegations of  
21 ~~caretaker~~ misconduct, by a person responsible for a  
22 child, not rising to the level of abuse, neglect,  
23 sexual abuse, or sexual exploitation with regard to  
24

1 any child or resident listed in subparagraph d of this  
2 paragraph,

3 f. coordinate any hearings or meetings of Departmental  
4 administrative review committees conducted as a result  
5 of unresolved grievances or as a result of  
6 investigations,

7 g. make recommendations to the Director, and provide  
8 regular or special reports regarding grievance  
9 procedures, hearings and investigations to the  
10 Director, the Commission, the Office of Juvenile  
11 System Oversight and other appropriate persons as  
12 necessary,

13 h. forward to the Office of Juvenile Systems Oversight,  
14 for the information of the Director of that office, a  
15 copy of the final report of any grievance which is not  
16 resolved in the favor of the complainant,

17 i. perform such other duties as required by the Director  
18 of the Department or the Commission, and

19 j. develop policies and procedures as necessary to  
20 implement the duties and responsibilities assigned to  
21 the Office of Client Advocacy.

22 B. The Office of Client Advocacy shall make a complete written  
23 report of their investigations. The investigation report, together  
24

1 with its recommendations, shall be submitted to the appropriate  
2 district attorney's office.

3 C. 1. Except as otherwise provided by the Oklahoma ~~Child Abuse~~  
4 ~~Reporting and Prevention Act~~ Children's Code, the reports required  
5 by Section ~~7103~~ 1-2-101 of this title or any other information  
6 acquired pursuant to the Oklahoma ~~Child Abuse Reporting and~~  
7 ~~Prevention Act~~ Children's Code shall be confidential and may be  
8 disclosed only as provided in Section ~~7111~~ 1-2-108 of this title and  
9 the Oklahoma Children's Code.

10 ~~1.~~ 2. Except as otherwise provided by the Oklahoma ~~Child Abuse~~  
11 ~~Reporting and Prevention Act~~ Children's Code, any violation of the  
12 confidentiality requirements of the Oklahoma ~~Child Abuse Reporting~~  
13 ~~and Prevention Act~~ Children's Code shall, upon conviction, be a  
14 misdemeanor punishable by up to six (6) months in jail, by a fine of  
15 Five Hundred Dollars (\$500.00), or by both such fine and  
16 imprisonment.

17 ~~2.~~ 3. Any records or information disclosed as provided by this  
18 subsection shall remain confidential. The use of any information  
19 shall be limited to the purpose for which disclosure is authorized.  
20 Rules promulgated by the Commission for Human Services shall provide  
21 for disclosure of relevant information concerning Office of Client  
22 Advocacy investigations to persons or entities acting in an official  
23 capacity with regard to the subject of the investigation.

24

1        ~~3-~~ 4. Nothing in this section shall be construed as prohibiting  
2 the Office of Client Advocacy or the Department from disclosing such  
3 confidential information as may be necessary to secure appropriate  
4 care, treatment, or protection of a child alleged to be abused or  
5 neglected.

6        D. 1. The Office of Client Advocacy shall investigate any  
7 complaint alleging that an employee of the Department or ~~of~~ a child-  
8 placing agency has threatened a foster parent with removal of a  
9 child from the foster parent, harassed a foster parent, or refused  
10 to place a child in a licensed or certified foster home, or  
11 disrupted a child placement as retaliation or discrimination towards  
12 a foster parent who has:

- 13            a. filed a grievance pursuant to Section ~~7213~~ 1-9-120 of  
14                            this title,
- 15            b. provided information to any state official or  
16                            Department employee, or
- 17            c. testified, assisted, or otherwise participated in an  
18                            investigation, proceeding, or hearing against the  
19                            Department or child-placing agency.

20        2. The provisions of this subsection shall not apply to any  
21 complaint by a foster parent regarding the result of a criminal,  
22 administrative, or civil proceeding for a violation of any law,  
23 rule, or contract provision by that foster parent, or the action  
24

1 taken by the Department or a child-placement agency in conformity  
2 with the result of any such proceeding.

3 3. The Office of Client Advocacy shall at all times be granted  
4 access to any foster home or any child-placing agency which is  
5 certified, authorized, or funded by the Department.

6 SECTION 70. AMENDATORY 10 O.S. 2001, Section 7004-3.5,  
7 is amended to read as follows:

8 Section 7004-3.5 A. A youth service shelter facility may  
9 provide shelter and care to a minor mother, who is the victim of  
10 domestic abuse or is seeking relief from domestic abuse for herself  
11 or on behalf of any of her children or both herself and any of her  
12 children.

13 B. A youth service shelter facility may provide such shelter or  
14 care only during an emergency constituting an immediate danger to  
15 the physical health or safety of the minor mother or any of her  
16 children or both the minor mother and any of her children. Such  
17 shelter or care shall not extend beyond thirty (30) days unless the  
18 facility receives an order issued by a court to continue ~~such~~  
19 services or the parent or guardian of the minor mother consents to  
20 ~~such~~ services.

21 C. The provisions of Section 856 of Title 21 of the Oklahoma  
22 Statutes shall not apply to any youth service shelter facility and  
23 any person operating such facility with regards to providing shelter  
24 and care pursuant to the provisions of this section to a minor



1 mother and any of her children who is a runaway from her parent or  
2 legal guardian.

3 D. The show cause hearing provided for in ~~Part 2 of Article III~~  
4 IV of this Code shall be provided for the minor mother, who is  
5 seeking relief from domestic abuse for herself or on behalf of any  
6 of her children.

7 SECTION 71. AMENDATORY 10 O.S. 2001, Section 7005-1.1,  
8 is amended to read as follows:

9 Section 7005-1.1 A. The court shall make and keep records of  
10 all cases brought before it. The court ~~shall~~ may devise and cause  
11 to be printed ~~such~~ forms for ~~social and legal~~ records and such other  
12 papers as may be required.

13 B. As used in the Oklahoma Children's Code:

14 1. "Records" shall include but not be limited to written or  
15 printed documents, papers, logs, reports, files, case notes, films,  
16 photographs, audio or visual tape recordings, and shall include  
17 information entered into and maintained in an automated or  
18 computerized information system;

19 2. "Juvenile court record" means ~~legal and social~~ all records,  
20 other than adoption records, including but not limited to agency,  
21 law enforcement, and district attorney's records, filed with the  
22 court that are related to a child who is the subject of a court  
23 proceeding pursuant to the provisions of the Oklahoma Children's  
24 Code;

1           3. "Agency record" means records prepared, obtained, or  
2 maintained by a public or private agency with regard to a child who  
3 is or has been under its care, custody, or supervision or to a  
4 family member or other person living in the home of such child and  
5 shall include but not be limited to:

6           a. any study, plan, recommendation, assessment, or report  
7 made or authorized to be made by such agency for the  
8 purpose of determining or describing the history,  
9 diagnosis, custody, condition, care, or treatment of  
10 such child, or

11           b. ~~any safety analysis records made in the course of any~~  
12 ~~investigation or inquiry conducted by an agency to~~  
13 ~~determine whether a child is or may be a deprived~~  
14 ~~child, a delinquent child, a child in need of~~  
15 ~~supervision or a child in need of treatment~~ that have  
16 been prepared and obtained in response to a report of  
17 alleged child abuse or neglect and include assessment  
18 reports and reports to the district attorney with all  
19 supporting documentation attached and any addendums;

20           4. "District attorney's records" means any records prepared or  
21 obtained by an office of a district attorney relating to juvenile  
22 cases and any records prepared or obtained for the prosecution of  
23 crimes against children that constitute a legal or social record of  
24 a child as defined by this section;

1           5. "Law enforcement records" means any contact, incident or  
2 similar reports, arrest records, disposition records, detention  
3 records, fingerprints, or photographs related to a child and shall  
4 include but not be limited to reports of investigations or inquiries  
5 conducted by a law enforcement agency to determine whether a child  
6 is or may be subject to the provisions of this title as a deprived  
7 child, ~~a delinquent child,~~ a child in need of supervision, or a  
8 ~~child~~ minor in need of treatment. Law enforcement records  
9 pertaining to juveniles shall be maintained separately from records  
10 pertaining to adults;

11           6. "Nondirectory education records" means any records  
12 maintained by a public or private school, including a technology  
13 center school, regarding a child who is or has been a student at the  
14 school which are categorized as private or confidential records  
15 pursuant to ~~the federal Family Educational Rights and Privacy Act of~~  
16 ~~1974 and any rules promulgated pursuant to said act~~ and state law;

17           7. "Legal record" means any petition, docket, motion, finding,  
18 order, judgment, pleading, paper, or other document, other than  
19 social records, filed with the court;

20           8. "Social record" means family social studies and histories,  
21 medical reports, psychological and psychiatric evaluations or  
22 assessments, clinical or other treatment reports ~~or studies,~~  
23 educational records, or home studies, ~~and agency records other than~~

24

1 ~~legal records filed with the court~~ even if attached to court reports  
2 prepared by the Department; and

3 9. "Participating agency" means any public or private agency  
4 that has entered into a contract or an interagency agreement under  
5 the Interlocal Cooperation Act in accordance with the rules and  
6 guidelines adopted pursuant to Section 620.6 of this title for the  
7 purpose of accessing and sharing information necessary for the care,  
8 treatment, and supervision of children and youth.

9 SECTION 72. AMENDATORY 10 O.S. 2001, Section 7005-1.2,  
10 is amended to read as follows:

11 Section 7005-1.2 A. Except as provided by this section and  
12 except as otherwise specifically provided by state and federal laws,  
13 the following records are confidential and shall not be open to the  
14 general public or inspected or their contents disclosed:

- 15 1. Juvenile court records;
- 16 2. Agency records;
- 17 3. District attorney's records;
- 18 4. Law enforcement records;
- 19 5. Nondirectory education records; and
- 20 6. Social records.

21 B. The limitation of subsection A of this section shall not  
22 apply to statistical information and other abstract information  
23 obtained pursuant to the provisions of the Oklahoma Children's Code.

24

1 C. Except as authorized by Section 620.6 of ~~this title~~ Title 10  
2 of the Oklahoma Statutes and this ~~article~~ chapter and except as  
3 otherwise specifically provided by state and federal laws ~~pertaining~~  
4 ~~to the confidentiality of records and information and the~~  
5 ~~inspection, release, disclosure, correction or expungement of such~~  
6 ~~information, including, but not limited to, state and federal laws~~  
7 pertaining to education records, medical records, drug or alcohol  
8 treatment records, law enforcement, or social service records, the  
9 records listed in subsection A of this section shall be confidential  
10 and shall be inspected, released, disclosed, corrected or expunged  
11 only pursuant to an order of the court. ~~Except as otherwise~~  
12 ~~provided in Section 601.6 of this title, no~~ A subpoena or subpoena  
13 duces tecum purporting to compel testimony or disclosure of such  
14 information or record shall be ~~valid~~ invalid.

15 D. ~~An~~ 1. In a proceeding where the child custody or visitation  
16 is at issue, the safety analysis records of the Department shall be  
17 produced to the court when a parent, legal guardian, or child who is  
18 the subject of such record obtains a court order directing the  
19 production of the records.

20 2. The person or party seeking the records shall proceed by  
21 filing a motion for production of safety analysis records which  
22 contains the following averments:

23 a. the movant is a parent, legal guardian, or child who  
24 is the subject of the safety analysis records,

1        b. child custody or visitation is at issue,

2        c. that upon receipt from the court, the safety analysis  
3        records shall be kept confidential and disclosed only  
4        to the movant, the attorneys of the movant, those  
5        persons employed by or acting on behalf of the movant  
6        and the attorneys of the movant whose aid is necessary  
7        to the prosecution or defense of the child custody or  
8        visitation issue, and

9        d. that a copy of the motion is being provided to the  
10       parties, the attorney of the child, if any, and the  
11       guardian ad litem, if any.

12       3. Upon filing the motion for production of safety analysis  
13       records, the court may, in its discretion, enter an ex parte order  
14       for production of safety analysis records that shall be  
15       substantially in the following form:

16                    CONFIDENTIAL RECORDS DISCLOSURE AND PROTECTIVE ORDER

17       NOW on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, the court finds that child  
18       custody or visitation is at issue in the above styled and numbered  
19       proceeding and the disclosure of the safety analysis records of the  
20       Oklahoma Department of Human Services pursuant to Section 1-6-102 of  
21       this title is necessary and relevant to the court's determination of  
22       the child's best interests. The court therefore orders as follows:

23       a. The Oklahoma Department of Human Services  
24       ("Department" or "DHS") shall produce a copy of its

1 safety analysis records to this court on or before  
2 day of \_\_\_\_\_, 20\_\_.

3 b. The Department shall be permitted to redact or omit  
4 information in its safety analysis records which may  
5 identify the reporter of alleged child abuse or  
6 neglect.

7 c. All information contained in the safety analysis  
8 records of the Department is confidential under  
9 Oklahoma law and shall be disclosed only to the  
10 parties, the attorneys of the parties, and those  
11 persons employed by or acting on behalf of the parties  
12 and the attorneys of the parties whose aid is  
13 necessary to the prosecution or defense of the child  
14 custody or visitation issue.

15 d. No confidential information whether contained in  
16 pleadings, briefs, discovery, or other documents shall  
17 be filed except under seal with the legend "THIS  
18 DOCUMENT CONTAINS CONFIDENTIAL INFORMATION AND IS  
19 SUBJECT TO A PROTECTIVE ORDER OF THE COURT".

20 e. No person or entity shall utilize any information  
21 contained in the safety analysis records for any  
22 purpose other than the prosecution or defense of the  
23 child custody or visitation issues in this case.

24

1           f. The release by counsel or any other person for any  
2           reason of identifiers such as social security or tax  
3           ID numbers that may be contained in the Department  
4           records and which belong to any person or entity is  
5           strictly prohibited.

6           g. Any violation of this order shall be subject to  
7           prosecution for contempt of court.

8           IT IS SO ORDERED this        day of        , 20    .

9           4. This subsection shall not apply to:

10          a. deprived child proceedings brought pursuant to the  
11          Oklahoma Children's Code,

12          b. discovery of safety analysis records by a person or  
13          entity who is not the subject of those records, or

14          c. discovery of safety analysis records in criminal,  
15          other civil, or administrative proceedings.

16          5. The party who has obtained a court order for the safety  
17          analysis records of the Department shall provide the Department with  
18          the names and other identifying information concerning the subjects  
19          of the safety analysis records.

20          6. Upon receipt of a court order to produce its safety analysis  
21          records, the Department shall be given a minimum of five (5)  
22          judicial days to deliver the records to the court.

23          7. The safety analysis records provided by the Department to  
24          the court pursuant to this subsection shall not be subject to



1 judicial review and shall be released by the court only to the  
2 litigants in the case under a protective order.

3 8. A court order entered pursuant to this subsection which  
4 purports to require the Department to produce all agency records  
5 shall be deemed to require only the production of the safety  
6 analysis records of the Department.

7 9. An employee of the Department shall not be compelled to  
8 testify about the safety analysis records except upon a court order  
9 directing such testimony. Any subpoena or subpoena duces tecum  
10 purporting to compel disclosure of safety analysis records or  
11 testimony concerning such records without a court order shall be  
12 invalid.

13 10. Except as provided by this subsection or other law,  
14 confidential records may be inspected, released, disclosed,  
15 corrected, or expunged only by the procedure set forth in subsection  
16 E of this section.

17 E. When confidential records may be relevant in a criminal,  
18 civil, or administrative proceeding, an order of the court  
19 authorizing the inspection, release, disclosure, correction, or  
20 expungement of confidential records shall be entered by the court  
21 only after a judicial review of the records and a determination ~~by a~~  
22 ~~judge of the district court designated pursuant to this subsection,~~  
23 ~~with due regard for the confidentiality of the records and the~~  
24 ~~privacy of persons identified in the records, that a compelling~~

1 ~~reason exists and such inspection, release or disclosure is~~  
2 ~~necessary for the protection of a legitimate public or private~~  
3 ~~interest. of necessity pursuant to the following procedure:~~

4 1. ~~Except for district attorney's~~ A petition or motion shall  
5 be filed with the court describing with specificity the confidential  
6 records, any order authorizing being sought and setting forth in  
7 detail the compelling reason why the inspection, release,  
8 disclosure, release or inspection of such correction, or expungement  
9 of confidential records pursuant to this subsection may be  
10 conditioned on such terms and restrictions as should be ordered by  
11 the court deems necessary and appropriate. A petition or motion  
12 that does not contain the required specificity or detail may be  
13 subject to dismissal by the court;

14 2. Upon the filing of a the petition ~~for an order of the court~~  
15 ~~pursuant to this section or motion~~, the court shall set a date for a  
16 hearing and shall ~~provide three (3) judicial days~~ require notice of  
17 not less than twenty (20) days to the agency or person holding the  
18 records and the person who is the subject of the record if such  
19 person is eighteen (18) years of age or older or to the parents of a  
20 child less than eighteen (18) years of age who is the subject of the  
21 record, to the attorneys, if any, of such person, child or parents  
22 and any other interested party as ordered by the court. ~~The hearing~~  
23 ~~may be closed at the court's discretion.~~ The court may also enter  
24 an ex parte order compelling the person or agency holding the

1 records to either produce the records to the court on or before the  
2 date set for hearing or file an objection or appear for the hearing.  
3 The court may shorten the time allowed for notice due to exigent  
4 circumstances;

5 3. ~~Upon the filing of a petition for an order of the court~~  
6 ~~pursuant to this section, the judge of the court having jurisdiction~~  
7 ~~to issue the order authorized by this section shall request the~~  
8 ~~presiding judge of the judicial district to designate another judge~~  
9 ~~to review~~ At the hearing, should the court find that a compelling  
10 reason does not exist for the confidential records and make a  
11 determination as to whether any information contained in the records  
12 may be inspected, released, disclosed, corrected or expunged. Any  
13 order issued by the judge of the court having jurisdiction to issue  
14 such order shall be based on and consistent with the determination  
15 of the judge reviewing to be judicially reviewed, the matter shall  
16 be dismissed; otherwise, the court shall order that the confidential  
17 records be produced for a judicial review. The hearing may be  
18 closed at the discretion of the court; and

19 4. The judicial review of the records shall include a  
20 determination, with due regard for the confidentiality of the  
21 records and the privacy of persons identified in the records, as to  
22 whether an order should be entered authorizing the inspection,  
23 release, disclosure, correction, or expungement of the records based  
24

1 upon the need for the protection of a legitimate public or private  
2 interest.

3 ~~E. Any agency or person may seek an order from the juvenile~~  
4 ~~court prohibiting the release of information subject to disclosure~~  
5 ~~without an order of the court pursuant to Section 620.6 of this~~  
6 ~~title and this article. F.~~ The court may, for good cause shown,  
7 prohibit the release of such ~~information~~ confidential records or  
8 testimony or authorize a release of the confidential information or  
9 testimony upon such conditions as the court deems necessary and  
10 appropriate, subject to the provisions of ~~subsection D~~ of this  
11 section.

12 ~~F. The court may authorize a designated person to review~~  
13 ~~juvenile court~~ G. Any public or private agency, entity, or  
14 professional person required to produce confidential reports and  
15 records and collect statistical information and other abstract  
16 information for research purposes. Such authorization shall be in  
17 writing and state specifically the type of information which may be  
18 reviewed.

19 ~~Each person granted permission to inspect confidential reports~~  
20 ~~and records for research purposes shall present a notarized~~  
21 ~~statement to the court stating that the names of children, parents~~  
22 ~~and such other persons required by the court to be confidential will~~  
23 ~~remain confidential~~ pursuant to this section may require payment of  
24 fees from the party seeking the records prior to any records being

1 produced, including a research fee not exceeding Twenty Dollars  
2 (\$20.00) per hour and a copy fee not to exceed fifty cents (\$0.50)  
3 per page and Five Dollars (\$5.00) per copy of each video tape or  
4 disk; provided, the court may waive such costs in a criminal action  
5 based upon indigence of a defendant. The Department shall not be  
6 permitted to assess fees for records produced pursuant to subsection  
7 D of this section.

8 G. H. Nothing in Section 620.6 of ~~this title~~ Title 10 of the  
9 Oklahoma Statutes and this ~~article~~ chapter shall be construed as:

10 1. Authorizing the inspection of records or the disclosure of  
11 information contained in records relating to the provision of  
12 benefits or services funded, in whole or in part, with federal  
13 funds, except in accord with federal statutes and regulations  
14 governing the receipt or use of such funds;

15 2. Authorizing the disclosure of papers, records, books or  
16 other information relating to the adoption of a child required to be  
17 kept confidential. The disclosure of such information shall be  
18 governed by the provisions of the Oklahoma Adoption Code;

19 3. Abrogating any privilege, including the attorney-client  
20 privilege, or affecting any limitation on such privilege found in  
21 any other statutes;

22 4. Limiting or otherwise affecting access of parties to a  
23 deprived proceeding to records filed with or submitted to the court;

24

1 5. Limiting or otherwise affecting access of agencies to  
2 information subject to disclosure, review, or inspection by contract  
3 or as a condition for the receipt of public funds or participation  
4 in any program administered by the agency;

5 6. Prohibiting the Department of Human Services from  
6 summarizing the outcome of an investigation to the person who  
7 reported a known or suspected instance of child abuse or neglect or  
8 to any person providing services to a child who is or is alleged to  
9 be a victim of child abuse;

10 7. Authorizing the disclosure of ~~the identity or location~~  
11 information ~~of~~ which identifies any person who has reported an  
12 allegation of known or suspected child abuse or neglect unless such  
13 disclosure is specifically ordered by the court; ~~or~~

14 8. Prohibiting the Department of Human Services from providing  
15 a summary of allegations and findings of an investigation involving  
16 a child care facility that does not disclose identities but that  
17 permits parents to evaluate the facility;

18 9. Prohibiting the disclosure of confidential information to  
19 any educational institution, facility, or educator to the extent  
20 necessary to enable the educator to better provide educational  
21 services and activities for a child and provide for the safety of  
22 students; or

23  
24

1        10. Prohibiting the Department from obtaining, without a court  
2 order, nondirectory education records pertaining to a child in the  
3 legal custody of the Department.

4        ~~H. The confidential records listed in subsection A of this~~  
5 ~~section may be inspected and their contents disclosed without a~~  
6 ~~court order to a school district in which the child who is the~~  
7 ~~subject of the record is currently enrolled. The inspection of~~  
8 ~~records and disclosure authorized by this subsection may be limited~~  
9 ~~to summaries or to information directly necessary for the purpose of~~  
10 ~~such inspection or disclosure. Upon request by the school district,~~  
11 ~~or as otherwise required to be provided by the Department pursuant~~  
12 ~~to the Oklahoma Child Abuse Reporting and Prevention Act, the agency~~  
13 ~~in possession of the records shall provide the requested information~~  
14 ~~to the school district. Any records disclosed as provided by this~~  
15 ~~subsection shall remain confidential. The use of any information~~  
16 ~~shall be limited to the purposes for which disclosure is authorized.~~

17        SECTION 73.        AMENDATORY        10 O.S. 2001, Section 7005-1.3,  
18 as amended by Section 1, Chapter 153, O.S.L. 2005 (10 O.S. Supp.  
19 2008, Section 7005-1.3), is amended to read as follows:

20        Section 7005-1.3 A. Juvenile court records and Department of  
21 Human Services agency records pertaining to a child may be  
22 inspected, and their contents shall be disclosed, without a court  
23 order to the following persons upon showing of proper credentials  
24 and pursuant to their lawful duties:

1 1. The court having the child currently before it in any  
2 proceeding pursuant to this title, any district court or tribal  
3 court to which such proceedings may be transferred, employees and  
4 officers of the court in the performance of their duties, including  
5 but not limited to guardians ad litem appointed by the court, and  
6 court-appointed special advocates;

7 ~~2. Employees of court appointed special advocate programs, as~~  
8 ~~defined in Section 7001 1.3 of this title, in the course of their~~  
9 ~~official duties pertaining to recruiting, screening, training,~~  
10 ~~assigning cases, supervising and supporting volunteers in their~~  
11 ~~roles as guardian ad litem, pursuant to Section 7003 3.7 of this~~  
12 ~~title;~~

13 ~~3. Members of postadjudication review boards established~~  
14 ~~pursuant to the provisions of Section 1116.2 of this title, the~~  
15 ~~Child Death Review Board, and multidisciplinary personnel. In~~  
16 ~~addition to juvenile court records, members of such postadjudication~~  
17 ~~review boards may inspect, without a court order, information that~~  
18 ~~includes, but is not limited to:~~

- 19 a. ~~psychological and medical records,~~
- 20 b. ~~placement history and information, including the names~~  
21 ~~and addresses of foster parents,~~
- 22 c. ~~family assessments,~~
- 23 d. ~~treatment or service plans, and~~
- 24 e. ~~school records;~~



1       4. A district attorney, United States Attorney, or Attorney  
2 General of this or another state and the employees of such offices  
3 in the course of their official duties pursuant to this title or the  
4 prosecution of crimes against children, or upon their request in  
5 their official capacity as advisor in a grand jury proceeding;

6       5. 3. The attorney representing a child who is the subject of a  
7 proceeding pursuant to the provisions of this title, ~~including the~~  
8 ~~attorney representing a child pursuant to the provisions of~~  
9 ~~subsection C of Section 7002 1.2 of this title or representing a~~  
10 ~~child pursuant to the provisions of subsection A of Section 7112 of~~  
11 ~~this title. Such attorney may also access other records listed in~~  
12 ~~subsection A of Section 7005 1.2 of this title for use in the legal~~  
13 ~~representation of the child~~ or other proceeding where child custody  
14 or visitation is at issue;

15       6. 4. Employees of juvenile bureaus in the course of their  
16 official duties pursuant to this title, and employees of the  
17 Department of Human Services in the course of their official duties;

18       7. 5. Employees of a law enforcement agency of this or another  
19 state or military enclave and employees of a child protective  
20 service of another state or military enclave in the course of their  
21 official duties pertaining to investigations of a report of known or  
22 suspected child abuse or neglect or crimes against children or for  
23 the purpose of determining whether to place a child in protective  
24 custody;

1 ~~8. Persons and agencies authorized by Section 7005-1.7 of this~~  
2 ~~title;~~

3 ~~9. 6.~~ The Oklahoma Commission on Children and Youth as provided  
4 by Sections 601.2 and 601.6 of ~~this title~~ Title 10 of the Oklahoma  
5 Statutes;

6 ~~10. The Department of Human Services or other public or private~~  
7 ~~agency or individual having court-ordered custody or custody~~  
8 ~~pursuant to Department of Human Services placement of the child who~~  
9 ~~is the subject of the record;~~

10 ~~11. 7.~~ The Office of Juvenile Affairs;

11 ~~12. The child who is the subject of the record and the parents,~~  
12 ~~legal guardian, custodian or foster parent of such child;~~

13 ~~13. 8.~~ A federally recognized Indian tribe in which the child  
14 who is the subject of the record is a member or is eligible to  
15 become a member of the tribe and is the biological child of a member  
16 of an Indian tribe pursuant to the provisions of the Federal Indian  
17 Child Welfare Act, ~~P.L. 95-608,~~ and the Oklahoma Indian Child  
18 Welfare Act; provided such Indian tribe, in the course of its  
19 official duties, is:

- 20 a. investigating a report of known or suspected child  
21 abuse or neglect or crimes against children or for the  
22 purpose of determining whether to place a child in  
23 protective custody,

- 1           b.    providing services to or for the benefit of a child  
2                   including, but not limited to, protective, emergency,  
3                   social and medical services, or
- 4           c.    the tribe, the tribal court or the tribal child  
5                   welfare program has asserted jurisdiction or  
6                   intervened in any case in which the child is the  
7                   subject of the proceedings or is a party to the  
8                   proceedings pursuant to the authority provided in the  
9                   Oklahoma Indian Child Welfare Act.

10           The records that are to be provided to Indian tribes under this  
11 subsection shall include all case records, reports, and documents as  
12 defined in Section ~~7005-1.1~~ 1-6-101 of this title;

13           ~~14.~~ 9.    The Governor or to any person the Governor designates,  
14 in writing;

15           ~~15.~~ 10. Any federal official of the United States Department of  
16 Health and Human Services;

17           ~~16.~~ 11. Any member of the Legislature approved in writing by  
18 the Speaker of the House of Representatives or the President Pro  
19 Tempore of the Senate;

20           ~~17. Persons authorized by and in the manner provided in the~~  
21 ~~Oklahoma Child Abuse Reporting and Prevention Act;~~

22           ~~18.~~ 12. A foster parent, with regard to records concerning the  
23 social, medical, psychological, or educational needs of a child  
24

1 currently placed with that foster parent or of a child being  
2 considered for placement with that foster parent;

3 ~~19.~~ 13. An employee of any state or federal corrections or law  
4 enforcement agency in the performance of ~~such employee's~~ the  
5 official duties of the employee concerning presentence  
6 investigations or supervision of a parent of an alleged or  
7 adjudicated deprived child, or the legal guardian, custodian, or any  
8 other adult member of the child's home who is responsible for the  
9 health, safety, or welfare of the child; and

10 ~~20.~~ 14. An employee of a state agency of this or another state  
11 in the performance of ~~such employee's~~ the official duties of the  
12 employee concerning the establishment of paternity or the  
13 establishment or enforcement of a child support order or other  
14 entitlement for the benefit of a child; provided, disclosure shall  
15 be limited to information directly related to the purpose of such  
16 disclosure.

17 B. In addition to the persons listed in subsection A of this  
18 section, juvenile court records may be inspected, and their contents  
19 shall be disclosed, without a court order to the following persons  
20 upon showing of proper credentials and pursuant to their lawful  
21 duties:

22 1. Employees of court-appointed special advocate programs, as  
23 defined in Section 1-1-105 of this title, in the course of their  
24 official duties pertaining to recruiting, screening, training,

1 assigning cases, supervising, and supporting volunteers in their  
2 roles as guardian ad litem pursuant to Section 1-4-306 of this  
3 title;

4 2. Members of postadjudication review boards established  
5 pursuant to the provisions of Section 1116.2 of Title 10 of the  
6 Oklahoma Statutes, the Child Death Review Board, and  
7 multidisciplinary personnel. In addition to juvenile court records,  
8 members of such postadjudication review boards may inspect, without a  
9 court order, information that includes, but is not limited to:

- 10 a. psychological and medical records,
- 11 b. placement history and information, including the names  
12 and addresses of foster parents,
- 13 c. family assessments,
- 14 d. treatment or service plans, and
- 15 e. school records;

16 3. The Department of Human Services or other public or private  
17 agency or individual having court-ordered custody or physical  
18 custody pursuant to Department placement of the child who is the  
19 subject of the record;

20 4. The child who is the subject of the record and the parents,  
21 legal guardian, custodian, or foster parent of such child; and

22 5. A person authorized by the court to conduct bona fide  
23 research, provided such research may not publish the names or  
24

1 identities of parents, children, or other persons contained in the  
2 records.

3 C. In addition to the persons and entities named in subsection  
4 A of this section, Department of Human Services agency records may  
5 be inspected, and their contents shall be disclosed, without a court  
6 order to the following persons upon showing of proper credentials  
7 and pursuant to their lawful duties:

8 1. Postadjudicatory review boards, court-appointed special  
9 advocates, and members of the Child Death Review Board;

10 2. Any district court which has ordered a home study by the  
11 Department in an action for divorce, annulment, custody of a child,  
12 or appointment of a legal guardian of a child, or any subsequent  
13 proceeding in such actions; provided, however, the Department may  
14 limit disclosure in the home study to summaries or to information  
15 directly related to the purpose of the disclosure;

16 3. Members of multidisciplinary teams or multidisciplinary  
17 personnel designated by the Department, investigating a report of  
18 known or suspected child abuse or neglect or providing services to a  
19 child or family which is the subject of the report;

20 4. A physician who has before him or her a child whom the  
21 physician reasonably suspects may be abused or neglected or any  
22 health care or mental health professionals involved in the  
23 evaluation or treatment of the child or the parents, legal guardian,  
24 foster parent, custodian, or other family members of the child;

1       5. Any public or private agency or person authorized by the  
2 Department to diagnose, or provide care, treatment, supervision, or  
3 other services to a child who is the subject of a report or record  
4 of child abuse or neglect; provided, the Department may limit such  
5 disclosure to summaries or to information directly necessary for the  
6 purpose of such disclosure;

7       6. Any person or agency for research purposes, if all of the  
8 following conditions are met:

9           a. the person or agency conducting the research is  
10           employed by the State of Oklahoma or is under contract  
11           with this state and is authorized by the Department to  
12           conduct the research, and

13           b. the person or agency conducting the research ensures  
14           that all documents containing identifying information  
15           are maintained in secure locations and access to the  
16           documents by unauthorized persons is prohibited; that  
17           no identifying information is included in documents  
18           generated from the research conducted; and that all  
19           identifying information is deleted from documents used  
20           in the research when the research is completed;

21       7. The Oklahoma Health Care Authority; and

22       8. A medical examiner when such person is determining the cause  
23 of death of a child.

1        D. In accordance with the rules promulgated for such purpose  
2 pursuant to Section 620.6 of this title, records listed in  
3 subsection A of Section ~~7005-1.2~~ 1-6-102 of this title may be  
4 inspected and their contents disclosed without a court order to  
5 participating agencies.

6        ~~C. Records and their contents disclosed without an order of the  
7 court as provided by this section shall remain confidential. The  
8 use of such information shall be limited to the purposes for which  
9 disclosure is authorized. It shall be unlawful and a misdemeanor  
10 for any person to furnish any record or disclose any information  
11 contained therein for commercial, political or any other  
12 unauthorized purpose~~

13        E. Where more than one child is included in a juvenile court  
14 record, the court may order the names and information of the other  
15 children redacted as a condition of granting access or copies of the  
16 record. Alternatively, the court may prohibit disclosure of the  
17 record where redaction is not practical or possible.

18        SECTION 74.        AMENDATORY        10 O.S. 2001, Section 7005-1.6,  
19 is amended to read as follows:

20        Section 7005-1.6 If a child is reported to a law enforcement  
21 agency as a missing child, or a custodial parent, legal guardian or  
22 legal custodian of a child requests the issuance of a fingerprint  
23 card ~~pursuant to the provisions of the Oklahoma Minor Identification  
24 Act,~~ the provisions of the Oklahoma Minor Identification Act shall



1 apply. With the voluntary and informed consent of the parent, legal  
2 guardian, or legal custodian of the child, fingerprints obtained and  
3 maintained pursuant to the Oklahoma Minor Identification Act may be  
4 used by law enforcement officers.

5 SECTION 75. AMENDATORY Section 4, Chapter 351, O.S.L.  
6 2007, as amended by Section 3, Chapter 293, O.S.L. 2008 (10 O.S.  
7 Supp. 2008, Section 7005-1.9), is amended to read as follows:

8 Section 7005-1.9 A. For purposes of this section, the term  
9 "near death" means the child is in serious or critical condition, as  
10 certified by a physician, as a result of abuse or neglect.

11 B. ~~In cases involving the death or near death of a child when~~  
12 When a person responsible for ~~the~~ a child has been charged by  
13 information or indictment with committing a crime resulting in the  
14 death or near death of the child, there shall be a presumption that  
15 the best interest of the public ~~will be~~ is served by public  
16 disclosure of certain information concerning ~~the~~ :

17 1. The circumstances of the investigation of the death or near  
18 death of the child; and ~~any~~

19 2. Any other investigations concerning that child, or other  
20 children while living in the same household, within:

21 a. three (3) years of the death or near death, and

22 b. one (1) year after the death or near death ~~concerning~~  
23 ~~that child, or other children while living in the same~~  
24 ~~household.~~

1 C. 1. At any time subsequent to seven (7) days, but no more  
2 than thirty (30) days, of the date the person responsible for the  
3 child has been criminally charged, the Department of Human Services,  
4 the district attorney, the district court clerk, and the judge  
5 having jurisdiction over the case, upon request, shall release  
6 certain information to the public as follows:

7 a. a confirmation shall be provided by the Department as  
8 to whether a report has been made concerning the  
9 alleged victim or other children while living in the  
10 same household and whether an investigation has begun,

11 b. confirmation shall be provided by the Department as to  
12 whether previous reports have been made and the dates  
13 thereof, a summary of those previous reports, the  
14 dates and outcome of any investigations or actions  
15 taken by the Department in response to a previous  
16 report of child abuse or neglect, and the specific  
17 recommendation made to the district attorney and any  
18 subsequent action taken by the district attorney,

19 c. the dates of any judicial proceedings prior to the  
20 death or near death of the child,

21 d. recommendations submitted by each participant in  
22 writing at the judicial proceedings including  
23 recommendations made at the hearing as they relate to  
24 custody or placement of a child, and

1 e. the rulings of the court.

2 2. Specific recommendations made and services rendered by the  
3 Department described in any progress reports of a pending case  
4 submitted to the court may be disclosed by the Department.

5 D. 1. At any time subsequent to seven (7) days after the date  
6 the person responsible for the child has been criminally charged,  
7 the Oklahoma Commission on Children and Youth shall, upon request,  
8 release certain information to the public within sixty (60) days of  
9 the request as follows:

10 a. a confirmation shall be provided by the Commission as  
11 to whether a report of suspected child abuse or  
12 neglect has been made concerning the alleged victim or  
13 other children while living in the same household and  
14 whether an investigation has begun,

15 b. confirmation shall be provided by the Commission as to  
16 whether previous reports of suspected child abuse or  
17 neglect have been made and the dates thereof, a  
18 summary of those previous reports, the dates and  
19 outcome of any investigations or actions taken by the  
20 Department and the Commission in response to any  
21 previous report of child abuse or neglect, and the  
22 specific recommendation made to the district attorney  
23 and any subsequent action taken by the district  
24 attorney,

1 c. the dates of any judicial proceedings prior to the  
2 death or near death of the child,

3 d. recommendations submitted by the Department and the  
4 Commission shall be provided in writing including  
5 recommendations made at the hearing as they relate to  
6 custody or placement of a child, and

7 e. the rulings of the court.

8 2. Specific recommendations made by the Commission described in  
9 any progress reports of a pending case submitted to the court may be  
10 disclosed by the Commission.

11 E. Any disclosure of information pursuant to this section shall  
12 not identify or provide an identifying description of any  
13 complainant or reporter of child abuse or neglect, and shall not  
14 identify the name of the child victim's siblings or other children  
15 living in the same household, the parent or other person responsible  
16 for the child, or any other member of the household, other than the  
17 person criminally charged.

18 SECTION 76. AMENDATORY 10 O.S. 2001, Section 7006-1.1,  
19 is amended to read as follows:

20 Section 7006-1.1 A. ~~Pursuant to the provisions of the Oklahoma~~  
21 ~~Children's Code, the finding that a child is delinquent, in need of~~  
22 ~~supervision or deprived shall not deprive the parents of the child~~  
23 ~~of their parental rights, but a court may terminate the rights of a~~  
24 ~~parent to a child in the following situations; provided, however,~~

1 ~~the paramount consideration in proceedings concerning termination of~~  
2 ~~parental rights shall be the health, safety or welfare and best~~  
3 ~~interests of the child~~ A court shall not terminate the rights of a  
4 parent to a child unless:

5 1. The child has been adjudicated to be deprived either prior  
6 to or concurrently with a proceeding to terminate parental rights;  
7 and

8 2. Termination of parental rights is in the best interests of  
9 the child.

10 B. The court may terminate the rights of a parent to a child  
11 based upon the following legal grounds:

12 ~~1. Upon a written consent of a parent, including a parent who~~  
13 ~~is a minor, acknowledged as provided in paragraph 4 of subsection B~~  
14 ~~of Section 7503 2.1 of this title, who desires to terminate such~~  
15 ~~parent's parental rights; provided that the court finds that such~~  
16 ~~termination is in the best interests of the child~~ the duly  
17 acknowledged written consent of a parent, who voluntarily agrees to  
18 termination of parental rights.

19 a. The voluntary consent for termination of parental  
20 rights shall be signed under oath and recorded before  
21 a judge of a court of competent jurisdiction and  
22 accompanied by the judge's certificate that the terms  
23 and consequences of the consent were fully explained  
24 in detail in English and were fully understood by the

1 parent or that the consent was translated into a  
2 language that the parent understood.

3 b. A voluntary consent for termination of parental rights  
4 is effective when it is signed and may not be revoked  
5 except upon clear and convincing evidence that the  
6 consent was executed by reason of fraud or duress.

7 c. However, notwithstanding the provisions in this  
8 paragraph, in any proceeding for a voluntary  
9 termination of parental rights to an Indian child, the  
10 consent of the parent may be withdrawn for any reason  
11 at any time prior to the entry of a final decree of  
12 termination. Any consent given prior to, or within  
13 ten (10) days after, the birth of an Indian child  
14 shall not be valid;

15 2. A finding that a parent who is entitled to custody of the  
16 child has abandoned the child. ~~For purposes of this paragraph the~~  
17 ~~term "abandonment" includes, but is not limited to, the following:~~

18 ~~a. the parent has left the child alone or in the care of~~  
19 ~~another who is not the parent of the child without~~  
20 ~~identifying the child or furnishing a means of~~  
21 ~~identification for the child, the whereabouts of the~~  
22 ~~parents are unknown, and the child's identity cannot~~  
23 ~~be ascertained by the exercise of reasonable~~  
24 ~~diligence,~~

1           ~~b. the parent has voluntarily left the child alone or in~~  
2           ~~the care of another who is not the parent of the child~~  
3           ~~and expressed a willful intent by words, actions, or~~  
4           ~~omissions not to return for the child, or~~

5           ~~e. the parent fails to establish and/or maintain a~~  
6           ~~substantial and positive relationship with the child~~  
7           ~~for a period of six (6) consecutive months out of the~~  
8           ~~last fourteen (14) months immediately preceding the~~  
9           ~~filing of a petition for termination of parental~~  
10           ~~rights. For purposes of this paragraph, "establish~~  
11           ~~and/or maintain a substantial and positive~~  
12           ~~relationship" includes, but is not limited to:~~

13           ~~(1) frequent and regular contact with the minor~~  
14           ~~through frequent and regular visitation and/or~~  
15           ~~frequent and regular communication to or with the~~  
16           ~~child, and~~

17           ~~(2) the exercise of parental rights and~~  
18           ~~responsibilities.~~

19           ~~Incidental or token visits or communications shall not~~  
20           ~~be sufficient to establish and/or maintain a~~  
21           ~~substantial and positive relationship with the child;~~

22           3. A finding that the child is an abandoned infant;

23           4. A finding that the parent of a child:

- a. has voluntarily placed physical custody of the child with the Department of Human Services or with a child-placing agency for out-of-home placement,
- b. has not complied with the placement agreement, and
- c. has not demonstrated during such period a firm intention to resume physical custody of the child or to make permanent legal arrangements for the care of the child;

5. A finding that:

- ~~a. the child has been adjudicated to be deprived, and~~
- ~~b. such condition is caused by or contributed to by acts or omissions of the parent, and~~
- ~~c. termination of parental rights is in the best interests of the child, and~~
- ~~d. the parent has failed to show that correct the condition which led to the deprived adjudication of a the child ~~deprived has been corrected although the parent has been given not less than the time specified by Section 7003-5.5 of this title to correct the condition, and~~~~
- b. the parent has been given at least three (3) months to correct the condition;

6. A finding that ~~a subsequent child has been born to a parent whose parental rights to any other child has been terminated by the~~



1 ~~court, provided, that the applicant shall show that the condition~~  
2 ~~which led to the making of the finding which resulted in the~~  
3 ~~termination of such parent's parental rights to the other child has~~  
4 ~~not been corrected. As used in this paragraph, the term "applicant"~~  
5 ~~shall include, but not be limited to, a district attorney or the~~  
6 ~~child's attorney:~~

7       a. the rights of the parent to another child have been  
8       terminated, and

9       b. the conditions that led to the prior termination of  
10       parental rights have not been corrected;

11       7. A finding that a parent who does not have custody of the  
12 child has, for a period of at least six (6) out of the twelve (12)  
13 ~~consecutive months out of the last fourteen (14) months~~ immediately  
14 preceding the filing of a the petition for termination of parental  
15 rights, willfully failed, or refused or has neglected to contribute  
16 to the support of ~~such~~ the child:

17       a. in substantial compliance with as specified by an  
18       order entered by a court of competent jurisdiction  
19       adjudicating the duty, amount and manner of support,  
20       or

21       b. where an order of child support does not exist,  
22       according to ~~such parent's~~ the financial ability of  
23       the parent to contribute to ~~such~~ the child's support  
24       ~~if no provision for support is provided in an order.~~

1 Incidental or token support shall not be construed or considered in  
2 establishing whether a parent has maintained or contributed to the  
3 support of the child;

4 8. ~~A conviction in a criminal action pursuant to the provisions~~  
5 ~~of Sections 1021.3, 1111 or 1123 of Title 21 of the Oklahoma~~  
6 ~~Statutes, or Section 7115 of this title~~ finding that the parent has  
7 been convicted in a court of competent jurisdiction in any state of  
8 any of the following acts:

- 9 a. permitting a child to participate in pornography,
- 10 b. rape, or rape by instrumentation,
- 11 c. lewd molestation of a child under sixteen (16) years  
12 of age,
- 13 d. child abuse or neglect,
- 14 e. enabling child abuse or neglect,
- 15 f. causing the death of a child as a result of the  
16 physical or sexual abuse or chronic abuse or chronic  
17 neglect of the child,
- 18 g. causing the death of a sibling of the child as a  
19 result of the physical or sexual abuse or chronic  
20 abuse or chronic neglect of the child's sibling,
- 21 h. murder of any child or aiding or abetting, attempting,  
22 conspiring, or soliciting to commit murder of any  
23 child,
- 24 i. voluntary manslaughter of any child,

1           j.    a felony assault that has resulted in serious bodily  
2               injury to the child or another child of the parents,

3               or

4           k.    murder or voluntary manslaughter of the child's parent  
5               or aiding or abetting, attempting, conspiring, or  
6               soliciting to commit murder of the child's parent;

7    9.   ~~A conviction in a criminal action that the parent:~~

8           a.    ~~caused the death of a child as a result of the~~  
9               ~~physical or sexual abuse or chronic abuse or chronic~~  
10              ~~neglect of such child,~~

11          b.    ~~caused the death of a sibling of the child as a result~~  
12              ~~of the physical or sexual abuse or chronic abuse or~~  
13              ~~chronic neglect of such sibling,~~

14          c.    ~~committed the murder of any child or aided or abetted,~~  
15              ~~attempted, conspired or solicited to commit murder of~~  
16              ~~any child,~~

17          d.    ~~committed voluntary manslaughter of another child of~~  
18              ~~the parent, or aided or abetted, attempted, conspired~~  
19              ~~or solicited to commit voluntary manslaughter of~~  
20              ~~another child of the parent, or~~

21          e.    ~~committed a felony assault that has resulted in~~  
22              ~~serious bodily injury to the child or another child of~~  
23              ~~the parent,~~

24    10.   ~~A finding in a deprived child action either that:~~

1 a. the parent has ~~physically or sexually~~ abused or  
2 neglected the child or a sibling of ~~such~~ the child or  
3 failed to protect the child or a sibling of ~~such~~ the  
4 child from ~~physical or sexual~~ abuse or neglect that is  
5 heinous or shocking ~~to the court,~~

6 b. ~~the child or sibling of such child has suffered severe~~  
7 ~~harm or injury as a result of such physical or sexual~~  
8 ~~abuse,~~

9 ~~c.;~~

10 10. A finding that the parent has ~~physically or sexually~~  
11 previously abused or neglected the child or a sibling of ~~such~~ the  
12 child or failed to protect the child or a sibling of ~~such~~ the child  
13 from ~~physical or sexual~~ abuse or neglect and the child or a sibling  
14 of the child has been subjected to ~~subsequent to a previous finding~~  
15 ~~that such parent has physically or sexually abused the child or a~~  
16 ~~sibling of such child or failed to protect the child or a sibling of~~  
17 ~~such child from physical or sexual abuse,~~

18 d. ~~the child has been adjudicated a deprived child,~~  
19 ~~pursuant to the provisions of the Oklahoma Children's~~  
20 ~~Code, as a result of a single incident of severe~~  
21 ~~sexual abuse, severe neglect or the infliction of~~  
22 ~~serious bodily injury or torture to the child, a~~  
23 ~~sibling of the child, or a child within the household~~

1           ~~where the child resides, by the parent of the child,~~

2           ~~or~~

- 3           ~~e. the parent has inflicted chronic abuse, chronic~~  
4           ~~neglect or torture on the child, a sibling of the~~  
5           ~~child or another child within the household where the~~  
6           ~~child resides;~~

7           11. The A finding that the child was conceived as a result of  
8           ~~rape or an act committed outside of this state which if committed in~~  
9           ~~this state would constitute rape. This paragraph shall only apply~~  
10           ~~to the parent who committed the rape or act and whose child has been~~  
11           ~~placed out of the home~~ perpetrated by the parent whose rights are  
12           sought to be terminated;

13           12. A finding that ~~all of the following exist:~~

- 14           ~~a. the child has been adjudicated deprived, and~~  
15           ~~b. custody of the child has been placed outside the home~~  
16           ~~of a natural or adoptive parent, guardian or extended~~  
17           ~~family member, and~~  
18           ~~e. the parent whose rights are sought to be terminated~~  
19           ~~has been~~ is incarcerated, and  
20           ~~d. the continuation of parental rights would result in~~  
21           ~~harm to the child based on consideration of the~~  
22           ~~following factors, among others:~~  
23           a. the duration of incarceration and its detrimental  
24           effect on the parent/child relationship~~;~~



- 1           b. ~~allowing the parent to have custody of~~ would cause the  
2           child ~~has been placed outside the home of a natural or~~  
3           ~~adoptive parent, guardian or extended family member,~~  
4           and  
5           e. ~~the parent whose rights are sought to be terminated~~  
6           ~~has a mental illness or mental deficiency, as defined~~  
7           ~~by Section 6-201 of Title 43A of the Oklahoma~~  
8           ~~Statutes, which renders the parent incapable of~~  
9           ~~adequately and appropriately exercising parental~~  
10          ~~rights, duties and responsibilities, and~~  
11          d. ~~the continuation of parental rights would result in~~  
12          ~~harm or threatened harm to the child, and~~  
13          e. ~~the mental illness or mental deficiency of the parent~~  
14          ~~is such that it will not respond to treatment, therapy~~  
15          ~~or medication and, based upon competent medical~~  
16          ~~opinion, the condition will not substantially improve,~~  
17          and  
18          f. ~~termination of parental rights is in the best~~  
19          ~~interests of the child~~ actual harm or harm in the near  
20          future.

21           ~~Provided, a~~ A parent's refusal or pattern of noncompliance with  
22           treatment, therapy, medication, or assistance from outside the home  
23           can be used as evidence that the parent is incapable of adequately  
24

1 and appropriately exercising parental rights, duties, and  
2 responsibilities.

3 A finding that a parent has a ~~mental illness or mental~~  
4 deficiency diagnosed cognitive disorder, an extreme physical  
5 incapacity, or a medical condition, including behavioral health or  
6 substance dependency shall not in and of itself deprive the parent  
7 of ~~his or her~~ parental rights; and

8 ~~14. The parent of the child has a history of extensive, abusive~~  
9 ~~and chronic use of drugs or alcohol and has resisted treatment for~~  
10 ~~this problem during a three year period immediately prior to the~~  
11 ~~filing of the petition which brought that child to the court's~~  
12 ~~attention;~~

13 ~~15. A child has been placed in foster care by the Department of~~  
14 ~~Human Services for fifteen (15) of the most recent twenty two (22)~~  
15 ~~months preceding the filing of the petition. For purposes of this~~  
16 ~~paragraph, a child shall be considered to have entered foster care~~  
17 ~~on the earlier of A finding that:~~

18 a. the condition that led to the deprived adjudication  
19 date, or has been the subject of a previous deprived  
20 adjudication of this child or a sibling of this child,  
21 and

22 b. ~~the date that is sixty (60) days after the date on~~  
23 ~~which the child is removed from the home parent has~~  
24 ~~been given an opportunity to correct the conditions~~



1           which led to the determination of the initial deprived  
2           child.

3       ~~B.~~ C. An order directing the termination of parental rights is  
4 a final appealable order.

5       ~~C.~~ D. The provisions of this section shall not apply to  
6 adoption proceedings and actions to terminate parental rights which  
7 do not involve a petition for deprived status of the child. Such  
8 proceedings and actions shall be governed by the Oklahoma Adoption  
9 Code.

10       ~~D. 1. A petition for termination of parental rights may be~~  
11 ~~filed by the district attorney or the attorney of a child alleged to~~  
12 ~~be or adjudicated deprived.~~

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

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

21       SECTION 77.        AMENDATORY        10 O.S. 2001, Section 7006-1.2,  
22 is amended to read as follows:

23       Section 7006-1.2 A. 1. Prior to ~~the~~ a hearing on the  
24 ~~application to terminate the~~ petition or motion for termination of

1 ~~parental rights of a parent or putative father filed pursuant to~~  
2 ~~Section 7006 1.1 of this title, notice of the date, time, and place~~  
3 ~~of the hearing on the application and a copy of the application~~  
4 ~~petition or motion to terminate parental rights shall be served upon~~  
5 ~~the parent or putative father who is the subject of the application~~  
6 ~~in the same manner as summons is served in civil cases, not less~~  
7 ~~than fifteen (15) calendar days prior to the hearing termination~~  
8 ~~proceeding by personal delivery, by certified mail, or by~~  
9 ~~publication as provided for in Section 1-4-304 of this title.~~

10 2. The notice shall contain the ~~name of the parent, putative~~  
11 ~~father, or, if the father is unknown, the name of the child, the~~  
12 ~~date of birth of the child, the date of the hearing, and the ground~~  
13 ~~or grounds for which application for termination of parental rights~~  
14 ~~is sought. The notice shall apprise the parent or putative father~~  
15 ~~of the parent's legal rights and shall include a clear statement~~  
16 ~~that failure to appear at the hearing shall constitute a denial of~~  
17 ~~interest in the child, which denial may result, without further~~  
18 ~~notice of this proceeding or any subsequent proceeding, in the~~  
19 ~~granting of the application for the termination of the parent's or~~  
20 ~~putative father's parental rights and in the child's adoption~~  
21 ~~following or substantially similar language: "FAILURE TO PERSONALLY~~  
22 ~~APPEAR AT THIS HEARING CONSTITUTES CONSENT TO THE TERMINATION OF~~  
23 ~~YOUR PARENTAL RIGHTS TO THIS CHILD OR THESE CHILDREN. IF YOU FAIL~~  
24 ~~TO APPEAR ON THE DATE AND TIME SPECIFIED, YOU MAY LOSE ALL LEGAL~~

1 RIGHTS AS A PARENT TO THE CHILD OR CHILDREN NAMED IN THE PETITION OR  
2 MOTION ATTACHED TO THIS NOTICE."

3       3.     a.     ~~If the identity or whereabouts of a parent or putative~~  
4                   ~~father are unknown, the court must determine whether~~  
5                   ~~the parent or putative father can be identified or~~  
6                   ~~located. Following an inquiry pursuant to subsection~~  
7                   ~~B of this section, if the court finds that the~~  
8                   ~~identity or whereabouts of the parent or putative~~  
9                   ~~father cannot be ascertained, and this fact is~~  
10                  ~~attested to by affidavit of the other parent, legal~~  
11                  ~~guardian or custodian of the child, it shall order~~  
12                  ~~that notice be given by publication and, if the~~  
13                  ~~identity is known, that a copy be mailed to the last-~~  
14                  ~~known address of the parent or putative father.~~

15       b.     (1) ~~If, in an inquiry pursuant to this section, the~~  
16                   ~~woman who gave birth to the child fails to~~  
17                   ~~disclose the identity of a possible father or~~  
18                   ~~reveal his whereabouts, she must be advised that~~  
19                   ~~a subsequent proceeding for adoption may be~~  
20                   ~~delayed or subject to challenge if a possible~~  
21                   ~~father is not given notice of the proceeding and~~  
22                   ~~that the lack of information about the father's~~  
23                   ~~medical and genetic history may be detrimental to~~  
24                   ~~the child.~~

1           ~~(2) In addition, the willful and deliberate~~  
2           ~~falsification of the sworn affidavit by the~~  
3           ~~parent shall be deemed perjury and shall, upon~~  
4           ~~conviction thereof, be punishable as otherwise~~  
5           ~~provided by law.~~

6           ~~e. The notice shall be published once pursuant to the~~  
7           ~~laws relating to the service of notice by publication~~  
8           ~~in the county in which the action to terminate~~  
9           ~~parental rights is brought, and the hearing shall not~~  
10           ~~be held for at least Notice shall be served upon the~~  
11           ~~parent not less than fifteen (15) calendar days after~~  
12           ~~the date of publication of the notice. When notice is~~  
13           ~~given by publication, an order terminating parental~~  
14           ~~rights shall not become final for a period of fifteen~~  
15           ~~(15) calendar days from the date of the order prior to~~  
16           ~~the hearing.~~

17           ~~4. A parent or putative father may waive such person's right to~~  
18           ~~notice pursuant to this section. The waiver, signed by the parent~~  
19           ~~or putative father, shall include a statement affirming that the~~  
20           ~~person signing the waiver understands that the waiver shall~~  
21           ~~constitute grounds for the termination of the parental rights of the~~  
22           ~~parent or putative father. A putative father may waive his right to~~  
23           ~~notice Any actual notice of termination of parental rights shall~~  
24           ~~state that the duty of the parent to support his or her minor child~~

1 will not be terminated except for adoption as provided by paragraph  
2 3 of subsection B of Section 1-4-906 of this title.

3 5. The failure of a parent who has been served with notice  
4 under this section to personally appear at the hearing shall  
5 constitute consent to the termination of parental rights by the  
6 parent given notice. When a parent who appears voluntarily or  
7 pursuant to notice is directed by the court to personally appear for  
8 a subsequent hearing on a specified date, time and location, the  
9 failure of that parent to personally appear, or to instruct his or  
10 her attorney to proceed in absentia at the trial, shall constitute  
11 consent by that parent to termination of his or her parental rights.

12 ~~B. 1. If, at any time in a proceeding for termination of a~~  
13 ~~relationship of parent and child, the court finds that a parent, an~~  
14 ~~unknown father or putative father of the child may not have received~~  
15 ~~notice, the court shall determine whether he or she can be~~  
16 ~~identified and his or her whereabouts ascertained. The~~  
17 ~~determination must be based on evidence that includes inquiry of~~  
18 ~~appropriate persons in an effort to determine the whereabouts of the~~  
19 ~~parent or identity of an unknown father or putative father for the~~  
20 ~~purpose of providing notice.~~

21 ~~2. The inquiry required by this subsection must include~~  
22 ~~whether:~~

- 1           a. ~~the woman who gave birth to the child was married at~~  
2           ~~the probable time of conception of the child, or at a~~  
3           ~~later time,~~
- 4           b. ~~the woman was cohabitating with a man at the probable~~  
5           ~~time of conception of the child,~~
- 6           c. ~~the woman has received payments or promises of~~  
7           ~~support, other than from a governmental agency, with~~  
8           ~~respect to the child or because of her pregnancy,~~
- 9           d. ~~the woman has named any individual as the father on~~  
10           ~~the birth certificate of the child or in connection~~  
11           ~~with an application for or receipt of public~~  
12           ~~assistance, and~~
- 13           e. ~~any individual has formally or informally acknowledged~~  
14           ~~or claimed paternity of the child in a jurisdiction in~~  
15           ~~which the woman resided during or since her pregnancy,~~  
16           ~~or in which the child has resided or resides, at the~~  
17           ~~time of the inquiry.~~

18           3. ~~If inquiry pursuant to the provisions of this subsection~~  
19           ~~identifies as the father or putative father of the child an~~  
20           ~~individual who has not received notice of the proceeding, the court~~  
21           ~~shall require notice to be served upon him pursuant to the~~  
22           ~~provisions of A of this section.~~

23           C. ~~When notice is given by publication pursuant to the~~  
24           ~~provisions of this section, the order terminating parental rights~~

1 ~~shall contain language in compliance with the requirements of~~  
2 ~~Oklahoma District Court Rule 16~~ The court shall have the power to  
3 vacate an order terminating parental rights if the parent whose  
4 parental rights were terminated pursuant to subsection A of this  
5 section files a motion to vacate the order within thirty (30) days  
6 after the order is filed with the court clerk.

7 2. Notice of the motion shall be given to all the parties and  
8 their attorneys and the court shall set the matter for hearing  
9 expeditiously.

10 3. The burden of proof is on the defaulting parent to show that  
11 he or she had no actual notice of the hearing, or due to unavoidable  
12 casualty or misfortune the parent was prevented from either  
13 contacting his or her attorney, if any, or from attending the  
14 hearing or trial.

15 4. If the motion to vacate the order terminating parental  
16 rights due to a failure to appear is found to have merit, the  
17 statutory consent shall be set aside and a new trial conducted.

18 SECTION 78. AMENDATORY 10 O.S. 2001, Section 7006-1.3,  
19 is amended to read as follows:

20 Section 7006-1.3 A. The termination of parental rights  
21 terminates the parent-child relationship, including ~~the~~;

22 1. The parent's right to the custody of the child ~~and the~~;

23 2. The parent's right to visit the child, ~~the~~;

24

1        3. The parent's right to control the child's training and  
2 education,~~the;~~

3        4. The necessity for the parent to consent to the adoption of  
4 the child,~~the;~~

5        5. The parent's right to the earnings of the child,~~;~~ and ~~the~~

6        6. The parent's right to inherit from or through the child.

7 Provided, that nothing herein shall in any way affect the right of  
8 the child to inherit from the parent.

9        B. 1. Except for adoptions as provided in paragraph 3 of this  
10 subsection, termination of parental rights shall not terminate the  
11 duty of either parent to support his or her minor child.

12        2. Any ~~actual notice of termination of parental rights and~~  
13 order terminating parental rights shall indicate that the duty of  
14 the parent to support his or her minor child will not be terminated  
15 ~~except for adoption~~ unless the child is subsequently adopted as  
16 provided by paragraph 3 of this subsection.

17        3. Child support orders shall be entered by the court that  
18 terminates parental rights and shall remain in effect until the  
19 court of termination receives notice from the placing agency that a  
20 final decree of adoption has been entered and then issues an order  
21 terminating child support and dismissing the case.

22        SECTION 79.        AMENDATORY        10 O.S. 2001, Section 7103, is  
23 amended to read as follows:

24        Section 7103. A. 1. Every+



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

having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect, shall report the matter promptly to the Department of Human Services. ~~Such reports~~ Reports may be made by telephone, in writing, personally or by any other method ~~prescribed by the Department. Any report of abuse or neglect made pursuant to this section shall be made in good faith.~~

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

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

4. The reporting obligations under this section are individual, and no employer, supervisor, or administrator shall ~~impede or~~

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

20 5. ~~Every physician or surgeon making a report of abuse or~~  
21 ~~neglect as required by this subsection or examining a child to~~  
22 ~~determine the likelihood of abuse or neglect and every hospital or~~  
23 ~~related institution in which the child was examined or treated shall~~  
24 ~~provide copies of the results of the examination or copies of the~~

~~examination on which the report was based and any other clinical notes, x rays, photographs, and other previous or current records relevant to the case to law enforcement officers conducting a criminal investigation into the case and to employees of the Department of Human Services conducting an investigation of alleged abuse or neglect in the case.~~

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

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

~~2. The child's age;~~

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

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

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

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

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

14       2. If a court determines that an accusation of child abuse or  
15 neglect made during a child custody proceeding is false and the  
16 person making the accusation knew it to be false at the time the  
17 accusation was made, the court may impose a fine, not to exceed Five  
18 Thousand Dollars (\$5,000.00) and reasonable attorney fees incurred  
19 in recovering the sanctions, against the person making the  
20 accusation. The remedy provided by this paragraph is in addition to  
21 paragraph 1 of this subsection or to any other remedy provided by  
22 law.

23       ~~E.~~ 1. ~~Nothing in this section shall be construed to mean a~~  
24 ~~child is abused or neglected for the sole reason the parent, legal~~

1 ~~guardian or person having custody or control of a child, in good~~  
2 ~~faith, selects and depends upon spiritual means alone through~~  
3 ~~prayer, in accordance with the tenets and practice of a recognized~~  
4 ~~church or religious denomination, for the treatment or cure of~~  
5 ~~disease or remedial care of such child.~~

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

11 ~~F. D.~~ Nothing contained in this section shall be construed to  
12 exempt or prohibit any person from reporting any suspected child  
13 abuse or neglect pursuant to subsection A of this section.

14 SECTION 80. AMENDATORY Section 15, Chapter 205, O.S.L.  
15 2006 (10 O.S. Supp. 2008, Section 7104.1), is amended to read as  
16 follows:

17 Section 7104.1 A judge of the district court ~~shall have the~~  
18 ~~authority to~~ may request an investigation be conducted by the  
19 Oklahoma State Bureau of Investigation or other law enforcement  
20 agency in cases where ~~it has been determined~~ the court reasonably  
21 believes that criminally injurious conduct including, but not  
22 limited to, physical or sexual abuse of a child has occurred.

23  
24

1 SECTION 81. AMENDATORY 10 O.S. 2001, Section 7105, as  
2 amended by Section 2, Chapter 184, O.S.L. 2005 (10 O.S. Supp. 2008,  
3 Section 7105), is amended to read as follows:

4 Section 7105. A. Any person ~~participating in good faith and~~  
5 ~~exercising due care in the making of a report pursuant to the~~  
6 ~~provisions of the Oklahoma Child Abuse Reporting and Prevention Act,~~  
7 ~~or any person~~ who, in good faith and exercising due care, reports  
8 suspected child abuse or neglect, or who allows access to a child by  
9 persons authorized to investigate a report concerning the child  
10 shall have immunity from any liability, civil or criminal, that  
11 might otherwise be incurred or imposed. Any such participant shall  
12 have the same immunity with respect to participation in any judicial  
13 proceeding resulting from such report.

14 B. For purposes of any proceeding, civil or criminal, the good  
15 faith of any ~~physician, surgeon, osteopathic physician, resident,~~  
16 ~~intern, physician's assistant, registered nurse, or any other health~~  
17 ~~care professional~~ person in making a report pursuant to the  
18 provisions of Section ~~7104~~ 1-2-101 of this title shall be presumed.

19 C. A child advocacy center that is accredited by the National  
20 Children's Alliance, and the employees thereof, who are acting in  
21 good faith and exercising due care shall have immunity from civil  
22 liability that may be incurred or imposed through participation in  
23 the investigation process and any judicial proceeding resulting from  
24 the investigation process.

1 SECTION 82. AMENDATORY 10 O.S. 2001, Section 7105.1, is  
2 amended to read as follows:

3 Section 7105.1 ~~A. The Department of Human Services shall seek~~  
4 ~~to promote the safety of children and the integrity and preservation~~  
5 ~~of their families by conducting investigations or assessments on a~~  
6 ~~priority basis in response to reports of child abuse or neglect.~~

7 ~~B.~~ The Oklahoma Commission on Children and Youth and the  
8 Oklahoma Youth Services Association, in cooperation with the  
9 Department of Human Services, shall:

10 1. Identify community-based prevention and intervention-related  
11 services and facilitate access to such services for children and  
12 families at risk of future abuse or neglect; and

13 2. Assist in the development and coordination of community-  
14 based programs that work to reduce the potential for abuse and  
15 neglect in at-risk families.

16 SECTION 83. AMENDATORY 10 O.S. 2001, Section 7106, as  
17 amended by Section 16, Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2008,  
18 Section 7106), is amended to read as follows:

19 Section 7106. A. 1. Any county office of the Department of  
20 Human Services receiving a child abuse or neglect report ~~as provided~~  
21 ~~in Section 7103 of this title~~ shall promptly respond to the report  
22 by initiating an investigation of the report or an assessment of the  
23 family in accordance with priority guidelines established by the  
24 Department ~~of Human Services~~. The Department may ~~assign priorities~~

1 ~~to~~ prioritize reports of alleged child abuse or neglect based on the  
2 severity and immediacy of the alleged harm to the child. The  
3 Department shall adopt ~~the~~ a priority system pursuant to rules  
4 promulgated by the Commission for Human Services. The primary  
5 purpose of the investigation or assessment shall be the protection  
6 of the child.

7 2. ~~The Department, when feasible, shall designate certain staff~~  
8 ~~in each county office to only handle reports requiring an~~  
9 ~~investigation and shall designate other staff to conduct assessments~~  
10 ~~in response to reports which do not require an investigation.~~

11 3. If an investigation or assessment conducted by the  
12 Department ~~of Human Services~~ in response to any report of child  
13 abuse or neglect shows that the incident reported was the result of  
14 the reasonable exercise of parental discipline involving the use of  
15 ordinary force, including, but not limited to, spanking, switching,  
16 or paddling, the investigation or assessment will proceed no  
17 further. ~~If such incident was the result of the reasonable exercise~~  
18 ~~of parental discipline involving the use of ordinary force,~~  
19 ~~including, but not limited to, spanking, switching or paddling, and~~  
20 all records regarding the incident shall be expunged.

21 B. ~~As necessary to complete a thorough investigation or~~  
22 ~~assessment, the county office or the Department shall determine:~~

23 1. ~~The nature, extent and cause of the abuse or neglect, if~~  
24 ~~applicable,~~



1       ~~2. The identity of the person responsible for the abuse or~~  
2 ~~neglect, if applicable;~~

3       ~~3. The names and conditions of any other children in the home;~~

4       ~~4. An evaluation of the parents or persons responsible for the~~  
5 ~~health, safety or welfare of the child;~~

6       ~~5. The adequacy of the home environment;~~

7       ~~6. The relationship of the child to the parents or persons~~  
8 ~~responsible for the health, safety or welfare of the child;~~

9       ~~7. Any service needs of the child and the parents or persons~~  
10 ~~responsible for the health, safety or welfare of the child and any~~  
11 ~~other children in the home to reduce the potential for abuse and~~  
12 ~~neglect; and~~

13       ~~8. All other pertinent data.~~

14       ~~C.~~ 1. The investigation or assessment shall include a visit to  
15 the ~~child's~~ home of the child, unless there is reason to believe  
16 that there is an extreme safety risk to the child or worker or it  
17 appears that the referral has been made in bad faith, ~~and.~~ The  
18 visit shall ~~also~~ include an interview with and examination of the  
19 subject child. ~~The interview with and examination of the child and~~ and  
20 may be conducted at any reasonable time and at any place including,  
21 but not limited to, the child's school. ~~It shall be the~~  
22 ~~responsibility of the~~ The Department of Human Services to shall  
23 notify the parents of a person responsible for the health, safety,  
24 and welfare of the child that the child who has been interviewed at

1 a school. The investigation or assessment may include an interview  
2 with the ~~child's~~ parents of the child or any other person  
3 responsible for a ~~child's~~ the health, safety, or welfare of the  
4 child and an interview with and examination of any child in the  
5 home.

6 2. The investigation or assessment may include a medical,  
7 psychological, or psychiatric examination of any child in ~~that~~ the  
8 home. If admission to the home, school, or any place where the  
9 child may be located cannot be obtained, then the district court  
10 having jurisdiction, upon application by the district attorney and  
11 upon cause shown, shall order the ~~parents or other persons~~ person  
12 responsible for the health, safety, or welfare of the child, or the  
13 person in charge of any place where the child may be located, to  
14 allow entrance for the interview, the examination, and the  
15 investigation or assessment. If the ~~parents or other persons~~ person  
16 responsible for the ~~child's~~ health, safety, or welfare ~~de~~ of the  
17 child does not consent to a medical, psychological, or psychiatric  
18 examination of the child that is requested by the ~~county office or~~  
19 ~~the~~ Department, the district court having jurisdiction, upon  
20 application by the district attorney and upon cause shown, shall  
21 order the examination to be made at the times and places designated  
22 by the court. ~~As necessary in the course of conducting an~~  
23 ~~investigation, the Department may request and obtain, without a~~  
24 ~~court order, copies of the prior medical records of a child~~

1 ~~including, but not limited to, hospital records and medical and~~  
2 ~~dental records. The physician patient privilege shall not~~  
3 ~~constitute grounds for failure to produce such records.~~

4 3. The investigation or assessment may include an inquiry into  
5 the possibility that the child, ~~a parent~~ or a person responsible for  
6 the ~~child's~~ health, safety, or welfare of the child has a history of  
7 mental illness. If ~~a parent or~~ the person responsible for the  
8 child's health, safety, or welfare does not allow the ~~county office~~  
9 ~~or the~~ Department to have access to ~~mental~~ behavioral health records  
10 or treatment plans, requested by the ~~county office or the~~  
11 Department, which may ~~relate~~ be relevant to the alleged abuse or  
12 neglect, the district court having jurisdiction, upon application by  
13 the district attorney and upon good cause shown, shall by order  
14 allow the ~~county office or the~~ Department to have access to the  
15 records pursuant to terms and conditions prescribed by the court.

16 4. a. If the court determines that the ~~parent or person~~  
17 ~~responsible for the child's health, safety or welfare~~  
18 subject of the behavioral health records is indigent,  
19 the court shall appoint an attorney to represent ~~the~~  
20 ~~parent or person responsible for the child's health,~~  
21 ~~safety or welfare~~ that person at the hearing to obtain  
22 ~~mental~~ behavioral health records.

23 b. A ~~parent or~~ person responsible for the child's health,  
24 safety, or welfare of the child is entitled to notice

1 and a hearing when the ~~county office or the~~ Department  
2 seeks a court order to allow a ~~medical,~~ psychological  
3 or psychiatric examination or access to ~~mental~~  
4 behavioral health records.

5 c. Access to ~~mental~~ behavioral health records does not  
6 constitute a waiver of confidentiality.

7 5. The investigation of a report of sexual abuse or serious  
8 physical abuse or both sexual abuse and serious physical abuse shall  
9 be conducted, when appropriate and possible, using a  
10 multidisciplinary team approach as provided by Section 1-9-102 of  
11 this title. Law enforcement and the Department shall exchange  
12 investigation information.

13 C. 1. Every physician or surgeon making a report of abuse or  
14 neglect as required by this section or examining a child to  
15 determine the likelihood of abuse or neglect and every hospital or  
16 related institution in which the child was examined or treated shall  
17 provide copies of the results of the examination or copies of the  
18 examination on which the report was based and any other clinical  
19 notes, x-rays, photographs, and other previous or current records  
20 relevant to the case to law enforcement officers conducting a  
21 criminal investigation into the case and to employees of the  
22 Department conducting an assessment or investigation of alleged  
23 abuse or neglect in the case.

1        2. As necessary in the course of conducting an assessment or  
2 investigation, the Department may request and obtain, without a  
3 court order, copies of all prior medical records of a child  
4 including, but not limited to, hospital records, medical, and dental  
5 records. The physician-patient privilege shall not constitute  
6 grounds for failure to produce such records.

7        ~~D. The Department shall conduct an assessment in response to~~  
8 ~~reports initially referred for an investigation, if it is determined~~  
9 ~~that a complete investigation is not required.~~

10        ~~E. The Department shall immediately commence an investigation~~  
11 ~~if it is determined, at any time during the assessment process, that~~  
12 ~~an investigation is warranted as provided for in the priority~~  
13 ~~guidelines established by the Department.~~

14        ~~F. If, before the assessment or investigation is complete, the~~  
15 ~~opinion of the child protective services worker is Department~~  
16 ~~determines that immediate removal of the child is necessary to~~  
17 ~~protect the child from further abuse or neglect, the ~~child~~~~  
18 ~~protective services worker Department shall recommend that the child~~  
19 ~~be taken into custody pursuant to the ~~Oklahoma Children's Code.~~~~

20        ~~G. 1. E.~~ The ~~county office~~ Department shall make a complete  
21 written report of the investigation. The investigation report,  
22 together with its recommendations, shall be submitted to the  
23 appropriate district attorney's office.

1       ~~2.~~ Reports of assessment recommendations shall ~~not be required~~  
2 ~~to be submitted to appropriate district attorneys unless such~~  
3 ~~district attorneys request that copies of the assessment~~  
4 ~~recommendations be submitted to them. Immediately after the~~  
5 ~~effective date of this act, the Department shall send written notice~~  
6 ~~to all district attorneys in this state informing them of their~~  
7 ~~right to request and receive copies of the assessment~~  
8 ~~recommendations.~~

9       H. F. The Department, where appropriate and in its discretion,  
10 shall identify prevention and intervention-related services  
11 available in the community and arrange for such services to be  
12 provided to the family when an investigation or assessment indicates  
13 the family would benefit from such services, or the Department may  
14 provide such services directly. The Department shall ~~thoroughly~~  
15 document in the record its attempts to provide, or arrange for the  
16 provision of, voluntary services and ~~the reasons these services are~~  
17 ~~important to reduce the risk of future abuse or neglect to the child~~  
18 shall determine within sixty (60) days whether the family has  
19 accessed such services. If the family ~~continues to refuse~~ refuses  
20 voluntary services or does not access such services, and it is  
21 determined by the ~~child protective services worker~~ Department that  
22 the ~~child needs to be protected~~ child's surroundings endanger the  
23 health, safety, or welfare of the child, the Department may initiate  
24

1 ~~an investigation~~ recommend that the child be placed in protective or  
2 emergency custody or that a petition be filed.

3 ~~I. Except as otherwise provided by the Oklahoma Child Abuse~~  
4 ~~Reporting and Prevention Act, the investigation of a child abuse or~~  
5 ~~neglect report shall comply with the provisions of Section 7003-1.1~~  
6 ~~of this title.~~

7 ~~J. G.~~ If the Department has reason to believe that a ~~parent of~~  
8 ~~the child or other person~~ responsible for the health, safety, and  
9 welfare of the child may remove the child from the state before the  
10 investigation is completed, the Department may request the district  
11 attorney to file an application for a temporary restraining order in  
12 any district court in the State of Oklahoma without regard to  
13 continuing jurisdiction of the child. ~~After a hearing on the~~  
14 ~~application~~ Upon cause shown, the court may enter a temporary  
15 restraining order prohibiting the parent or other person from  
16 removing the child from the state pending completion of the  
17 assessment or investigation ~~if the court finds that the county~~  
18 ~~office or the Department has probable cause to conduct the~~  
19 ~~investigation.~~

20 ~~K. H.~~ The Director of the Department ~~of Human Services~~ or  
21 designee ~~shall have the authority to~~ may request an investigation be  
22 conducted by the Oklahoma State Bureau of Investigation or other law  
23 enforcement agency in cases where it ~~has been determined~~ reasonably  
24

1 believes that criminally injurious conduct including, but not  
2 limited to, physical or sexual abuse of a child has occurred.

3 SECTION 84. AMENDATORY 10 O.S. 2001, Section 7107, is  
4 amended to read as follows:

5 Section 7107. A. ~~Except as otherwise provided by the Oklahoma~~  
6 ~~Child Abuse Reporting and Prevention Act, the~~ The reports required  
7 by Section ~~7103~~ 1-2-101 of this title ~~or any~~ and all other  
8 information acquired pursuant to the Oklahoma ~~Child Abuse Reporting~~  
9 ~~and Prevention Act~~ Children's Code shall be confidential and may be  
10 disclosed only as provided ~~in Section 7111 of this title and the~~  
11 ~~Oklahoma Children's~~ by this Code, applicable state or federal law,  
12 regulation, or court order.

13 B. ~~Except as otherwise provided by the Oklahoma Child Abuse~~  
14 ~~Reporting and Prevention Act, any violation of the confidentiality~~  
15 ~~requirements of the Oklahoma Child Abuse Reporting and Prevention~~  
16 ~~Act~~ The confidential records and information that are authorized to  
17 be disclosed pursuant to this Chapter shall remain confidential and  
18 the use of such information shall be limited to the purposes for  
19 which disclosure is authorized. Persons or agencies obtaining  
20 records pursuant to this Chapter are prohibited from disclosing the  
21 contents of such records to another person or agency unless  
22 specifically authorized to do so by law or by the terms of a court  
23 order.

24



1        C. The disclosure of any confidential records or information  
2 made by the Department of Human Services pursuant to law or court  
3 order shall not be deemed a waiver of confidentiality or privilege,  
4 and any recipient of such records or information shall protect them  
5 against unauthorized disclosure and maintain them confidentially and  
6 in compliance with state and federal law.

7        D. Any person or agency who knowingly permits, assists, or  
8 encourages the release, disclosure, or use of confidential records  
9 or information for any commercial, political, or unauthorized  
10 purpose may be prosecuted for contempt of court or for a  
11 misdemeanor, which shall, upon conviction, be a ~~misdemeanor~~  
12 punishable by up to six (6) months in jail, by a fine of Five  
13 Hundred Dollars (\$500.00), or by both such fine and imprisonment.

14        SECTION 85.        AMENDATORY        10 O.S. 2001, Section 7108, as  
15 amended by Section 1, Chapter 435, O.S.L. 2004 (10 O.S. Supp. 2008,  
16 Section 7108), is amended to read as follows:

17        Section 7108. ~~A.~~ At the initial time of contact with a ~~parent~~  
18 ~~or other~~ person responsible for a ~~child's~~ health, safety, or welfare  
19 of a child who is the subject of an investigation pursuant to the  
20 Oklahoma ~~Child Abuse Reporting and Prevention Act~~ Children's Code,  
21 the ~~child protective services worker~~ Department of Human Services  
22 shall advise ~~such~~ the person of the specific complaint or allegation  
23 made against the person. If the ~~worker~~ Department is unable to  
24 locate the ~~parent or other~~ person, as soon as possible after

1 initiating the investigation of the ~~parent or other~~ person, the  
2 ~~child protective services worker~~ Department shall provide to the  
3 ~~parent or~~ person a brief and easily understood written description  
4 of the investigation process. ~~Such notice~~ Notice shall include:

5 1. A statement that the investigation is being undertaken by  
6 the Department ~~of Human Services~~ pursuant to the requirements of the  
7 Oklahoma ~~Child Abuse Reporting and Prevention Act~~ Children's Code in  
8 response to a report of child abuse or neglect;

9 2. A statement that the identity of the person who reported the  
10 incident of abuse is confidential and may not even be known to the  
11 Department since the report could have been made anonymously;

12 3. A statement that the investigation is required by law to be  
13 conducted in order to enable the Department ~~of Human Services~~ to  
14 identify incidents of abuse or neglect in order to provide  
15 protective or preventive social services to families who are in need  
16 of such services;

17 4. A statement that, upon completion of the investigation, ~~the~~  
18 ~~parent or other person will receive~~ a letter will be sent from the  
19 Department which will inform ~~such parent or other~~ the person:

20 a. that the Department has found insufficient evidence of  
21 abuse or neglect, or

22 b. that there appears to be probable cause to suspect the  
23 existence of child abuse or neglect in the judgment of  
24 the Department;

1           5. An explanation of the procedures of the Department ~~of Human~~  
2 ~~Services~~ for conducting an investigation of alleged child abuse or  
3 neglect, including:

4           a. a description of the circumstances under which the  
5 Department would seek to remove the child from the  
6 home through the judicial system, and

7           b. an explanation that the law requires the Department to  
8 refer all reports of ~~alleged criminal~~ child abuse or  
9 neglect to a law enforcement agency for a separate  
10 determination of whether a criminal violation  
11 occurred;

12           6. The procedures to follow if there is a complaint regarding  
13 the actions of the Department or to request a review of the findings  
14 made by the Department during or at the conclusion of the  
15 investigation;

16           7. The ~~person's~~ right of the person to review ~~all~~ records filed  
17 with the court ~~concerning the investigation, provided the review~~  
18 ~~shall not include the name of the person who filed the report~~  
19 ~~specified in Section 7103 of this title, and provided the review~~  
20 ~~would not jeopardize an ongoing criminal investigation or~~  
21 ~~adjudicatory hearing~~ in the event an action is filed;

22           8. The ~~person's~~ right of the person to seek legal counsel;  
23  
24

1 9. References to the statutory and regulatory provisions  
2 governing child abuse and neglect and how the person may obtain  
3 copies of those provisions; ~~and~~

4 10. The process the person may use to acquire ~~access to~~  
5 visitation with the child if the child is removed from the home; and

6 11. A statement that a failure to appear for court proceedings  
7 may result in the termination of the person's parental rights to the  
8 child.

9 ~~B. If the Department determines that a family assessment may be~~  
10 ~~needed, the Department shall, at the time of the initial contact,~~  
11 ~~provide the parent of the child with the following information:~~

12 ~~1. The purpose of the contact with the family;~~

13 ~~2. The name of the child protective services worker responding~~  
14 ~~and such person's office telephone number; and~~

15 ~~3. The assessment process to be followed during the~~  
16 ~~Department's intervention with the family including the possibility~~  
17 ~~that the family may be referred for prevention or intervention-~~  
18 ~~related services and that the family may be expected to participate~~  
19 ~~in such services.~~

20 SECTION 86. AMENDATORY 10 O.S. 2001, Section 7109, is  
21 amended to read as follows:

22 Section 7109. A. The Department of Human Services may provide  
23 information to a person or agency that provides professional  
24 services such as medical examination of or therapeutic intervention

1 with a victim of abuse or neglect. This information may include,  
2 but is not limited to:

- 3 1. The investigative determination; or
- 4 2. The services offered and provided.

5 B. The Department shall forward to any hospital or any  
6 physician, including, but not limited to, doctors of medicine and  
7 dentistry, licensed osteopathic physicians, residents and interns,  
8 reporting the abuse or neglect of a child pursuant to Section 7103  
9 1-2-101 of this title, information including the investigative  
10 determination, the services offered or provided, and such other  
11 information deemed necessary by the Department. ~~Such~~ The  
12 information shall be entered and maintained in the ~~child's~~ medical  
13 records of the child.

14 ~~C. 1. The Department of Human Services shall forward to the~~  
15 ~~school principal of the school in which a child is enrolled making a~~  
16 ~~child abuse report pursuant to Section 7103 of this title a summary~~  
17 ~~of any confirmed report of sexual abuse or severe physical abuse of~~  
18 ~~the Department concerning the child. The summary shall include a~~  
19 ~~brief description of the circumstances of sexual abuse or serious~~  
20 ~~physical abuse, the name of the parent or person responsible for the~~  
21 ~~child's health or welfare, and the name of a Department employee who~~  
22 ~~serves as a contact person regarding the case.~~

23 2. ~~The Department shall not release data that would identify~~  
24 ~~the person who made the initial child abuse or neglect report, other~~

1 ~~than an employee of the Department, or who cooperated in a~~  
2 ~~subsequent investigation unless a court of competent jurisdiction~~  
3 ~~orders release of the information for good cause shown.~~

4 ~~3. The school principal shall forward to the receiving school~~  
5 ~~all confirmed reports of sexual abuse and severe physical abuse~~  
6 ~~received from the Department whenever a child transfers from one~~  
7 ~~school district to another, and shall notify the Department of the~~  
8 ~~child's new school, and address, if known.~~

9 ~~4. Records maintained and transmitted pursuant to this section~~  
10 ~~shall be confidential and shall be maintained and transmitted in the~~  
11 ~~same manner as Special Education records or other such records,~~  
12 ~~pursuant to Title 70 of the Oklahoma Statutes. Access to such~~  
13 ~~records may be made available by the principal or designee to a~~  
14 ~~person designated to assist in the treatment of or with services~~  
15 ~~provided to the child. Such records shall be destroyed when the~~  
16 ~~student reaches eighteen (18) years of age.~~

17 ~~D. The transmission of and access to such records shall not~~  
18 ~~constitute a waiver of confidentiality.~~

19 ~~E. It shall be unlawful pursuant to the Oklahoma Child Abuse~~  
20 ~~Reporting and Prevention Act for the Commission for Human Services,~~  
21 ~~or any employee working under the direction of the Department of~~  
22 ~~Human Services, any other public officer or employee, or any court-~~  
23 ~~appointed special advocate to furnish or permit to be taken off of~~

24

1 ~~the records any information therein contained for commercial,~~  
2 ~~political or any other unauthorized purpose.~~

3 ~~F. Any person to whom disclosure is made shall not disclose to~~  
4 ~~any other person reports or other information obtained pursuant to~~  
5 ~~this section.~~

6 ~~G. The Department shall submit the summary of confirmed sexual~~  
7 ~~abuse or severe physical abuse of a child on forms developed by the~~  
8 ~~Department. Such forms shall contain a warning that the information~~  
9 ~~contained therein is confidential and may only be released to a~~  
10 ~~person designated by the principal to assist in the treatment of or~~  
11 ~~with services provided to a child.~~

12 SECTION 87. AMENDATORY 10 O.S. 2001, Section 7110, as  
13 last amended by Section 5, Chapter 258, O.S.L. 2006 (10 O.S. Supp.  
14 2008, Section 7110), is amended to read as follows:

15 Section 7110. A. 1. In coordination with the Child Abuse  
16 Training and Coordination Council, each district attorney shall  
17 develop a multidisciplinary child abuse team in each county of the  
18 district attorney or in a contiguous group of counties.

19 2. The lead agency for the team shall be chosen by the members  
20 of the team. The team shall intervene in reports involving child  
21 sexual abuse or child physical abuse or neglect.

22 B. The multidisciplinary child abuse team members shall  
23 include, but need not be limited to:

24

- 1        1. Mental health professionals licensed pursuant to the laws of  
2 this state or licensed professional counselors;
  - 3        2. Police officers or other law enforcement agents with a role  
4 in, or experience or training in child abuse and neglect  
5 investigation;
  - 6        3. Medical personnel with experience in child abuse and neglect  
7 identification;
  - 8        4. Child protective services workers within the Department of  
9 Human Services;
  - 10       5. Multidisciplinary child abuse team coordinators, or Child  
11 Advocacy Center personnel; and
  - 12       6. The district attorney or assistant district attorney.
- 13       C. 1. To the extent that resources are available to each of  
14 the various multidisciplinary child abuse teams throughout the  
15 state, the functions of the team shall include, but not be limited  
16 to, the following specific functions:
- 17           a. whenever feasible, law enforcement and child welfare  
18               staff shall conduct joint investigations in an effort  
19               to effectively respond to child abuse reports,
  - 20           b. develop a written protocol for investigating child  
21               sexual abuse and child physical abuse or neglect cases  
22               and for interviewing child victims. The purpose of  
23               the protocol shall be to ensure coordination and  
24               cooperation between all agencies involved so as to



1 increase the efficiency in handling such cases and to  
2 minimize the stress created for the allegedly abused  
3 child by the legal and investigatory process. In  
4 addition, each team shall develop confidentiality  
5 statements and interagency agreements signed by member  
6 agencies that specify the cooperative effort of the  
7 member agencies to the team,

8 c. freestanding multidisciplinary child abuse teams shall  
9 be approved by the Child Abuse Training and  
10 Coordination Council. The ~~Child Abuse Training and~~  
11 ~~Coordination~~ Council shall conduct an annual review of  
12 freestanding multidisciplinary teams to ensure that  
13 the teams are functioning effectively. Teams not  
14 meeting the minimal standards as promulgated by the  
15 ~~Child Abuse Training and Coordination~~ Council shall be  
16 removed from the list of functioning teams in the  
17 state,

18 d. increase communication and collaboration among the  
19 professionals responsible for the reporting,  
20 investigation, prosecution and treatment of child  
21 abuse and neglect cases,

22 e. eliminate duplicative efforts in the investigation and  
23 the prosecution of child abuse and neglect cases,  
24

- 1 f. identify gaps in service or all untapped resources  
2 within the community to improve the delivery of  
3 services to the victim and family,
- 4 g. encourage the development of expertise through  
5 training. Each team member and those conducting child  
6 abuse investigations and interviews of child abuse  
7 victims shall be trained in the multidisciplinary team  
8 approach, conducting legally sound and age-appropriate  
9 interviews, effective investigation techniques and  
10 joint investigations as provided through the Child  
11 Abuse Training and Coordination Council or other  
12 resources,
- 13 h. formalize a case review process and provide data as  
14 requested to the Child Abuse Training and Coordination  
15 Council for freestanding teams, and
- 16 i. standardize investigative procedures for the handling  
17 of child abuse and neglect cases.

18 2. All investigations of child sexual abuse and child physical  
19 abuse or neglect and interviews of child abuse or neglect victims  
20 shall be carried out by appropriate personnel using the protocols  
21 and procedures specified in this section.

22 3. If trained personnel are not available in a timely fashion  
23 and, in the judgment of a law enforcement officer or the Department  
24 of Human Services, there is reasonable cause to believe a delay in

1 investigation or interview of the child victim could place the child  
2 in jeopardy of harm or threatened harm to a child's health or  
3 welfare, the investigation may proceed without full participation of  
4 all personnel. This authority applies only for as long as  
5 reasonable danger to the child exists. A reasonable effort to find  
6 and provide a trained investigator or interviewer shall be made.

7 D. 1. A multidisciplinary child abuse team may enter into an  
8 agreement with the Child Death Review Board within the Oklahoma  
9 Commission on Children and Youth and, in accordance with rules  
10 promulgated by the Oklahoma Commission on Children and Youth,  
11 conduct case reviews of deaths and near deaths of children within  
12 the geographical area of that multidisciplinary child abuse team.

13 2. Any multidisciplinary child abuse team reviewing deaths and  
14 near deaths of children shall prepare and make available to the  
15 public, on an annual basis, a report containing a summary of the  
16 activities of the team relating to the review of the deaths and near  
17 deaths of children and a summary of the extent to which the state  
18 child protection system is coordinated with foster care and adoption  
19 programs and whether the state is efficiently discharging its child  
20 protection responsibilities. The report shall be completed no later  
21 than December 31 of each year.

22 E. Nothing in this section shall preclude the use of hospital  
23 team reviews for client-specific purposes and multidisciplinary  
24 teams, either of which were in existence prior to July 1, 1995;

1 provided, however, such teams shall not be subject to the provisions  
2 of paragraph 1 of subsection A of this section.

3 F. 1. Child advocacy centers shall be classified, based on the  
4 child population of a district attorney's district, as follows:

5 a. nonurban centers in districts with child populations  
6 that are less than sixty thousand (60,000),

7 b. midlevel nonurban centers in districts with child  
8 populations equal to or greater than sixty thousand  
9 (60,000), but not including Oklahoma and Tulsa  
10 Counties, and

11 c. urban centers in Oklahoma and Tulsa Counties.

12 2. The multidisciplinary child abuse team used by the child  
13 advocacy center for its accreditation shall meet the criteria  
14 required by a national association of child advocacy centers and, in  
15 addition, the team shall:

16 a. choose a lead agency for the team,

17 b. intervene in reports involving child sexual abuse and  
18 may intervene in child physical abuse or neglect,

19 c. promote the joint investigation of child abuse reports  
20 between law enforcement and child welfare staff, and

21 d. formalize standardized investigative procedures for  
22 the handling of child abuse and neglect cases.

23 G. Multidisciplinary child abuse teams and child advocacy  
24 centers shall have full access to any service or treatment plan and

1 any personal data known to the Department which is directly related  
2 to the implementation of this section.

3 SECTION 88. AMENDATORY 10 O.S. 2001, Section 7110.1, as  
4 amended by Section 3, Chapter 487, O.S.L. 2002 (10 O.S. Supp. 2008,  
5 Section 7110.1), is amended to read as follows:

6 Section 7110.1 A. 1. There is hereby created in the  
7 Department of Human Services a revolving fund to be designated the  
8 "Child Abuse Multidisciplinary Account".

9 2. The account shall be a continuing fund, not subject to  
10 fiscal year limitations, and shall consist of all monies received by  
11 the Department pursuant to the provisions of this section and  
12 Section ~~7110.2~~ 1-9-104 of this title.

13 3. All monies accruing to the credit of the fund are hereby  
14 appropriated and shall be budgeted and expended by the Department  
15 for the purposes provided in Sections ~~7110~~ 1-9-102 and ~~7110.2~~ 1-9-  
16 104 of this title.

17 4. Expenditures from the account shall be made upon warrants  
18 issued by the State Treasurer against claims filed as prescribed by  
19 law with the Director of State Finance for approval and payment.

20 B. The account shall be administered by the Department for the  
21 benefit of children of Oklahoma and made available to eligible:

- 22 1. Coordinated multidisciplinary child abuse teams;
- 23 2. Nonurban child advocacy centers;
- 24 3. Mid-level nonurban child advocacy centers; and

1 4. Urban child advocacy centers.

2 C. 1. The Child Abuse Multidisciplinary Account shall consist  
3 of:

4 a. all monies received by the Department pursuant to the  
5 provisions of Section ~~7110.2~~ 1-9-104 of this title,

6 b. interest attributable to investment of money in the  
7 Account, and

8 c. money received by the Department in the form of gifts,  
9 grants, reimbursements, or from any other source  
10 intended to be used for the purposes specified or  
11 collected pursuant to the provisions of this section  
12 and Section ~~7110~~ 1-9-102 of this title.

13 2. The monies deposited in the Child Abuse Multidisciplinary  
14 Account shall at no time become monies of the state and shall not  
15 become part of the general budget of the Department or any other  
16 state agency. Except as otherwise authorized by this section, no  
17 monies from the Account shall be transferred for any purpose to any  
18 other state agency or any account of the Department or be used for  
19 the purpose of contracting with any other state agency or  
20 reimbursing any other state agency for any expense.

21 SECTION 89. AMENDATORY 10 O.S. 2001, Section 7110.2, as  
22 last amended by Section 6, Chapter 258, O.S.L. 2006 (10 O.S. Supp.  
23 2008, Section 7110.2), is amended to read as follows:

1 Section 7110.2 A. ~~1-~~ The Department of Human Services shall  
2 allocate monies available in the Child Abuse Multidisciplinary  
3 Account (CAMA) ~~-~~

4 ~~2. Funds shall be allocated to:~~

5 a. ~~one~~

6 1. One functioning freestanding multidisciplinary child abuse  
7 team per county, as provided in Section ~~7110~~ 1-9-102 of this title ~~-~~

8 b. ~~one;~~

9 2. One hospital team pursuant to subsection E of Section ~~7110~~  
10 1-9-102 of this title ~~-~~; i and

11 c. ~~one~~

12 3. One child advocacy center, accredited by the National  
13 Children's Alliance, per district attorney's district.

14 ~~(1)~~ A child advocacy center shall :

15 a. be eligible for Child Abuse Multidisciplinary Account  
16 (CAMA) funding upon accreditation by the National  
17 Children's Alliance. ~~In addition, the child advocacy~~  
18 ~~center must,~~

19 b. secure a third-year interim review to determine  
20 whether the child advocacy center continues to meet  
21 the National Children's Alliance standards in effect  
22 at the time of its last accreditation. If a child  
23 advocacy center fails the third-year review, the  
24 center ~~will~~ shall remain eligible for CAMA funding,

1 but ~~must~~ shall have another review conducted in the  
2 fourth year. If the child advocacy center fails the  
3 fourth-year review, the center shall be ineligible to  
4 receive CAMA funding until such time as the center  
5 receives reaccreditation from the National Children's  
6 Alliance-

7 ~~(2) The accredited center shall, and~~

8 c. remain the center for the district attorney's district  
9 as long as the center is accredited and eligibility is  
10 maintained pursuant to the provisions of Section ~~7110~~  
11 1-9-102 of this title. If a center does not remain  
12 eligible pursuant to the provisions of Section ~~7110~~ 1-  
13 9-102 of this title, endorsement by the district  
14 attorney as the child advocacy center for the district  
15 may be sought by any entity beginning with the  
16 calendar year after the center is determined to be  
17 ineligible. The two centers in district number (4)  
18 and district number (13) that were accredited as of  
19 the effective date of this act shall continue to  
20 receive funding at the nonurban level. Should one of  
21 the exempted centers close or no longer meet the  
22 criteria for a child advocacy center pursuant to the  
23 provisions of Section ~~7110~~ 1-9-102 of this title, the  
24 center shall not be allowed to reopen in that district



1 or to receive CAMA funds. The remaining center shall  
2 become the sole child advocacy center for the district  
3 attorney's district.

4 ~~3.~~ B. Funding distribution pursuant to the provisions of this  
5 ~~subsection~~ section shall be determined:

6 ~~a.~~ by

7 1. By multiplying the number of applicants in each category by  
8 the corresponding weight as follows:

9 ~~(1)~~

10 a. freestanding multidisciplinary child abuse team - 1,

11 ~~(2)~~

12 b. hospital team - 1,

13 ~~(3)~~

14 c. nonurban centers - 4,

15 ~~(4)~~

16 d. mid-level nonurban centers - 6, and

17 ~~(5)~~

18 e. urban centers - 24~~7~~

19 ~~b.~~ adding;

20 2. Adding together the weighted results for all categories~~7~~

21 ~~c.~~ dividing;

22 3. Dividing the weighted result for each category by the sum of  
23 the weighted results for all categories~~7~~; and

24 ~~d.~~ equally

1        4. Equally distributing funding to each applicant in the  
2 corresponding category based on the amounts obtained by multiplying  
3 the total available funding by the calculated percentages.

4        ~~B.~~ C. 1. Pursuant to the provisions of Section ~~7110.1~~ 1-9-103  
5 of this title, by January 31, 2003, and by January 31 of each year  
6 thereafter, the Department shall disburse monies from the Child  
7 Abuse Multidisciplinary Account to eligible multidisciplinary child  
8 abuse teams and to eligible child advocacy centers. A child  
9 advocacy center ~~must~~ shall be in compliance with the provisions of  
10 Section ~~7110~~ 1-9-102 of this title to be eligible for Child Abuse  
11 Multidisciplinary Account funding. The disbursement shall be a  
12 single, annual disbursement, for the collection period of the  
13 preceding year beginning October 1 through September 30.

14        2. The Department ~~of Human Services~~, the Child Abuse Training  
15 and Coordinating Council and the Children's Advocacy Centers of  
16 Oklahoma, Inc., shall meet annually, after September 30, 2002, to  
17 review the amount of CAMA funds to be disbursed.

18        ~~C.~~ D. A team or center may carry over funding for a period of  
19 one (1) year after allocation, such one-year period to begin in  
20 January and end in December of the same year; provided, however,  
21 funds not used within twenty-four (24) months of the original  
22 allocation will be deducted from the contract amount for the next  
23 contract year. If a team or center is ineligible for funding in an  
24

1 upcoming year, unused funds from the current or previous years shall  
2 be returned to the CAMA account for use in subsequent years.

3 ~~D.~~ E. The Department of Human Services is hereby authorized to  
4 receive one half of one percent (0.5%) in administrative costs from  
5 the CAMA account.

6 SECTION 90. AMENDATORY 10 O.S. 2001, Section 7111, is  
7 amended to read as follows:

8 Section 7111. A. There is hereby established within the  
9 Department of Human Services an information system for the  
10 maintenance of all reports of child abuse, sexual abuse, and neglect  
11 made pursuant to the provisions of the Oklahoma ~~Child Abuse~~  
12 ~~Reporting and Prevention Act~~ Children's Code.

13 B. The ~~Division of~~ Children and Family Services Division of the  
14 Department ~~of Human Services~~ shall be responsible for maintaining a  
15 suitably cross-indexed system of all the reports.

16 C. The records maintained shall contain, but shall not be  
17 limited to:

18 1. All information in the written report required by ~~Section~~  
19 ~~7103~~ 1-2-101 of this title;

20 2. A record of the final disposition of the report including  
21 services offered and services accepted;

22 3. The plan for rehabilitative treatment; and

23 4. Any other relevant information.

24

1 D. Data and information maintained and related to individual  
2 cases shall be confidential and shall be made available only as  
3 authorized by state or federal law.

4 E. The Commission for Human Services shall promulgate rules  
5 governing the availability of such data and information.

6 F. Rules promulgated by the Commission shall encourage  
7 cooperation with other states in exchanging reports in order to  
8 effect a national registration system.

9 G. No person shall allow the data and information maintained to  
10 be released except as authorized by ~~Article V~~ Chapter VI of the  
11 Oklahoma Children's Code.

12 H. Records obtained by the Department shall be maintained by  
13 the Department until otherwise provided by law.

14 SECTION 91. AMENDATORY 10 O.S. 2001, Section 7113, is  
15 amended to read as follows:

16 Section 7113. In any proceeding resulting from a report made  
17 pursuant to ~~the provisions of the Oklahoma Child Abuse Report and~~  
18 ~~Prevention Act~~ Section 1-2-101 of this title or in any proceeding  
19 where such a report or any contents of the report are sought to be  
20 introduced into evidence, such report, contents, or other fact  
21 related thereto or to the condition of the child or victim who is  
22 the subject of the report shall not be excluded on the ground that  
23 the matter is or may be the subject of a physician-patient privilege  
24 or similar privilege or rule against disclosure.

1 SECTION 92. AMENDATORY 10 O.S. 2001, Section 7115.1, is  
2 amended to read as follows:

3 Section 7115.1 A. A parent subject to the provisions of this  
4 act shall not be prosecuted for child abandonment or child neglect  
5 under the provisions of ~~Sections 851, 852, 853, 858.1 and 858.3 of~~  
6 ~~Title 21 of the Oklahoma Statutes, subsections C and D of Section~~  
7 ~~7115 of Title 10 of the Oklahoma Statutes, paragraph 3 of subsection~~  
8 ~~B of Section 7102 of Title 10 of the Oklahoma Statutes, or any other~~  
9 statute which makes child abandonment or child neglect a crime, when  
10 the allegations of child abandonment or child neglect are based  
11 solely on the relinquishment of a child seven (7) days of age or  
12 younger to a medical services provider or a child rescuer as defined  
13 in this section.

14 B. The following entities shall, without a court order, take  
15 possession of a child seven (7) days of age or younger if the child  
16 is voluntarily delivered to the entity by the parent of the child  
17 and the parent did not express an intent to return for the child:

- 18 1. A medical services provider; or
- 19 2. A child rescuer.

20 C. Any entity identified in subsection B of this section to  
21 which a parent seeks to relinquish a child pursuant to the  
22 provisions of this section may:

- 23 1. Request, but not demand, any information about the child  
24 that the parent is willing to share. The entity is encouraged to

1 ask about, but not demand, the details of any relevant medical  
2 history relating to the child or the ~~child's~~ parents of the child.  
3 The entity shall respect the wish of the parent if the parent  
4 desires to remain anonymous; and

5 2. Provide the parent with printed information relating to the  
6 ~~parents'~~ rights of the parents, including both parents, with respect  
7 to reunification with the child and sources of counseling for the  
8 parents, if desired.

9 D. Once a child has been relinquished to any entity identified  
10 in subsection B of this section, the entity receiving the child  
11 shall:

12 1. Perform or provide for the performance of any act necessary  
13 to protect the physical health or safety of the child; and

14 2. Notify the local office of the Department ~~of Human Services~~  
15 that a parent of a child seven (7) days of age or younger, in the  
16 best judgment of the receiving entity, has relinquished such child  
17 and that the entity has taken possession of the child.

18 E. Upon being made aware that a medical services provider or  
19 child rescuer has possession of a child under the provisions of this  
20 act, the Department of Human Services shall immediately check with  
21 law enforcement authorities to determine if a child has been  
22 reported missing and whether the missing child could be the  
23 relinquished child.

24

1 F. The Department ~~of Human Services~~ shall design and  
2 disseminate:

3 1. A simplified form for the recording of medical or other  
4 information that a relinquishing parent wishes to share with the  
5 entity to whom the child is being relinquished;

6 2. Easily understood printed materials that give information  
7 about parents' rights with regard to reunification with a child  
8 including, but not limited to, information on how a parent can  
9 contact the appropriate entity regarding reunification, and  
10 information on sources of counseling for relinquishing parents; and

11 3. Media information, including printed material, that creates  
12 public awareness about the provisions of this act.

13 G. For purposes of this section:

14 1. "Medical services provider" means a person authorized to  
15 practice the healing arts, including a physician's assistant or  
16 nurse practitioner, a registered or practical nurse and a nurse  
17 aide; and

18 2. "Child rescuer" means any employee or other designated  
19 person on duty at a police station, fire station, child protective  
20 services agency, hospital, or other medical facility.

21 H. A medical services provider or child rescuer with  
22 responsibility for performing duties pursuant to this section shall  
23 be immune from any criminal liability that might otherwise result  
24 from the ~~entity's~~ actions of the entity, if acting in good faith in

1 receiving a relinquished child. In addition, such medical provider  
2 or child rescuer shall be immune from any civil liability that might  
3 otherwise result from merely receiving a relinquished child.

4 SECTION 93. AMENDATORY 10 O.S. 2001, Section 7202, is  
5 amended to read as follows:

6 Section 7202. ~~For purposes of the Oklahoma Foster Care and Out-~~  
7 ~~of Home Placement Act, it is the intent of the Legislature that:~~

8 1. ~~Parents have a natural, legal and moral right, as well as a~~  
9 ~~duty, to care for and support their children, and such rights are~~  
10 ~~protected by state and federal laws;~~

11 2. ~~The state has an interest in and a responsibility to~~  
12 ~~children whose parents do not adequately provide proper care,~~  
13 ~~supervision and protection for them. When circumstances within a~~  
14 ~~family threaten a child's safety or welfare, or when such~~  
15 ~~circumstances deprive a child of proper parental supervision, the~~  
16 ~~state's interest in the child's welfare and in the protection of the~~  
17 ~~public takes precedence over the natural right and authority of the~~  
18 ~~parent;~~

19 3. ~~Parents have a duty and responsibility to take part in any~~  
20 ~~treatment and service plan, or any other order of the court, which~~  
21 ~~will enable the return of a child to the child's home or which will~~  
22 ~~allow a child to remain in the child's own home when the parent is~~  
23 ~~the perpetrator of abuse and neglect;~~

24 4. a.



1        A. When a child is placed into foster care, the child shall be  
2 placed, ~~when the safety and well being of the child can be assured,~~  
3 with relatives, or other persons having a kinship relationship with  
4 the child, who are determined to be suitable, capable and willing to  
5 serve as caretakers for the child.

6            ~~b.~~ For a deprived child, a placement with suitable  
7 relatives or other persons having a kinship  
8 relationship with the child shall only be made when  
9 such placement is in the best interests of the child.  
10 For a delinquent child or a child in need of  
11 supervision, a placement with suitable relatives or  
12 other persons having a kinship relationship with the  
13 child shall only be made when such placement is in the  
14 best interests of the child and when such placement is  
15 consistent with the state's interest in the protection  
16 of the public.

17            ~~c.~~

18        B. A kinship placement shall be made when the placement that  
19 meets the treatment needs of the child and supports the case plan  
20 goals for that child and the ~~child's~~ family of that child,

21        ~~5.~~ Each child shall be assured the care, guidance, and  
22 supervision in a permanent home or foster home which will serve the  
23 best interests of the child's moral, emotional, mental, social, and  
24 physical well being,

1       ~~6. When a child is placed in a foster home, the foster parent~~  
2 ~~shall be allowed to integrate the child into the family setting,~~  
3 ~~make the foster child an integral part of the family, and care for~~  
4 ~~the foster child as the foster parent would for the foster parent's~~  
5 ~~own child;~~

6       ~~7. When a child is placed in a foster home, the foster parent~~  
7 ~~shall have a right to exercise parental substitute authority over~~  
8 ~~the child. The ability to exercise parental substitute authority~~  
9 ~~shall not be construed to authorize corporal punishment on the~~  
10 ~~foster child by the foster parent;~~

11       ~~8. A foster parent has a recognizable interest in the familial~~  
12 ~~relationship that the foster parent establishes with a foster child~~  
13 ~~who has been in the foster parent's care and custody, and shall~~  
14 ~~therefore be considered an essential participant with regard to~~  
15 ~~decisions related to the care, supervision, guidance, rearing and~~  
16 ~~other foster care services provided to such child;~~

17       ~~9. Permanent placement shall be achieved as soon as possible~~  
18 ~~for every child in out of home placement pursuant to the conditions~~  
19 ~~and restrictions of the Oklahoma Foster Care and Out of Home~~  
20 ~~Placement Act;~~

21       ~~10. a. The best interests of the child shall be the standard~~  
22               ~~for recommendations made by the Department of Human~~  
23               ~~Services and the courts for deprived action~~  
24               ~~determinations with regard to whether a child should~~

1 ~~be reunified with the child's family, should be~~  
2 ~~permanently removed from the home, or should remain in~~  
3 ~~the home in which the child has been abused or~~  
4 ~~neglected.~~

5 b. ~~For delinquent children and children in need of~~  
6 ~~supervision, the best interests of the child~~  
7 ~~consistent with the state's interest in the protection~~  
8 ~~of the public shall be the standard for~~  
9 ~~recommendations made by the Department of Juvenile~~  
10 ~~Justice and the courts for determinations with regard~~  
11 ~~to whether a delinquent child or a child in need of~~  
12 ~~supervision should be reunified with the child's~~  
13 ~~family, should be permanently removed from the home,~~  
14 ~~or should remain in the home;~~

15 ~~11. The goal of reunification of a child who has been~~  
16 ~~adjudicated deprived with the parents or any other person~~  
17 ~~responsible for the child's welfare shall be abandoned when, after a~~  
18 ~~reasonable period of time, pursuant to the conditions and~~  
19 ~~restrictions of the Oklahoma Foster Care and Out of Home Placement~~  
20 ~~Act and the Oklahoma Children's Code, there is sufficient evidence~~  
21 ~~that the conduct of the parents toward the child, or the conduct of~~  
22 ~~the parents during the child's out of home placement, including, but~~  
23 ~~not limited to, compliance with a treatment and service plan or~~  
24 ~~court order, is determined not to be in the child's best interests,~~

1 ~~and abandonment of such goal is determined to be in the child's best~~  
2 ~~interests. In such cases, the district attorney and the court shall~~  
3 ~~provide for termination of parental rights in an expeditious manner~~  
4 ~~if the grounds, situations or conditions exist to support~~  
5 ~~termination of parental rights and the child is otherwise available~~  
6 ~~for adoption;~~

7 ~~12. When two or more children in foster care are siblings,~~  
8 ~~every reasonable attempt should be made to place them in the same~~  
9 ~~home. In making a permanent placement, such children should be~~  
10 ~~placed in the same permanent home or, if the siblings are separated,~~  
11 ~~should be allowed contact or visitation with other siblings,~~  
12 ~~provided, however, the best interests of each sibling shall be the~~  
13 ~~standard for determining whether they should be placed in the same~~  
14 ~~foster placement or permanent placement, or allowed contact or~~  
15 ~~visitation with other siblings, and is in the best interests of the~~  
16 ~~child; provided however, if the child is determined to be an Indian~~  
17 ~~Child, as defined by the federal and state Indian Child Welfare~~  
18 ~~Acts, the placement preferences specified by Section 1915 of Title~~  
19 ~~25 of the United States Code and Section 40.2 of Title 10 of the~~  
20 ~~Oklahoma Statutes shall apply.~~

21 SECTION 94. AMENDATORY 10 O.S. 2001, Section 7204, is  
22 amended to read as follows:  
23  
24

1       Section 7204.   A. ~~The Department of Human Services and the~~  
2 ~~Department of Juvenile Justice shall each establish a program of~~  
3 ~~foster care for children in the custody of the state agency.~~

4       B. ~~Each Department, in implementing the foster care program~~  
5 ~~within its jurisdictional area, shall:~~

6       1. ~~Recruit their respective foster families for children in the~~  
7 ~~custody of the state agency;~~

8       2. ~~Contract with foster parents and child placing agencies to~~  
9 ~~provide foster care services to children within the custody of the~~  
10 ~~state agency;~~

11       3. ~~Exercise supervision over all foster placements with whom~~  
12 ~~the state agency has a contract for foster care services;~~

13       4. ~~Exercise oversight of all foster children within the custody~~  
14 ~~of the state agency who are in out of home placement, including, but~~  
15 ~~not limited to, foster children placed in foster homes by a child-~~  
16 ~~placing agency;~~

17       5. ~~Advise and cooperate with the governing boards of all child-~~  
18 ~~placing agencies and with foster parents;~~

19       6. ~~Assist the staff of all child placing agencies, foster~~  
20 ~~parents and foster families by advising them on methods and~~  
21 ~~procedures relating to child care, parental substitute authority,~~  
22 ~~behavioral management techniques, and improvement of services;~~

1       ~~7. Establish rules and standards for providing foster care~~  
2 ~~services in addition to those required by the Oklahoma Child Care~~  
3 ~~Facilities Licensing Act;~~

4       ~~8. Require initial and ongoing foster parent training and~~  
5 ~~education programs related to the area of parental substitute~~  
6 ~~authority and behavioral management techniques, including, but not~~  
7 ~~limited to, restraining and holding techniques, parent-child~~  
8 ~~conflict resolution techniques, stress management, and any other~~  
9 ~~appropriate technique to teach a foster parent how to control~~  
10 ~~potentially violent behavior in a manner appropriate to the age and~~  
11 ~~development of a foster child;~~

12       ~~9. Provide foster parents with a statewide, toll free telephone~~  
13 ~~number, titled the Foster Parent Hotline, for obtaining information~~  
14 ~~related to foster care services and for the filing of any complaints~~  
15 ~~or grievances;~~

16       ~~10. Cooperate, collaborate and assist postadjudication review~~  
17 ~~boards in the review of the placement of each child in foster care~~  
18 ~~in order to achieve the goals in the treatment and service plan~~  
19 ~~required for each child by this title;~~

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

22       ~~12. Provide for collection, through assignment, attachment,~~  
23 ~~garnishment, liens, or other legal process, of the cost for out-of-~~  
24 ~~home placement services provided through the state agency from the~~

~~parents, guardian, or other person responsible for the care and support of a child in the custody of the state agency;~~

~~13. Cooperate and work with a foster parent in integrating a foster child into a foster family setting. The state agency shall provide a foster parent with information, on an ongoing basis, pertinent to the care, guidance, supervision and rearing of a foster child;~~

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

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

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

~~17. Exercise and perform such other acts as may be necessary to implement the Oklahoma Foster Care and Out of Home Placement Act.~~

~~C. The Neither the Department of Human Services and the Department of Juvenile Justice nor a child-placing agency shall not~~

1 be liable for any costs or expenses expended voluntarily by a foster  
2 parent for a foster child which are in excess of the funds  
3 authorized for providing foster care services to the foster child.

4 SECTION 95. AMENDATORY 10 O.S. 2001, Section 7204.1, is  
5 amended to read as follows:

6 Section 7204.1 A. 1. A foster parent may report to the Office  
7 of Client Advocacy of the Department of Human Services an allegation  
8 that an employee of the Department or of a child-placing agency has  
9 threatened the foster parent with removal of a child from the foster  
10 parent, harassed or refused to place a child in a licensed or  
11 certified foster home, or disrupted a child placement as retaliation  
12 or discrimination towards a foster parent who has:

- 13 a. filed a grievance pursuant to Section ~~7213~~ 1-9-120 of  
14 this title,  
15 b. provided information to any state official or  
16 Department employee, or  
17 c. testified, assisted, or otherwise participated in an  
18 investigation, proceeding or hearing against the  
19 Department or child-placing agency.

20 2. The provisions of this subsection shall not ~~be construed to~~  
21 ~~include any complaints from foster parents resulting from~~  
22 ~~administrative, civil or criminal action taken by the employee or~~  
23 ~~Department or child-placing agency for violations of law or rules,~~  
24 ~~or contract provisions by the foster parent~~ apply to any complaint



1 by a foster parent regarding the result of a criminal,  
2 administrative, or civil proceeding for a violation of any law,  
3 rule, or contract provision by that foster parent, or the action  
4 taken by the Department or a child-placing agency in conformity with  
5 the result of any such proceeding.

6 3. A reporter shall not be relieved of the duty to report  
7 incidents of alleged child abuse or neglect pursuant to the Oklahoma  
8 ~~Child Abuse Reporting and Prevention Act~~ Children's Code.

9 4. The Advocate General shall establish rules and procedures  
10 for evaluating reports of complaints pursuant to paragraph 1 of this  
11 subsection and for conducting an investigation of such reports.

12 B. 1. The Office of Client Advocacy shall prepare and maintain  
13 written records from the reporting source that shall contain the  
14 following information to the extent known at the time the report is  
15 made:

- 16 a. the names and addresses of the child and the person  
17 responsible for the child's welfare,
- 18 b. the nature of the complaint, and
- 19 c. the names of the persons or agencies responsible for  
20 the allegations contained in the complaint.

21 2. Any investigation conducted by the Office of Client Advocacy  
22 pursuant to such information shall not duplicate and shall be  
23 separate from the investigation mandated by the Oklahoma ~~Child Abuse~~

24

1 ~~Reporting and Prevention Act~~ Children's Code or other investigation  
2 of the Department having notice and hearing requirements.

3 3. At the request of the reporter, the Office of Client  
4 Advocacy shall keep the identity of the reporter strictly  
5 confidential from the operation of the Department, until the  
6 Advocate General determines what recommendations shall be made to  
7 the Commission for Human Services and to the Director of the  
8 Department ~~of Human Services~~.

9 C. The Commission shall ensure that a person making a report in  
10 good faith under this section is not adversely affected solely on  
11 the basis of having made such report.

12 D. Any person who knowingly and willfully makes a false or  
13 frivolous report or complaint or a report that the person knows  
14 lacks factual foundation, pursuant to the provisions of this  
15 section, may be subject to loss of foster parent certification ~~or~~  
16 ~~licensure status~~.

17 SECTION 96. AMENDATORY 10 O.S. 2001, Section 7205, is  
18 amended to read as follows:

19 Section 7205. A. Except as otherwise provided by this section,  
20 no child in the custody of the Department of Human Services ~~or the~~  
21 ~~Department of Juvenile Justice~~ shall be placed with any foster  
22 placement unless the foster placement has:

23 1. Has a current license or authorization issued pursuant to  
24 the Oklahoma Child Care Facilities Licensing Act; or ~~meets~~

1        2. Meets licensing standards as required by the Oklahoma Child  
2 Care Facilities Licensing Act and is otherwise approved for foster  
3 care by the state agency for children within its custody.

4        B. Except as otherwise provided by this section, no person,  
5 corporation, or other legal entity shall receive a child for foster  
6 care or provide foster care services to a child unless such legal  
7 entity has a license or meets licensing standards as required by the  
8 Oklahoma Child Care Facilities Licensing Act, and is otherwise  
9 approved by the state agency for children within its custody.

10       C. The provisions of this section shall not be construed to  
11 prohibit foster placement of children in foster homes licensed or  
12 approved by Indian tribes, pursuant to the terms in Section 40.8 of  
13 ~~this title~~ Title 10 of the Oklahoma Statutes.

14       SECTION 97.        AMENDATORY        10 O.S. 2001, Section 7206, as  
15 amended by Section 3, Chapter 159, O.S.L. 2008 (10 O.S. Supp. 2008,  
16 Section 7206), is amended to read as follows:

17       Section 7206. A. The Department of Human Services, ~~the~~  
18 ~~Department of Juvenile Justice~~ or any child-placing agency shall,  
19 prior to any ~~out-of-home~~ foster placement, enter into a written  
20 contract with the foster care placement provider. The contract  
21 shall provide, at a minimum:

22       1. That the state agency and the child-placing agency shall  
23 have access at all times to the child and to the foster placement;  
24

1           2. A listing of any specific requirements, specific duties or  
2 restrictions in providing foster care services;

3           3. That any foster child shall have access to and be accessible  
4 by any court-appointed special advocate for the foster child and the  
5 foster child's attorney;

6           4. That the foster care placement provider shall comply with  
7 performance standards required pursuant to ~~the Oklahoma Foster Care~~  
8 ~~and Out of Home Placement Act,~~ the Oklahoma Children's Code, ~~the~~  
9 ~~Juvenile Justice Code,~~ and the Oklahoma Child Care Facilities  
10 Licensing Act;

11           5. Information regarding the amount of payments to be made for  
12 foster care services, including but not limited to a description of  
13 the process involved in receiving payments, including projected time  
14 frames, information related to reimbursements for eligible costs and  
15 expenses for which the foster parent may be reimbursed and any  
16 information concerning the accessibility and availability of funds  
17 for foster parents;

18           6. That any foster child placed with a foster care placement  
19 provider shall be released to the state agency or the child-placing  
20 agency whenever, in the opinion of the state agency or the child-  
21 placing agency, the best interests of the deprived child require  
22 such release, ~~or the best interests of the delinquent child or the~~  
23 ~~child in need of supervision, consistent with the state's interest~~

24

1 ~~in the protection of the public, require such release pursuant to~~  
2 ~~the Oklahoma Foster Care and Out of Home Placement Act; and~~

3 7. Such other information required by the state agency and the  
4 child-placing agency.

5 B. The state agency or child-placing agency shall provide the  
6 following information to the foster parent at the time of placement,  
7 along with a copy of the written contract required pursuant to  
8 subsection A of this section:

9 1. The names and telephone numbers of the child's case worker,  
10 the foster parents' case worker, the case workers' supervisors, and  
11 the contact within the state agency central office, or the name and  
12 telephone number of the contact person within the child-placing  
13 agency and any other medical, psychological, social or other  
14 pertinent information relating to foster care;

15 2. A copy of the grievance procedure established by the state  
16 agency or the child-placing agency ~~pursuant to the Oklahoma Foster~~  
17 ~~Care and Out of Home Placement Act;~~

18 3. The name and telephone number of any foster parent  
19 association in the county of residence of the foster parent;

20 4. For foster parents of deprived children, the name and  
21 telephone number of any postadjudication review board established in  
22 the county of residence of the foster parent or the nearest  
23 postadjudication review board and the court having jurisdiction over  
24 the child;

1 5. A copy of the statement of foster parent rights;

2 6. Information detailing the ~~foster parents'~~ ability of the  
3 foster parent to submit information and written reports to the  
4 court, ~~or~~ and to ~~petition~~ request the court ~~directly~~ for review of a  
5 decision by the state agency or the child-placing agency to remove a  
6 foster child who has been placed with the foster parent, in  
7 accordance with the limitations and requirements of Section ~~7208~~ 1-  
8 4-805 of this title; and

9 7. A copy of the policies and procedures of the Department or  
10 child-placing agency which pertain to placement operations of the  
11 agency, and which may be necessary to properly inform the out-of-  
12 home placement providers of the duties, rights and responsibilities  
13 of the out-of-home placement providers and the Department.

14 C. 1. In addition to other requirements made pursuant to the  
15 Oklahoma Child Care Facilities Licensing Act, each child-placing  
16 agency shall maintain supervision of all children placed by the  
17 agency in foster placement and shall maintain supervision of and  
18 make regular visits to such foster placements.

19 2. The child-placing agency shall visit each foster child no  
20 less than once every month with no less than two visits per quarter  
21 in the foster placement.

22 3. The child-placing agency shall prepare and maintain a  
23 written report of its findings for each visit.

1 4. a. A complete written review of the placement, well-  
2 being, and progress of any foster child in foster care  
3 with a child-placing agency shall be made by the  
4 child-placing agency as required by the ~~state agency~~  
5 ~~with which the child-placing agency has a contract~~  
6 Department.

7 b. If a child-placing agency is providing foster care  
8 services for a child pursuant to a written agreement  
9 or contract with the parents or guardian of a child,  
10 the child-placing agency shall provide a copy of the  
11 written review to the parents or guardian of the  
12 child. The written agreement or contract shall  
13 specify how often the review shall be conducted.

14 SECTION 98. AMENDATORY 10 O.S. 2001, Section 7206.1, is  
15 amended to read as follows:

16 Section 7206.1 A. A statement of foster parent's rights shall  
17 include, but not be limited to, the right to:

18 1. Be treated with dignity, respect, and consideration as a  
19 professional member of the child welfare team;

20 2. Be notified of and be given appropriate, ongoing education  
21 and continuing education and training to develop and enhance foster  
22 parenting skills;

23 3. Be informed about ways to contact the state agency or the  
24 child-placing agency in order to receive information and assistance

1 to access supportive services for any child in the foster parent's  
2 care;

3 4. Receive timely financial reimbursement for providing foster  
4 care services;

5 5. Be notified of any costs or expenses for which the foster  
6 parent may be eligible for reimbursement;

7 6. Be provided a clear, written explanation of the individual  
8 treatment and service plan concerning the child in the foster  
9 parent's home, listing components of the plan pursuant to the  
10 provisions of the Oklahoma Children's Code ~~and the Oklahoma Foster~~  
11 ~~Care and Out-of-Home Placement Act;~~

12 7. Receive, at any time during which a child is placed with the  
13 foster parent, additional or necessary information that is relevant  
14 to the care of the child;

15 8. Be notified of scheduled review meetings, permanency  
16 planning meetings, and special staffing concerning the foster child  
17 in order to actively participate in the case planning and decision-  
18 making process regarding the child;

19 9. Provide input concerning the plan of services for the child  
20 and to have that input be given full consideration in the same  
21 manner as information presented by any other professional on the  
22 team;

23 10. Communicate with other foster parents in order to share  
24 information regarding the foster child. In particular, receive any



1 information concerning the number of times a foster child has been  
2 moved and the reasons why, and the names and telephone numbers of  
3 the previous foster parent if the previous foster parent has  
4 authorized such release;

5 11. Communicate with other professionals who work with the  
6 foster child within the context of the team including, but not  
7 limited to, therapists, physicians, and teachers;

8 12. Be given, in a timely and consistent manner, any  
9 information regarding the child and the child's family which is  
10 pertinent to the care and needs of the child and to the making of a  
11 permanency plan for the child. Disclosure of information shall be  
12 limited to that information which is authorized by the provisions of  
13 ~~Article V~~ Chapter VI of the Oklahoma Children's Code for foster  
14 parents and ~~Article VII of the Oklahoma Juvenile Code;~~

15 13. Be given reasonable notice of any change in or addition to  
16 the services provided to the child pursuant to the child's  
17 individual treatment and service plan;

18 14. a. Be given written notice of:

19 (1) plans to terminate the placement of the child  
20 with the foster parent pursuant to Section ~~7208~~  
21 1-4-805 of this title, and

22 (2) the reasons for the changes or termination in  
23 placement, ~~and~~ .

24

1           b.    The notice shall be waived only in emergency cases  
2                   pursuant to Section ~~7208~~ 1-4-805 of this title;

3           15.   Be notified by the applicable state agency in a timely and  
4 complete manner of all court hearings, including notice of the date  
5 and time of any court hearing, the name of the judge or hearing  
6 officer hearing the case, the location of the hearing, and the court  
7 docket number of the case;

8           16.   Be informed of decisions made by the court, the state  
9 agency or the child-placing agency concerning the child;

10          17.   Be considered as a preferred placement option when a foster  
11 child who was formerly placed with the foster parent is to reenter  
12 foster care at the same level and type of care, if that placement is  
13 consistent with the best interest of the child and other children in  
14 the ~~foster parent's~~ home of the foster parent;

15          18.   Be provided a fair, timely, and impartial investigation of  
16 complaints concerning the ~~foster parent's~~ certification of the  
17 foster parent;

18          19.   Be provided the opportunity to request and receive a fair  
19 and impartial hearing regarding decisions that affect certification  
20 retention or placement of children in the home;

21          20.   Be allowed the right to exercise parental substitute  
22 authority;

23          21.   Have timely access to the ~~state agency's and child~~  
24 ~~placement agency's~~ appeals process of the state agency and child

1 placement agency and the right to be free from acts of harassment  
2 and retaliation by any other party when exercising the right to  
3 appeal;

4 22. Be given the number of the statewide toll-free Foster  
5 Parent Hotline ~~established in Section 7204 of this title~~; and

6 23. File a grievance and be informed of the process for filing  
7 a grievance.

8 B. The Department of Human Services, ~~the Office of Juvenile~~  
9 ~~Justice~~, and a child-placing agency under contract with the  
10 Department shall be responsible for implementing this section.

11 C. Nothing in this section shall be construed to create a  
12 private right of action or claim on the part of any individual, the  
13 Department ~~of Human Services~~, the Office of Juvenile Affairs, or any  
14 child-placing agency.

15 SECTION 99. AMENDATORY 10 O.S. 2001, Section 7207, is  
16 amended to read as follows:

17 Section 7207. ~~A.~~ In determining placement of a deprived child  
18 in foster care:

19 1. The Department of Human Services or the court, if the court  
20 does not place the child with the Department ~~of Human Services~~, and  
21 any child-placing agency shall be governed by the best interests of  
22 the child; and

23 2. ~~Such~~ The child may express a preference as to placement and  
24 the preference may be given with or without the parents, foster

1 parents, guardians, or any other parties being present. The  
2 ~~Department of Human Services,~~ the court, or the child-placing agency  
3 shall determine whether the best interests of the child will be  
4 served by the child's preference. ~~The Department of Human Services,~~  
5 the court, or the child-placing agency shall not be bound by the  
6 child's preference and may consider other facts in determining the  
7 placement.

8 ~~B. In determining placement of a delinquent child or a child in~~  
9 ~~need of supervision in foster care:~~

10 ~~1. The Department of Juvenile Justice or the court, if the~~  
11 ~~court does not place custody of the child with the Department of~~  
12 ~~Juvenile Justice, and a child placing agency shall be governed by~~  
13 ~~the best interests of the child consistent with the state's interest~~  
14 ~~in the protection of the public; and~~

15 ~~2. Such child may express a preference as to placement. The~~  
16 ~~Department of Juvenile justice, the court, or the child placing~~  
17 ~~agency shall determine whether the best interests of the child,~~  
18 ~~consistent with the state's interest in the protection of the~~  
19 ~~public, will be served by the child's preference. The state agency,~~  
20 ~~the court, or the child placing agency shall not be bound by the~~  
21 ~~child's preference and may consider other facts in determining the~~  
22 ~~placement.~~

23 ~~C. If a deprived child, a delinquent child or child in need of~~  
24 ~~supervision expresses a preference, the preference may be given with~~

1 ~~or without the parents, foster parents, guardians, or any other~~  
2 ~~parties being present.~~

3 SECTION 100. AMENDATORY 10 O.S. 2001, Section 7208, as  
4 amended by Section 7, Chapter 445, O.S.L. 2002 (10 O.S. Supp. 2008,  
5 Section 7208), is amended to read as follows:

6 Section 7208. A. ~~In making placements in foster care, the~~  
7 ~~Department of Human Services, the Department of Juvenile Justice and~~  
8 ~~any child placing agency shall, if possible, arrange for a~~  
9 ~~preplacement visit for any child five (5) years of age or older with~~  
10 ~~the persons who will be providing foster care. Persons involved in~~  
11 ~~the preplacement visits should make every effort to discuss with the~~  
12 ~~child how the care, supervision, and guidance, including, but not~~  
13 ~~limited to, parental substitute authority, shall be achieved.~~

14 B. If a child placed in the custody of a child-placing agency  
15 or in the custody of a ~~state agency~~ the Department of Human Services  
16 by the court has resided with a foster parent for three (3) or more  
17 months:

18 1. Except in an emergency, the ~~state agency~~ Department or  
19 child-placing agency shall:

20 a. give a minimum of five (5) judicial days' advance  
21 notice to the foster ~~care family~~ parent and to the  
22 court before removing a child from such ~~family's care~~  
23 foster placement, and

24

1           b.     at the time of such notification, provide the foster  
2                 family parent with a written statement of the reasons  
3                 for removing a child; ~~and~~

4           2.     An oral or written opinion may be provided to the court by a  
5 party or foster parent in support of or in opposition to any change  
6 in the child's placement that is planned or under consideration by  
7 the Department or child-placing agency;

8           3.     The court shall resolve any concerns raised by a party or  
9 foster parent regarding a planned change in the child's placement  
10 during any hearing in which the concerns are brought to the  
11 attention of the court or the court may schedule an informal  
12 placement review hearing that shall be heard within fifteen (15)  
13 judicial days from the date the concerns are brought to the  
14 attention of the court. The court may, in its discretion, stay a  
15 proposed change in placement until the informal placement review  
16 hearing is held; and

17           4.     The foster parent shall, at any hearing, be entitled to  
18 submit to the court written reports or present testimony concerning  
19 the strengths, needs, behavior, important experiences, and  
20 relationships of the child, in addition to such other information  
21 the court may request.

22           C. B. ~~When a child, under the jurisdiction of a court pursuant~~  
23 ~~to the Oklahoma Children's Code, is placed in the custody of the~~  
24 ~~Department of Human Services, or a child, under the jurisdiction of~~

1 ~~a court pursuant to the Juvenile Justice Code is placed in the~~  
2 ~~custody of the Department of Juvenile Justice, or is placed in the~~  
3 ~~custody of~~ or any child-placing agency, the ~~state agency~~ Department  
4 or child-placing agency shall have discretion to determine an  
5 appropriate foster placement for the child. Except as provided in  
6 this section, the ~~state agency~~ Department or child-placing agency  
7 may remove a child in its custody from a foster placement whenever  
8 the ~~state agency~~ Department or child-placing agency determines that  
9 removal is in the best interests of the deprived child, ~~or the~~  
10 ~~delinquent child or the child in need of supervision, consistent~~  
11 ~~with the state's interest in the protection of the public.~~

12 ~~D.~~ C. 1. In order to promote stability for foster children and  
13 limit repeated movement of such children from one foster placement  
14 to another, the ~~state agency~~ Department or child-placing agency,  
15 except as otherwise provided by this subsection, shall not change  
16 the foster home placement of a child without the approval of the  
17 court in the following circumstances:

- 18 a. ~~the child has been moved once since the last court~~  
19 ~~hearing~~ court or other party receiving notice from the  
20 Department of the movement of the child has filed a  
21 written request for an informal hearing, as provided  
22 in Section ~~7003-5.4a~~ 1-4-804 of this title, ~~or~~
- 23 b. the court has stayed a planned change in a child's  
24 placement pending a judicial review due to a verbal or

1 written objection made by a party or by a foster  
2 parent during a court proceeding, or

3 c. a foster parent with whom the child has resided for  
4 more than six (6) months objects, in writing pursuant  
5 to the provisions of this subsection, after notice of  
6 the removal of the child by the ~~state agency~~  
7 Department or the child-placing agency.

8 2. The objection shall be filed with the court by the foster  
9 parent and served on the ~~state agency~~ Department or child-placing  
10 agency within five (5) judicial days after receipt of the notice  
11 from the ~~state agency~~ Department or child-placing agency regarding  
12 removal of the child. The court shall provide for notice to other  
13 parties in the case.

14 3. Timely filing and service of the objection shall stay  
15 removal of the child pending review of the court unless the ~~state~~  
16 ~~agency~~ Department's or child-placing agency's stated reason for  
17 removal is+

18 ~~a.~~ due to an emergency situation. As used in this  
19 ~~subparagraph~~ paragraph, "emergency ~~situation~~" means a  
20 removal that is:

21 ~~(1)~~

22 a. pursuant to an order of the court entered during or  
23 following a hearing including, but not limited to, an



1 order authorizing placement of a child with a parent  
2 or sibling,

3 b. at the request of the foster parent,

4 c. for emergency medical or ~~mental~~ behavioral health  
5 treatment,

6 ~~(2)~~

7 d. due to substantial noncompliance by the foster parent  
8 with applicable contract requirements and agreements  
9 such that the health, safety, or welfare of the child  
10 is ~~endangered~~ in imminent danger, or

11 ~~(3)~~

12 e. due to a pending investigation of allegations of abuse  
13 or neglect of a child by a foster parent or other  
14 person residing in the foster family home, ~~or~~

15 ~~b. reunification with a parent that contributed to the~~  
16 ~~child being deprived, with the prior approval of the~~  
17 ~~court.~~

18 4. The court shall conduct an informal placement review hearing  
19 within fifteen (15) ~~working~~ judicial days on any objection filed by  
20 a party or foster parent pursuant to this section. The court may  
21 order that the child remain in or be returned to the home of the  
22 objecting foster ~~parent's home~~ parent if the court finds that the  
23 placement decision of the Department ~~of Human Services~~ or child-  
24 placing ~~agency's decision to remove the child~~ agency was arbitrary

1 ~~or was,~~ inconsistent with the child's ~~treatment and service~~  
2 permanency plan or not in the best interests of the child.

3 ~~5. At the hearing, the Department of Human Services shall~~  
4 ~~inform the court as to the reason why the foster child is being~~  
5 ~~removed from the foster home. The Department of Human Services~~  
6 ~~shall also inform the court as to the number of times a foster child~~  
7 ~~has been moved within the foster family system.~~

8 ~~6. The court, in the court record, shall explain the reasons~~  
9 ~~why the removal of a foster child from the foster home is in the~~  
10 ~~best interests of the foster child.~~

11 ~~E. The Department of Human Services shall not remove a foster~~  
12 ~~child from a foster home solely on the grounds that a foster parent~~  
13 ~~has exercised substitute parental authority.~~

14 SECTION 101. AMENDATORY 10 O.S. 2001, Section 7209, as  
15 last amended by Section 1, Chapter 159, O.S.L. 2008 (10 O.S. Supp.  
16 2008, Section 7209), is amended to read as follows:

17 Section 7209. A. 1. Except as otherwise provided by law, the  
18 Department of Human Services or the ~~Department of~~ Office of Juvenile  
19 Justice Affairs shall not place a child in ~~out-of-home placement a~~  
20 foster home prior to completion of:

21 a. a foster parent eligibility assessment on the foster  
22 parent applicant,

23 b. a national criminal history records search based upon  
24 submission of fingerprints for any adult residing in

1 the home, as required by the Oklahoma Child Care  
2 Facilities Licensing Act and the Oklahoma ~~Foster Care~~  
3 ~~and Out-of-Home Placement Act~~ Children's Code, and

- 4 c. a check of any child abuse registry maintained by a  
5 state in which the prospective foster parent or any  
6 adult living in the home of the prospective foster  
7 parent has resided in the preceding five (5) years.

8 Provided, however, the state agencies may place a child in the home  
9 of a foster parent, pending completion of the national criminal  
10 history records search, if the foster parent and every adult  
11 residing in the home of the foster parent have resided in this state  
12 for at least five (5) years immediately preceding placement. The  
13 director of such state agency or designee may authorize an exception  
14 to the fingerprinting requirement for any person residing in the  
15 home who has a severe physical condition which precludes such person  
16 from being fingerprinted.

- 17 2. a. The Department ~~of Human Services~~ shall be the lead  
18 agency for disseminating fingerprint cards to courts  
19 and child-placing agencies for obtaining and  
20 requesting a national criminal history records search  
21 based upon submission of fingerprints from the  
22 Oklahoma State Bureau of Investigation. The  
23 ~~Department of~~ Office of Juvenile Justice Affairs may  
24 directly request national criminal history records

1 searches as defined by Section 150.9 of Title 74 of  
2 the Oklahoma Statutes from the Oklahoma State Bureau  
3 of Investigation for the purpose of obtaining the  
4 national criminal history of any individual for which  
5 such a search is required pursuant to this section.

6 b. Courts and child-placing agencies may request the  
7 Department ~~of Human Services~~ to obtain from the  
8 Oklahoma State Bureau of Investigation a national  
9 criminal history records search based upon submission  
10 of fingerprints for foster parents and other persons  
11 requiring such search pursuant to the Oklahoma Child  
12 Care Facilities Licensing Act and the Oklahoma ~~Foster~~  
13 ~~Care and Out-of-Home Placement Act~~ Children's Code.  
14 Any fees charged by the Oklahoma State Bureau of  
15 Investigation or the Federal Bureau of Investigation  
16 for such searches shall be paid by the requesting  
17 entity.

18 c. Either the Department ~~of Human Services~~ or the Office  
19 of Juvenile Affairs, whichever is applicable, shall  
20 contract with the Oklahoma State Bureau of  
21 Investigation to obtain national criminal history  
22 records searches based upon submission of  
23 fingerprints.

1 d. (1) If the Department ~~of Human Services or the Office~~  
2 ~~of Juvenile Affairs~~ is considering placement of a  
3 child with an individual in an emergency  
4 situation and after normal business hours, the  
5 Department may request local law enforcement to  
6 conduct a criminal history records search based  
7 upon submission of the individual's name, race,  
8 sex, date of birth, and social security number.

9 (2) Within five (5) business days of the name-based  
10 search, the Department shall submit fingerprints  
11 on the individual to the Oklahoma State Bureau of  
12 Investigation. In the event the individual  
13 refuses to submit to a name-based or fingerprint  
14 search, the Department shall either not place or  
15 shall remove the child from the individual's  
16 home.

17 e. Upon request for a national criminal history records  
18 search based upon submission of fingerprints, the  
19 Oklahoma State Bureau of Investigation shall forward  
20 one set of fingerprints to the Federal Bureau of  
21 Investigation for the purpose of conducting such a  
22 national criminal history records search.

23 ~~3. The Department of Human Services, pursuant to Section 7003-~~  
24 ~~5.3 of this title, and the Department of Juvenile Justice, pursuant~~

1 ~~to Section 7303-5.2 of this title, shall conduct an assessment of~~  
2 ~~each child in its custody which shall be designed to establish an~~  
3 ~~appropriate treatment and service plan for the child.~~

4 B. ~~1.~~ A child-placing agency shall not place a child who is in  
5 the custody of the agency in ~~out-of-home placement~~ a foster home  
6 until completion of a foster parent eligibility assessment ~~or~~ and a  
7 national criminal history records search based upon submission of  
8 fingerprints has been completed for each individual residing in the  
9 home in which the child will be placed, as required pursuant to the  
10 Oklahoma Child Care Facilities Licensing Act or the Oklahoma ~~Foster~~  
11 ~~Care and Out-of-Home Placement Act~~ Children's Code, and a check of  
12 any child abuse registry maintained by a state in which the  
13 prospective foster parent or any adult living in the home of the  
14 prospective foster parent has resided in the past five (5) years;  
15 provided, however, the child-placing agency may place a child in a  
16 foster family home pending completion of the national criminal  
17 history records search if the foster parent and every adult residing  
18 in the home have resided in this state for at least five (5) years  
19 immediately preceding the placement.

20 ~~2.~~ ~~In addition, a satisfactory assessment of the out-of-home~~  
21 ~~placement shall be conducted by the child-placing agency prior to~~  
22 ~~foster placement.~~

23 C. 1. Whenever a court awards custody of a child to an  
24 individual or a child-placing agency other than the Department of

1 ~~Human Services~~ or the ~~Department of~~ Office of Juvenile Justice  
2 Affairs, for placement of the child, the court shall:

3 a. require that when custody is placed with an  
4 individual, a foster family eligibility assessment be  
5 conducted for the foster parents prior to placement of  
6 the child, and

7 b. require that if custody is awarded to a child-placing  
8 agency, a foster family eligibility assessment be  
9 conducted as required by the Oklahoma Child Care  
10 Facilities Licensing Act.

11 2. A child-placing agency other than the Department of ~~Human~~  
12 ~~Services~~ or the Office of Juvenile Affairs shall, within thirty (30)  
13 days of placement, provide for an assessment of the child for the  
14 purpose of establishing an appropriate ~~treatment and~~ individualized  
15 service plan for the child. The court shall require the ~~treatment~~  
16 ~~and individualized~~ service plan to be completed in substantially the  
17 same form and with the same content as required by the Oklahoma  
18 Children's Code for a deprived child or as required by the Oklahoma  
19 ~~Juvenile Justice~~ Code for a delinquent child or a child in need of  
20 supervision.

21 3. The child shall receive a complete medical examination  
22 within thirty (30) days of initial placement unless a medical  
23 examination was conducted on the child upon the removal of the child  
24 and the court finds no need for an additional examination.

1 4. The child may receive such further diagnosis and evaluation  
2 as necessary as determined by the court to preserve the physical and  
3 mental well-being of the child.

4 D. ~~1.~~ When the court awards custody of a child to an  
5 individual or a child-placing agency as provided by this ~~subsection~~  
6 section, the individual or child-placing agency shall be responsible  
7 for the completion of and costs of the national criminal history  
8 records search based upon submission of fingerprints, the foster  
9 parent eligibility assessment, the preparation of a ~~treatment and an~~  
10 individualized service plan, and the medical examination required by  
11 this ~~subsection~~ section.

12 ~~2.~~ ~~The Department of Human Services and the Department of~~  
13 ~~Juvenile Justice shall be responsible for the completion of and~~  
14 ~~costs of the foster parent eligibility assessment and any national~~  
15 ~~criminal history records search based upon submission of~~  
16 ~~fingerprints, preparation of a treatment and service plan, and the~~  
17 ~~medical examination required by this subsection only for the~~  
18 ~~children placed in the custody of the state agency. The state~~  
19 ~~agency may provide for reimbursement of such expenses, costs and~~  
20 ~~charges so incurred pursuant to the Oklahoma Children's Code and the~~  
21 ~~Juvenile Justice Code, as applicable.~~

22 E. ~~1.~~ ~~Upon any voluntary out of home placement of a child by a~~  
23 ~~parent into foster care with a child-placing agency, the child-~~  
24 ~~placing agency shall conduct an assessment of the child in its~~



1 ~~custody which shall be designed to establish an appropriate plan for~~  
2 ~~placement of the child. Following the assessment, the child placing~~  
3 ~~agency shall establish an individual treatment and service plan for~~  
4 ~~the child. A copy of each plan shall be provided to the child if~~  
5 ~~the child is twelve (12) years of age or older and to the child's~~  
6 ~~parent or guardian. The plan shall at a minimum:~~

- 7 a. ~~be specific,~~
- 8 b. ~~be in writing,~~
- 9 c. ~~be prepared by the agency in conference with the~~  
10 ~~child's parents,~~
- 11 d. ~~state appropriate deadlines,~~
- 12 e. ~~state specific goals for the treatment of the child,~~
- 13 f. ~~describe the conditions or circumstances causing the~~  
14 ~~child to be placed in foster care,~~
- 15 g. ~~describe the services that are necessary to remedy and~~  
16 ~~that have a reasonable expectation of remedying the~~  
17 ~~conditions or circumstances causing the child to be~~  
18 ~~placed in foster care,~~
- 19 h. ~~state to whom the services will be delivered and who~~  
20 ~~will deliver the services, and~~
- 21 i. ~~prescribe the time the services are expected to begin~~  
22 ~~and the time within which expected results can~~  
23 ~~reasonably be accomplished.~~

1       ~~2. The child shall receive a complete medical examination~~  
2 ~~within thirty (30) days of placement in foster care.~~

3       ~~F. The child may receive such further diagnosis and evaluation~~  
4 ~~as is necessary to preserve the physical and mental well being of~~  
5 ~~the child.~~

6       ~~G. Subsequent to initial placement, the child placed in foster~~  
7 ~~placement shall have a medical examination, at periodic intervals,~~  
8 ~~but not less than once each year.~~

9       ~~H. Prior to any proposed counseling, testing or other treatment~~  
10 ~~services, the court or child placing agency shall first determine~~  
11 ~~that the proposed services are necessary and appropriate.~~

12       ~~I. 1. If the assessment and medical examination disclose no~~  
13 ~~physical, mental or emotional reasons for therapeutic foster care, a~~  
14 ~~child voluntarily placed with a child placing agency shall be placed~~  
15 ~~in a regular foster family home. If therapeutic foster care is~~  
16 ~~required, the child may be placed only in foster homes that are~~  
17 ~~certified as therapeutic foster homes pursuant to the Oklahoma Child~~  
18 ~~Care Facilities Licensing Act.~~

19       ~~2. No child shall be eligible for any reimbursement through the~~  
20 ~~state Medicaid program for placement in therapeutic foster care~~  
21 ~~unless such placement has been reviewed and approved pursuant to~~  
22 ~~rules regarding medical necessity for therapeutic foster care~~  
23 ~~placement promulgated by the Oklahoma Health Care Authority Board.~~

1 SECTION 102. AMENDATORY 10 O.S. 2001, Section 7210, is  
2 amended to read as follows:

3 Section 7210. A. The Department of Human Services,~~the~~  
4 ~~Department of Juvenile Justice,~~ and each child-placing agency shall  
5 make special efforts to recruit foster ~~placement~~ parents for  
6 children in their custody from suitable relatives and kin of the  
7 child, and shall make diligent efforts to recruit foster and  
8 adoptive families that reflect the ethnic and racial diversity of  
9 children for whom foster and adoptive homes are needed. Provided,  
10 however, no person shall be denied the opportunity to become a  
11 foster or adoptive parent on the basis of the race, color, or  
12 national origin of the person, or of the child involved. No child  
13 shall be delayed or denied placement into foster care or adoption on  
14 the basis of the race, color, or national origin of the adoptive or  
15 foster parent, or of the child involved.

16 B. Diligent efforts to recruit shall include, but shall not be  
17 limited to, contracting and working with community organizations and  
18 religious organizations, utilizing local media and other local  
19 resources, conducting outreach activities, and increasing the number  
20 of minority recruitment staff employed by the Department ~~of Human~~  
21 ~~Services, the Department of Juvenile Justice~~ and the child-placing  
22 agency.

23 SECTION 103. AMENDATORY 10 O.S. 2001, Section 7211, is  
24 amended to read as follows:

1 Section 7211. The Department of Human Services ~~and the~~  
2 ~~Department of Juvenile Justice~~ shall cooperate with and shall help  
3 promote development of foster parent associations in each county in  
4 this state. The state agency shall provide foster parent  
5 associations with data, information, and guidelines on the  
6 obligations, responsibilities, and opportunities of foster parenting  
7 and shall keep the associations and their members apprised of  
8 changes in laws and rules relevant to foster parenting.

9 SECTION 104. AMENDATORY 10 O.S. 2001, Section 7212, is  
10 amended to read as follows:

11 Section 7212. A. The Department of Human Services, ~~the~~  
12 ~~Department of Juvenile Justice~~ and each child-placing agency shall  
13 develop:

- 14 1. A foster care education program to provide training for  
15 persons intending to furnish foster care services; and
- 16 2. Continuing educational programs for foster parents.

17 B. 1. In addition to any other conditions and requirements  
18 specified by the state agency or child-placing agency, as  
19 applicable, prior to placement of a child in foster placement other  
20 than kinship care, each foster parent shall have completed the  
21 training approved by the Department ~~of Human Services, the~~  
22 ~~Department of Juvenile Justice~~ or the child-placing agency, as  
23 appropriate.

24

1           2. A foster parent providing kinship foster care shall, if  
2 possible, complete the training developed by the Department of ~~Human~~  
3 ~~Services~~ for kinship foster care prior to placement or at such other  
4 times as required by the Department; provided, however, in no event  
5 shall ~~such~~ training take place later than one hundred twenty (120)  
6 days after placement of the child with ~~such~~ the kinship foster  
7 parent. Until a kinship foster parent receives final approval from  
8 the Department to provide foster care services to a child, the  
9 kinship foster parent shall not be eligible to receive any payment  
10 for providing ~~such~~ foster care services.

11           3. Approved training shall require a minimum of twelve (12)  
12 hours of study related, but not limited, to physical care,  
13 education, learning disabilities, procedures for referral to and  
14 receipt of necessary professional services, behavioral assessment  
15 and modification, independent-living skills, and procedures for  
16 biological parent contact. Such training shall relate to the area  
17 of parental substitute authority, behavioral management techniques  
18 including, but not limited to, parent-child conflict resolution  
19 techniques, stress management, and any other appropriate technique  
20 to teach the foster parent how to manage the child's behavior in a  
21 manner appropriate to the age and development of the foster child.

22           4. The foster parent or person intending to provide foster care  
23 services may complete the training as part of an approved training  
24

1 program offered by a public or private agency with expertise in the  
2 provision of child foster care or in related subject areas.

3 ~~5. Within three (3) months of certification, foster parents and~~  
4 ~~kinship foster parents must participate in training for behavioral~~  
5 ~~management techniques which shall include, but not be limited to~~  
6 ~~information regarding restraining and holding techniques, and other~~  
7 ~~techniques appropriate for controlling potentially violent behavior~~  
8 ~~in a manner appropriate to the age and development of the foster~~  
9 ~~child.~~

10 C. In order to assist persons providing kinship foster care,  
11 the Department shall immediately refer ~~such~~ kinship foster parents  
12 and the child for assistance under the Temporary Assistance for  
13 Needy Families Program until the certification and training  
14 requirements have been completed.

15 D. Foster parent training programs may include, but ~~need~~ not be  
16 limited to, in-service training, workshops and seminars developed by  
17 the state agency; seminars and courses offered through public or  
18 private education agencies; and workshops, seminars and courses  
19 pertaining to behavioral and developmental disabilities and to the  
20 development of mutual support services for foster parents.

21 E. The Department ~~of Human Services, the Department of Juvenile~~  
22 ~~Justice~~ and each child-placing agency shall provide statewide  
23 training, education, and continuing education programs for foster  
24 parents.

1 F. The Department ~~of Human Services, the Department of Juvenile~~  
2 ~~Justice~~ or each child-placing agency shall notify a foster parent at  
3 least ten (10) business days in advance of the statewide scheduling  
4 of education, continuing education or foster parent training  
5 occurring near the vicinity of the home of a foster parent.

6 G. The Department ~~of Human Services~~ may also provide additional  
7 foster care training to a foster parent. A foster parent may  
8 request in writing to the Department ~~of Human Services~~ that  
9 additional foster parent training be provided.

10 SECTION 105. AMENDATORY 10 O.S. 2001, Section 7213, is  
11 amended to read as follows:

12 Section 7213. A. The Department of Human Services, ~~the~~  
13 ~~Department of Juvenile Justice~~ and child-placing agencies shall each  
14 establish grievance procedures for foster parents with whom such  
15 state agencies or child-placing agencies contract.

16 B. The procedures ~~for foster parents~~ established by ~~each state~~  
17 ~~agency and child-placing agency~~ shall contain the following minimum  
18 requirements:

19 1. Resolution of disputes with foster parents shall be  
20 accomplished quickly, informally and at the lowest possible level,  
21 but shall provide for access to impartial arbitration by management  
22 level personnel within the central office; and

23 2. Prompt resolution of grievances within established time  
24 frames.

1 C. ~~Each state agency~~ The Department and child-placing agency  
2 shall designate an employee to receive and process foster care  
3 grievances.

4 D. ~~Each state agency~~ The Department and child-placing agency  
5 shall maintain records of each grievance filed as well as summary  
6 information about the number, nature and outcome of all grievances  
7 filed. Agencies shall keep records of grievances separate and apart  
8 from other foster parent files. A foster parent or a former foster  
9 parent shall have a right of access to the ~~grievance~~ record of  
10 grievances such person filed after the ~~grievance~~ procedure has been  
11 completed.

12 E. 1. Each foster parent shall have the right, without fear of  
13 reprisal or discrimination, to present grievances with respect to  
14 the providing of foster care services.

15 2. ~~Each state agency~~ The Department shall promptly initiate a  
16 plan of corrective discipline including, but not limited to,  
17 dismissal of any ~~agency~~ Department employee or cancellation or  
18 nonrenewal of the contract of a child-placing agency determined by  
19 the state agency, through an investigation to have retaliated or  
20 discriminated against a foster parent who has:

- 21 a. filed a grievance pursuant to the provisions of this
- 22 section,
- 23 b. provided information to any official or Department
- 24 employee, or



1 c. testified, assisted, or otherwise participated in an  
2 investigation, proceeding or hearing against the  
3 Department or the child-placing agency.

4 3. The provisions of this ~~paragraph~~ subsection shall not be  
5 construed to include any complaint by the foster parent resulting  
6 from an administrative, civil or criminal action taken by the  
7 employee or child-placing agency for violations of law or rules, or  
8 contract provisions by the foster parent.

9 SECTION 106. AMENDATORY 10 O.S. 2001, Section 7214, is  
10 amended to read as follows:

11 Section 7214. A. The Department of Human Services, ~~including,~~  
12 ~~but not limited to, the Developmental Disabilities Services~~  
13 ~~Division,~~ may accept a child into voluntary foster care placement  
14 when requested by the parent having legal custody of the child or  
15 when requested by a child residing in foster care who reaches  
16 eighteen (18) years of age and wishes to continue to reside in the  
17 foster care home pursuant to the provisions of subsection B of this  
18 section.

19 B. 1. Any child may be accepted into voluntary foster care  
20 placement with the Department.

21 2. The Department shall inform a parent considering voluntary  
22 foster care placement of a child, or the child residing in foster  
23 care who attains eighteen (18) years of age and wishes to continue  
24 to reside in the foster care home, of the following as applicable:

- a. a parent who enters a voluntary foster care placement agreement may at any time request that the agency return the child,
- b. evidence gathered during the time the child is voluntarily placed in foster care may be used at a later time as the basis for a petition alleging that the child is deprived, or as the basis for a petition seeking termination of parental rights,
- c. the timelines and procedures for voluntary foster care placements.

3. Upon acceptance of a child into voluntary foster care placement, the Department shall prepare a notice of placement signed by the parent or the child residing in foster care who reaches eighteen (18) years of age and wishes to continue to reside in the foster care home.

4. A period of voluntary foster care placement pursuant to the provisions of this section shall not exceed ninety (90) days except as otherwise provided by the ~~Commission for Human Services~~ Department by rule.

5. Except as otherwise provided by this section or Section ~~7006-1.1~~ 1-4-904 of ~~Title 10 of the Oklahoma Statutes~~ this title, voluntary foster care placement pursuant to the conditions and restrictions of this subsection shall not constitute abandonment, or abuse or neglect as defined in the Oklahoma Children's Code.

1       6. The ~~Commission~~ Department shall promulgate rules for the  
2 purpose of assessing parents for the full or partial cost of  
3 voluntary foster care placement.

4       ~~C. The Department may:~~

5       ~~1. Participate in federal programs relating to deprived~~  
6 ~~children and services for such children; and~~

7       ~~2. Apply for, receive, use and administer federal funds for~~  
8 ~~such purposes.~~

9       SECTION 107.        AMENDATORY        10 O.S. 2001, Section 7218, is  
10 amended to read as follows:

11       Section 7218. A. For a child in a voluntary foster care  
12 placement pursuant to an agreement between the parent, legal  
13 guardian or custodian of the child and the Developmental  
14 Disabilities Services Division of the Department of Human Services  
15 if the division determines that such child has been abandoned  
16 pursuant to the provisions of Section ~~7006 1.1 of Title 10 of the~~  
17 ~~Oklahoma Statutes~~ 1-4-904 of this title, such Division may complete  
18 a written report of recommendations to the Division of Children and  
19 Family Services within the Department. Such report shall specify  
20 that the child has been abandoned and shall recommend that the  
21 Division of Children and Family Services request the district  
22 attorney to file a petition alleging the child to be deprived. If  
23 the court determines that the child has been abandoned, reasonable  
24 efforts to provide for the return of the child to the child's own

1 home shall not be required. Then the court shall conduct a  
2 permanency hearing within thirty (30) days of such determination  
3 pursuant to the provision of Section ~~21~~ 1-4-811 of this ~~act~~ title.

4 B. If the child is subsequently adjudicated deprived, the  
5 Developmental Disabilities Services Division and the Division of  
6 Children and Family Services shall cooperate and collaborate with  
7 regard to the welfare, health and safety of the child in a permanent  
8 placement pursuant to the provisions of the Oklahoma Children's  
9 Code.

10 SECTION 108. AMENDATORY 10 O.S. 2001, Section 7221, as  
11 amended by Section 2, Chapter 159, O.S.L. 2008 (10 O.S. Supp. 2008,  
12 Section 7221), is amended to read as follows:

13 Section 7221. ~~A. In order to promote the stability and healthy~~  
14 ~~growth of a foster child who has been placed in a foster family~~  
15 ~~home, it is the intent of the Legislature to limit the number of~~  
16 ~~times a foster child is moved within the foster family system.~~

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

20 ~~C.~~ The Department of Human Services or child-placing agency  
21 shall visit each foster child a minimum of one time per month, with  
22 no less than two visits per quarter in the foster placement.

23 Required visitations for the foster child are to be made in the home  
24 of the foster parent, ~~except as provided in paragraph 2 of~~

1 ~~subsection C of Section 7206 of this title. If there is good cause,~~  
2 ~~other than an allegation of abuse or neglect, to believe the foster~~  
3 ~~child needs to~~ whenever possible and if indicated, the child may be  
4 interviewed alone without the foster parent present, ~~then the foster~~  
5 ~~parent shall provide a location in the home where the foster child~~  
6 ~~can be questioned without the foster parent's being present.~~

7 SECTION 109. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 21.10 of Title 10, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. Upon any voluntary out-of-home placement of a child by a  
11 parent into foster care with a child-placing agency, the child-  
12 placing agency shall conduct an assessment of the child in its  
13 custody which shall be designed to establish an appropriate plan for  
14 placement of the child. Following the assessment, the child-placing  
15 agency shall establish an individual treatment and service plan for  
16 the child. A copy of each plan shall be provided to the child if  
17 the child is twelve (12) years of age or older and to the child's  
18 parent or guardian. The plan shall at a minimum:

- 19 1. Be specific;
- 20 2. Be in writing;
- 21 3. Be prepared by the agency in conference with the child's  
22 parents;
- 23 4. State appropriate deadlines;
- 24 5. State specific goals for the treatment of the child;

1       6. Describe the conditions or circumstances causing the child  
2 to be placed in foster care;

3       7. Describe the services that are necessary to remedy and that  
4 have a reasonable expectation of remedying the conditions or  
5 circumstances causing the child to be placed in foster care;

6       8. State to whom the services will be delivered and who will  
7 deliver the services; and

8       9. Prescribe the time the services are expected to begin and  
9 the time within which expected results can reasonably be  
10 accomplished.

11       B. The child shall receive a complete medical examination  
12 within thirty (30) days of placement in foster care.

13       C. The child may receive such further diagnosis and evaluation  
14 as is necessary to preserve the physical and mental well-being of  
15 the child.

16       D. Subsequent to initial placement, the child placed in foster  
17 placement shall have a medical examination, at periodic intervals,  
18 but not less than once each year.

19       E. Prior to any proposed counseling, testing, or other  
20 treatment services, the court or child-placing agency shall first  
21 determine that the proposed services are necessary and appropriate.

22       F. If the assessment and medical examination disclose no  
23 physical, mental, or emotional reasons for therapeutic foster care,  
24 a child voluntarily placed with a child-placing agency shall be

1 placed in a regular foster family home. If therapeutic foster care  
2 is required, the child may be placed only in foster homes that are  
3 certified as therapeutic foster homes pursuant to the Oklahoma Child  
4 Care Facilities Licensing Act.

5 SECTION 110. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1-3-102 of Title 10A, unless  
7 there is created a duplication in numbering, reads as follows:

8 A. For purposes of this section:

9 1. "Routine and ordinary medical care and treatment" includes  
10 any necessary medical and dental examinations and treatment, medical  
11 screenings, clinical laboratory tests, blood testing, preventative  
12 care, health assessments, physical examinations, immunizations,  
13 contagious or infectious disease screenings or tests and care  
14 required for treatment of illness and injury, including X rays,  
15 stitches and casts, but does not include any type of extraordinary  
16 care; and

17 2. "Extraordinary medical care and treatment" includes, but is  
18 not limited to, surgery, general anesthesia, blood transfusions,  
19 invasive or experimental procedures or the provision of psychotropic  
20 medications.

21 B. If a child taken into protective custody without a court  
22 order requires emergency medical care prior to the emergency custody  
23 hearing, and either the treatment is related to the suspected abuse  
24 or neglect or the parent or legal guardian is unavailable or

1 unwilling to consent to treatment recommended by a physician, a  
2 peace officer, court employee or the court may authorize such  
3 treatment as is necessary to safeguard the health or life of the  
4 child. Before a peace officer, court employee or the court  
5 authorizes treatment based on unavailability of the parent or legal  
6 guardian, law enforcement shall exercise diligence in locating the  
7 parent or guardian, if known.

8 C. 1. If a child has been placed in the custody of the  
9 Department of Human Services, the Department shall have the  
10 authority to consent to routine and ordinary medical care and  
11 treatment. The Department shall make reasonable attempts to notify  
12 the child's parent or legal guardian of the provision of routine and  
13 ordinary medical care and treatment and to keep the parent or legal  
14 guardian involved in such care.

15 2. In no case shall the Department consent to a child's  
16 abortion, sterilization, termination of life support or a "Do Not  
17 Resuscitate" order. The court may authorize the withdrawal of life-  
18 sustaining medical treatment or the denial of the administration of  
19 cardiopulmonary resuscitation on behalf of a child in the  
20 Department's custody upon the written recommendation of a licensed  
21 physician, after notice to the parties and a hearing.

22 3. Nothing herein shall prevent the Department from  
23 authorizing, in writing, any person, foster parent or administrator  
24 of a facility into whose care a child in its custody has been



1 entrusted, to consent to routine and ordinary medical care and  
2 treatment to be rendered to a child upon the advice of a licensed  
3 physician, including the continuation of psychotropic medication.

4 D. Consent for a child's extraordinary medical care and  
5 treatment shall be obtained from the parent or legal guardian unless  
6 the treatment is either related to the abuse or neglect or the  
7 parent or legal guardian is unavailable or refuses to consent to  
8 such care, in which case in an emergency, based upon recommendation  
9 of a physician, the court may enter an ex parte order authorizing  
10 such treatment or procedure in order to safeguard the child's health  
11 or life. If the recommended extraordinary medical care and  
12 treatment is not an emergency, the court shall hold a hearing, upon  
13 application by the district attorney and notice to all parties, and  
14 may authorize such recommended extraordinary care.

15 E. If a child has been placed in the custody of a person, other  
16 than a parent or legal guardian, or an institution or agency other  
17 than the Department, the court shall determine the authority of the  
18 person, institution, or agency to consent to medical care including  
19 routine and ordinary medical care and treatment and extraordinary  
20 care. The parent, legal guardian, or person having legal custody  
21 shall be responsible for the costs of medical care as determined by  
22 the court.

1           SECTION 111.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-4-203 of Title 10A, unless  
3 there is created a duplication in numbering, reads as follows:

4           A. Within the next two (2) judicial days following the child  
5 being taken into protective or emergency custody, the court shall  
6 conduct an emergency custody hearing. At the hearing, information  
7 may be provided to the court in the form of oral or written reports,  
8 affidavits or testimony. Any information having probative value may  
9 be received by the court regardless of its admissibility under the  
10 Oklahoma Evidence Code. At the hearing the court shall:

11           1. Determine whether facts exist that are sufficient to  
12 demonstrate to the court there is reasonable suspicion that the  
13 child is in need of immediate protection due to abuse or neglect, or  
14 that the circumstances or surroundings of the child are such that  
15 continuation of the child in the child's home or in the care or  
16 custody of the parent, legal guardian, or custodian would present an  
17 imminent danger to the child;

18           2. Advise the parent, legal guardian, or custodian of the child  
19 in writing of the following:

- 20           a. any right of the parent, legal guardian, or custodian  
21               to testify and present evidence at court hearings,  
22           b. the right to be represented by an attorney at court  
23               hearings,

24

- c. the consequences of failure to attend any hearings which may be held, and
- d. the right to appeal and procedure for appealing an order of the court;

3. Determine custody of the child and order one of the following:

- a. release of the child to the custody of the child's parent, legal guardian, or custodian from whom the child was removed under any conditions the court finds reasonably necessary to protect the health, safety, or welfare of the child, or
- b. placement of the child in the custody of a responsible adult or licensed child-placing agency under any conditions the court finds reasonably necessary to protect the health, safety, or welfare of the child, or
- c. whether to continue the child in or to place the child into the emergency custody of the Department of Human Services;

4. Order the parent, legal guardian, or custodian to complete an affidavit listing the names, addresses, and phone numbers of any parent, whether known or alleged, grandparent, aunt, uncle, brother, sister, half-sibling, and first cousin and any comments concerning the appropriateness of the potential placement of the child with the

1 relative. If no such relative exists, the court shall require the  
2 parent, legal guardian, or custodian to list any other relatives or  
3 persons with whom the child has had a substantial relationship or  
4 who may be a suitable placement for the child;

5 5. Direct the parent, legal guardian, or custodian to furnish  
6 the Department with a copy of the child's birth certificate within  
7 fifteen (15) days from the hearing if a petition is filed, unless  
8 otherwise extended by the court; and

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

11 a. place siblings, who have been removed, together in the  
12 same foster care, guardianship, or adoptive placement,  
13 and

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

17 B. The office of the State Court Administrator shall create an  
18 affidavit form and make it available to each court responsible for  
19 conducting emergency custody hearings. The affidavit form shall  
20 contain a notice to the parent, legal guardian, or custodian that  
21 failure to identify a parent or relative in a timely manner may  
22 result in the child being permanently placed outside of the home of  
23 the child's parent or relative. The affidavit form shall also  
24 advise the parent, legal guardian, or custodian of the penalties

1 associated with perjury and contempt of court. The original  
2 completed affidavit shall be filed with the court clerk no later  
3 than five (5) days after the hearing or as otherwise directed by the  
4 court and a copy shall be provided to the Department.

5 C. 1. The Department shall, within thirty (30) days of the  
6 removal of a child, exercise due diligence to identify relatives.  
7 Notice shall be provided by the Department to all grandparents, and  
8 to such other relatives as the court directs. The notice shall  
9 advise the relatives:

- 10 a. the child has been or is being removed from the  
11 custody of the parent or parents of the child,
- 12 b. of the options under applicable law to participate in  
13 the care and placement of the child, including any  
14 options that may be lost by failing to respond to the  
15 notice, and
- 16 c. of the requirements to become a foster family home and  
17 the additional services and supports available for  
18 children placed in the home.

19 2. Relatives shall not be notified if notification would not be  
20 in the best interests of a child due to past or current family or  
21 domestic violence. The Department may promulgate rules in  
22 furtherance of the provisions of this subsection.

23  
24

1           SECTION 112.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-4-204 of Title 10A, unless  
3 there is created a duplication in numbering, reads as follows:

4           A.   1.   When awarding custody or determining the placement of a  
5 child, a preference shall be given to relatives and persons who have  
6 a kinship relationship with the child.   The Department of Human  
7 Services shall make diligent efforts to place the child with such  
8 persons and shall report to the court the efforts made to secure  
9 that placement.   In cases where the Indian Child Welfare Act  
10 applies, the placement preferences of the act shall be followed.

11           2.   When two or more children are siblings, every reasonable  
12 attempt shall be made to place the siblings in the same home.   In  
13 making a permanent placement, siblings shall be placed in the same  
14 permanent home or, if the siblings are separated, shall be allowed  
15 contact or visitation with each other; provided, however, the best  
16 interests of each sibling shall be the standard for determining the  
17 appropriate custodian or placement as well as the contact and  
18 visitation with the other siblings.

19           3.   In determining the appropriate custodian or placement for a  
20 child pursuant to subsection A of this section, the court and the  
21 Department shall consider, but not be limited to, the following  
22 factors:

23           a.   the ability of the person being considered to provide  
24               safety for the child, including a willingness to

1 cooperate with any restrictions placed on contact  
2 between the child and others, and to prevent others  
3 from influencing the child in regard to the  
4 allegations of the case,

5 b. the ability of the person being considered to support  
6 the efforts of the Department to implement the  
7 permanent plan for the child,

8 c. the ability of the person being considered to meet the  
9 child's physical, emotional, and educational needs,  
10 including the child's need to continue in the same  
11 school or educational placement,

12 d. the person who has the closest existing personal  
13 relationship with the child if more than one person  
14 requests placement of the child pursuant to this  
15 section,

16 e. the ability of the person being considered to provide  
17 a placement for the child's sibling who is also in  
18 need of placement or continuation in substitute care,

19 f. the wishes of the parent, the relative, and the child,  
20 if appropriate,

21 g. the ability of the person being considered to care for  
22 the child as long as is necessary and to provide a  
23 permanent home if necessary, and

24 h. the best interests of the child.

1           B. 1. The Department of Human Services shall consider  
2 placement with a relative without delay and shall identify relatives  
3 of the child and notify them of the need for temporary placement and  
4 the possibility of the need for a permanent out-of-home placement of  
5 the child. The relative search shall be reasonable and  
6 comprehensive in scope and may continue until a fit and willing  
7 relative is identified.

8           2. The relatives shall be notified of the need to keep the  
9 Department informed of their current address in order to receive  
10 notice when a permanent out-of-home placement is being sought for  
11 the child. A relative who fails to provide a current address may  
12 forfeit the right to be considered for the child's permanent out-of-  
13 home placement.

14           3. A decision by a relative to not participate in the child's  
15 placement planning at the beginning of the case or to cooperate with  
16 the Department to expedite procedures for placement of the child in  
17 the child's home may affect whether that relative will be considered  
18 for permanent placement of the child if the child cannot be safely  
19 returned to the home of the child's parent or parents.

20           C. The Department, while assessing the relatives for the  
21 possibility of placement, shall be authorized to disclose to the  
22 relative, as appropriate, the fact that the child is in custody, the  
23 alleged reasons for the custody, and the projected date for the  
24 child's return home or other permanent placement as well as any



1 other confidential information deemed necessary and appropriate to  
2 secure a suitable placement.

3 D. Following an initial placement with a relative, whenever a  
4 new placement of the child is made, consideration for placement  
5 shall again be given as described in this section to approved  
6 relatives who will fulfill the reunification or permanent plan  
7 requirements of the child. The Department shall consider whether  
8 the relative has established and maintained a relationship with the  
9 child.

10 E. If the child is not placed with a relative who has been  
11 considered for placement pursuant to this section, the Department  
12 shall advise the court, in writing, the reasons why that relative  
13 was denied and the written reasons shall be made a part of the court  
14 record.

15 F. The provisions of this section shall apply to all custody or  
16 placement proceedings which concern a child alleged or adjudicated  
17 to be deprived including, but not limited to, guardianship and  
18 adoption proceedings.

19 SECTION 113. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1-4-205 of Title 10A, unless  
21 there is created a duplication in numbering, reads as follows:

22 A. The office of the district attorney and the Department of  
23 Human Services shall maintain records concerning a child in  
24

1 protective custody who is released prior to the emergency custody  
2 hearing. The records shall describe the reason for such release.

3 B. 1. A petition for a deprived child proceeding shall be  
4 filed and a summons issued within seven (7) judicial days from the  
5 date the child is taken into custody unless, upon request of the  
6 district attorney at the emergency custody hearing, the court  
7 determines there are compelling reasons to grant additional time for  
8 the filing of the petition for a period of time not to exceed  
9 fifteen (15) calendar days from the assumption of custody.

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

15 C. The court may hold additional hearings at such intervals as  
16 may be determined necessary by the court to provide for the health,  
17 safety, or welfare of the child.

18 D. In scheduling hearings, the court shall give priority to  
19 proceedings in which a child is in emergency custody.

20 E. An order of the court providing for the removal of a child  
21 alleged to be deprived from the home of the child shall not be  
22 entered unless the court makes a determination:

23 1. That continuation of the child in the child's home is  
24 contrary to the health, safety, or welfare of the child; and

1           2. As to whether or not reasonable efforts were made to prevent  
2 the need for the removal of the child from the child's home; or

3           3. As to whether or not an absence of efforts to prevent the  
4 removal of the child from the child's home is reasonable because the  
5 removal is due to an alleged emergency and is for the purpose of  
6 providing for the health, safety, or welfare of the child; or

7           4. That reasonable efforts to provide for the return of the  
8 child to the child's home are not required pursuant to Section 1-4-  
9 809 of Title 10A of the Oklahoma Statutes; provided, however, upon  
10 such determination, the court shall inform the parent that a  
11 permanency hearing will be held within thirty (30) days from the  
12 determination.

13           SECTION 114.           NEW LAW           A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1-4-206 of Title 10A, unless  
15 there is created a duplication in numbering, reads as follows:

16           A. 1. At the emergency custody hearing or when a petition has  
17 been filed alleging that a child has been physically or sexually  
18 abused, the court may enter an order restraining the alleged  
19 perpetrator of the abuse from having contact with the child or  
20 attempting to contact the child and requiring the alleged  
21 perpetrator to move from the household in which the child resides.  
22 The court may issue a restraining order only if the court finds  
23 that:

1 a. there is a reasonable suspicion that abuse occurred  
2 and that the person to be restrained committed the  
3 abuse, and

4 b. the order is in the best interest of the child.

5 2. The court may also enter other appropriate orders including,  
6 but not limited to, orders that control contact between the alleged  
7 abuser, other children in the home, and any other person.

8 3. The court shall include in an order entered under this  
9 subsection the following information about the person to be  
10 restrained to the extent known by the court at the time the order is  
11 entered:

12 a. name,

13 b. address,

14 c. age and birth date,

15 d. race,

16 e. sex,

17 f. height and weight,

18 g. color of hair and eyes, and

19 h. any other identifying features such as tattoos.

20 4. The court may include in the order a provision that a peace  
21 officer accompany the restrained person to the household when it is  
22 necessary for the restrained person to remove personal property.

23 B. If the court enters an order under this section:  
24

1           1. The clerk of the court shall provide without charge the  
2 number of certified true copies of the order and petition, if  
3 available, necessary to effect service and shall deliver the same to  
4 the sheriff or other person qualified to serve the order for service  
5 upon the person to be restrained; and

6           2. The sheriff or other person qualified to serve the order  
7 shall serve the person to be restrained personally unless that  
8 person is present at the hearing. After accepting the order, if the  
9 sheriff or other person cannot complete service within ten (10)  
10 days, the sheriff or other person shall file a return to the clerk  
11 of the court showing that service was not completed and the reason  
12 for the noncompletion.

13           C. Within thirty (30) days after an order is served under this  
14 section, the restrained person may file a written request with the  
15 court and receive a court hearing on any portion of the order. If  
16 the restrained person requests a hearing under this subsection:

17           1. The court shall notify the parties and the restrained person  
18 of the date and time of the hearing; and

19           2. The court shall hold a hearing within twenty-one (21) days  
20 after the request for hearing is filed with the court and at the  
21 conclusion of the hearing may cancel or modify the order.

22           D. 1. Within twenty-four (24) hours of the return of service  
23 of the restraining order, the clerk of the issuing court shall send  
24 certified copies thereof to all appropriate law enforcement agencies

1 designated by the court. A certified copy of any extension,  
2 modification, vacation, cancellation, or consent agreement  
3 concerning the restraining order shall be sent by the clerk of the  
4 issuing court to those law enforcement agencies receiving the  
5 original orders pursuant to this section and to any law enforcement  
6 agencies designated by the court.

7       2. Any law enforcement agency receiving copies of the documents  
8 listed in paragraph 1 of this subsection shall be required to ensure  
9 that other law enforcement agencies have access twenty-four (24)  
10 hours a day to the information contained in the documents which may  
11 include entry of information about the restraining order in the  
12 National Crime Information Center database.

13       E. A restraining order issued pursuant to this section remains  
14 in effect for a period of one (1) year or until the order is sooner  
15 modified, amended, or terminated by court order.

16       F. A court that issued a restraining order under this section  
17 may renew the order for a period of up to one (1) year if the court  
18 finds that there is probable cause to believe the renewal is in the  
19 best interest of the child. The court may renew the order on motion  
20 by the state or the child's attorney alleging facts supporting the  
21 required finding. If the renewal order is granted, subsections B  
22 and C of this section apply.

23       G. If a restraining order issued pursuant to this section is  
24 terminated before its expiration date, the clerk of the court shall

1 promptly deliver a true copy of the termination order to the  
2 sheriff. The sheriff shall promptly remove the original order from  
3 the National Crime Information Center database.

4 H. Any person who has been served with the restraining order  
5 and is in violation of the restraining order, upon conviction, shall  
6 be guilty of a misdemeanor and shall be punished by a fine of not  
7 more than One Thousand Dollars (\$1,000.00) or by a term of  
8 imprisonment in the county jail of not more than one (1) year, or  
9 both such fine and imprisonment.

10 SECTION 115. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 1-4-401 of Title 10A, unless  
12 there is created a duplication in numbering, reads as follows:

13 A. The provisions of the Oklahoma Discovery Code and the Rules  
14 for District Courts of Oklahoma do not apply to juvenile proceedings  
15 except as provided by this section.

16 B. The court may order the parties to exchange information that  
17 is not work product and not privileged, including:

18 1. The assessment and investigation records of the Department  
19 of Human Services; provided, all information that identifies the  
20 reporter of alleged child abuse or neglect shall be redacted;

21 2. Law enforcement reports;

22 3. Any video or audio recording of an interview with the child  
23 alleged to be deprived;

24 4. Any exhibit any party intends to introduce at trial; and

1           5. The names of any witnesses any party may call and a synopsis  
2 of the expected testimony.

3           C. The court may in its discretion enter a scheduling order,  
4 order mediation, and conduct status and settlement conferences as  
5 needed during deprived proceedings.

6           D. All information produced, exchanged, or used during the  
7 pendency of the deprived action is confidential and shall be subject  
8 to a protective order. The disclosure or use of the information for  
9 any other purpose is prohibited except as permitted by law.

10           SECTION 116.           NEW LAW           A new section of law to be codified  
11 in the Oklahoma Statutes as Section 1-4-504 of Title 10A, unless  
12 there is created a duplication in numbering, reads as follows:

13           A. At any stage of the proceedings, the court may order, or the  
14 parties may voluntarily participate in an alternative dispute  
15 resolution process which may include:

- 16           1. Family group conferencing;
- 17           2. Mediation; or
- 18           3. A settlement conference.

19           B. If a court orders an alternative dispute resolution process,  
20 a party who does not wish to participate may file a motion objecting  
21 to the order. Any resolution agreed to by the parties through an  
22 alternative dispute resolution process shall not be binding on the  
23 court.

24



1           SECTION 117.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-4-508 of Title 10A, unless  
3 there is created a duplication in numbering, reads as follows:

4           A. At any stage of a proceeding under the Oklahoma Children's  
5 Code:

6           1. The parent or legal guardian, the child's attorney, or the  
7 district attorney's office may apply for use immunity for a parent  
8 or legal guardian for in-court testimony. The in-court testimony of  
9 an immunized parent or legal guardian shall not be used against that  
10 parent or legal guardian in a criminal prosecution; provided,  
11 however, that the parent or legal guardian may be prosecuted for  
12 perjury that occurs during the testimony of the parent or legal  
13 guardian in a deprived proceeding;

14           2. The child's attorney or the district attorney's office may  
15 apply for use immunity for any records, documents, or other physical  
16 objects produced by the immunized parent or legal guardian in the  
17 deprived proceeding, the production of which was compelled by a  
18 court order; or

19           3. The child's attorney or the district attorney's office may  
20 apply for use immunity for a parent or legal guardian for any  
21 statement that a parent or legal guardian makes in the course of a  
22 court-ordered psychological evaluation or treatment program to the  
23 professional designated by the Department of Human Services or  
24 authorized by the court in furtherance of the court's order. Such

1 immunity shall attach only to those statements made during the  
2 course of the actual evaluation or treatment and specifically does  
3 not attach to statements made to Department employees, agents, or  
4 other representatives in the course of the investigation of alleged  
5 child abuse, neglect, or abandonment.

6 B. Any other information available to the professional  
7 designated by the Department or authorized by the court to perform  
8 the court-ordered evaluation or treatment shall not be the subject  
9 of any application or order for immunity.

10 SECTION 118. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 1-4-601 of Title 10A, unless  
12 there is created a duplication in numbering, reads as follows:

13 A. The court shall hold an adjudication hearing following the  
14 filing of a petition alleging that a child is deprived. The hearing  
15 shall be held not more than ninety (90) calendar days following the  
16 filing of the petition. The child and the child's parents,  
17 guardian, or other legal custodian shall be entitled to not less  
18 than twenty (20) days' prior notice of the hearing.

19 B. 1. The child shall be released from emergency custody in  
20 the event the adjudication hearing is delayed beyond ninety (90)  
21 days from the date the petition is filed unless the court issues a  
22 written order with findings of fact supporting a determination that:

23

24

- 1           a.    there exists reasonable suspicion that the health,  
2                    safety, or welfare of the child would be in imminent  
3                    danger if the child were returned to the home, and  
4           b.    there exists either an exceptional circumstance to  
5                    support the continuance of the child in emergency  
6                    custody or the parties and the guardian ad litem, if  
7                    any, agree to such continuance.

8           2.    If the adjudicatory hearing is delayed pursuant to this  
9           subsection, the emergency custody order shall expire unless the  
10           hearing on the merits of the petition is held within one hundred  
11           eighty (180) days after the actual removal of the child.

12           C.    The release of a child from emergency custody due to the  
13           failure of an adjudication hearing being held within the time frame  
14           prescribed by this section shall not deprive the court of  
15           jurisdiction over the child and the parties or authority to enter  
16           temporary orders the court deems necessary to provide for the  
17           health, safety, and welfare of the child pending the hearing on the  
18           petition.

19           D.    At the adjudication hearing, if the court finds that it is  
20           in the best interest of the child, the court shall:

21           1.    Accept a stipulation by the child's parent, guardian, or  
22           other legal custodian that the facts alleged in the petition are  
23           true and correct;

1           2. Accept a stipulation by the child's parent, guardian, or  
2 other legal custodian that if the state presented its evidence  
3 supporting the truth of the factual allegations in the petition to a  
4 court of competent jurisdiction, such evidence would be sufficient  
5 to meet the state's burden of proving by a preponderance of the  
6 evidence that the factual allegations are true and correct; or

7           3. Conduct a nonjury trial to determine whether the state has  
8 met its burden of proving by a preponderance of the evidence that  
9 the factual allegations in the petition are true and correct.

10          E. 1. A decision determining a child to be deprived in a  
11 nonjury trial shall be based on sworn testimony.

12          2. The child, as a party to the proceeding, shall be given the  
13 opportunity to cross-examine witnesses and to present a case in  
14 chief if desired.

15          SECTION 119.           NEW LAW           A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1-4-707 of Title 10A, unless  
17 there is created a duplication in numbering, reads as follows:

18          A. The following kinds of dispositional orders may be made and  
19 shall be in accordance with the best interests of the child:

20           1.    a.    The court may place the child under protective  
21                    supervision by the Department of Human Services in the  
22                    home of the child with the parent or legal guardian  
23                    with whom the child was residing at the time the  
24                    events or conditions arose that brought the child

1 within the jurisdiction of the court, subject to such  
2 conditions as the court may prescribe that would  
3 reasonably prevent the child from continuing to be  
4 deprived.

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

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

23 (a) shall remain in full force and effect and  
24 shall control over any custody or child

1 support order entered in an administrative  
2 or district court action initiated prior to  
3 or during the pendency of the deprived  
4 action until such time as it is modified by  
5 a subsequent order of the district court,  
6 and

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

1 a filing fee, assign a new case number and,  
2 when applicable, file the order and send by  
3 first-class mail a copy of the order with  
4 the new or prior existing case number back  
5 to the juvenile court and to the parents of  
6 the child at their last-known address. The  
7 order shall not be confidential and may be  
8 enforced or modified after being docketed  
9 and filed in the prior existing or new  
10 administrative or district court action, or

11 (2) order that the noncustodial parent assume custody  
12 of the child under protective supervision by the  
13 Department. The court may order that:

14 (a) reunification services be provided to the  
15 parent or legal guardian from whom the child  
16 has been or is being removed,

17 (b) services be provided solely to the parent  
18 who is assuming physical custody of the  
19 child in order to allow that parent to later  
20 obtain legal custody without court  
21 supervision, or

22 (c) services be provided to both parents, in  
23 which case the court shall determine, at a  
24

1                   subsequent review hearing, which parent, if  
2                   either, shall have custody of the child.

3           c.    If the court orders the child into the home of a  
4           father whose paternity has not been established, the  
5           alleged father must cooperate in establishing  
6           paternity as a condition for the child's continued  
7           placement in the alleged father's home.

8           d.    If the court issues an order for protective  
9           supervision of the child in the home of a parent, the  
10          court may order any of the following:

11           (1)   that a party or other person living in the home  
12           vacate the child's home indefinitely or for a  
13           specified period of time within forty-eight (48)  
14           hours of issuing the order, and

15           (2)   that a party, a parent, or a legal guardian of  
16           the child prevent a particular person from having  
17           contact with the child.

18          e.    At any time during the deprived child proceedings, the  
19          court may issue an order specifying the conduct to be  
20          followed by any person living in the home that the  
21          court determines would be in the best interests of the  
22          child. The conduct specified shall be such as would  
23          reasonably prevent the child from continuing to be  
24          deprived.



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

6 2. a. If the court is unable to place the child in the home  
7 of a parent, the court shall give a preference for  
8 placing temporary custody of the child with a relative  
9 as specified in Section 1-4-204 of this title, subject  
10 to the best interests of the child and the conditions  
11 and restrictions specified in Section 1-4-705 of Title  
12 10A of the Oklahoma Statutes. In determining whether  
13 to place temporary custody of the child with a  
14 relative, the court may consider the following  
15 factors:

16 (1) the physical, psychological, educational,  
17 medical, and emotional needs of the child,

18 (2) the wishes of the parent, the relative, and  
19 child, if appropriate,

20 (3) whether placement of the siblings and half-  
21 siblings can be made in the same home, if that  
22 placement is found to be in the best interest of  
23 each child,  
24

1 (4) the background information of the relative and  
2 any other person living in the home, including  
3 whether any such person has a prior history of  
4 violence, acts of child abuse or neglect, or any  
5 other background that would render the home  
6 unsuitable,

7 (5) the nature and duration of the relationship  
8 between the child and the relative, and the  
9 relative's desire to care for and to provide  
10 long-term permanency for the child if  
11 reunification is unsuccessful, and

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

13 (a) provide a safe, secure, and stable  
14 environment for the child,

15 (b) exercise proper and effective care and  
16 control of the child,

17 (c) provide a home and the necessities of life  
18 for the child,

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

20 (e) facilitate court-ordered reunification  
21 efforts with the parent,

22 (f) facilitate visitation with the child's  
23 siblings and other relatives, and  
24

1 (g) arrange for appropriate and safe child care,  
2 if necessary.

3 b. If more than one appropriate relative requests  
4 preferential consideration pursuant to this section,  
5 each relative shall be evaluated under the factors  
6 enumerated in this paragraph. However, whenever a new  
7 temporary custody order regarding the child must be  
8 entered, consideration shall again be given as  
9 described in this section to relatives who have been  
10 found to be suitable and who will fulfill the  
11 permanency needs of the child.

12 c. If the court does not place temporary custody of the  
13 child with a relative pursuant to this subsection, the  
14 court shall state for the record the reasons placement  
15 with that relative was denied.

16 3. a. The court may place the child in the custody of a  
17 private institution or agency, including any  
18 institution established and operated by the county,  
19 authorized to care for children or to place them in  
20 family homes.

21 b. In placing a child in a private institution or agency,  
22 the court shall select one that is licensed by the  
23 Department or any other state department supervising  
24 or licensing private institutions and agencies; or, if

1 such institution or agency is in another state, by the  
2 analogous department of that state.

3 c. Whenever the court shall place a child in any  
4 institution or agency, it shall transmit with the  
5 order of commitment a summary of its information  
6 concerning the child, and such institution or agency  
7 shall give to the court such information concerning  
8 the child as the court may at any time require.

9 4. The court may place the child in the custody of the  
10 Department.

11 a. In selecting a placement for a child in its custody,  
12 the Department shall make an individualized  
13 determination based upon the child's best interests  
14 and permanency plan regarding the following placement  
15 options:

16 (1) a home or facility that meets the preferences  
17 specified by the state and federal Indian Child  
18 Welfare Acts when applicable,

19 (2) the home of a noncustodial parent,

20 (3) the home of a relative approved by the  
21 Department,

22 (4) the home of a nonrelative kinship family approved  
23 by the Department,  
24

- 1 (5) an approved foster home in which the child has
- 2 been previously placed,
- 3 (6) a suitable nonkinship foster family approved by
- 4 the Department,
- 5 (7) a suitable licensed group home for children, or
- 6 (8) an independent living program.

- 7 b. (1) Unless the child is placed with relatives or in
- 8 accord with the federal and state Indian Child
- 9 Welfare Acts, the child shall be placed, when
- 10 possible, in the county of residence of the
- 11 child's parent or legal guardian in order to
- 12 facilitate reunification of the family.
- 13 (2) If an appropriate placement is not available in
- 14 the county of residence of the parent or legal
- 15 guardian, the child shall be placed in an
- 16 appropriate home in the nearest proximity to the
- 17 resident county of the parent or legal guardian.
- 18 (3) Nothing in this section shall be construed to
- 19 mean that the child's placements shall correspond
- 20 in frequency to changes of residence by the
- 21 parent or legal guardian. In determining whether
- 22 the child should be moved, the Department shall
- 23 take into consideration the potential harmful
- 24 effects of disrupting the placement of the child

1 and the reason of the parent or legal guardian  
2 for the move.

3 c. If the child is part of a sibling group, it shall be  
4 presumed that placement of the entire sibling group in  
5 the same placement is in the best interests of the  
6 child and siblings unless the presumption is rebutted  
7 by a preponderance of the evidence to the contrary.

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

11 6. a. If the court determines that reunification services  
12 are appropriate for the child and a parent, the court  
13 shall allow reasonable visitation with the parent or  
14 legal guardian from whose custody the child was  
15 removed, unless visitation is not in the best interest  
16 of the child, taking into consideration:

- 17 (1) protection of the physical safety of the child,  
18 (2) protection of the life of the child,  
19 (3) protection of the child from being traumatized by  
20 contact with the parent, and  
21 (4) the child's expressed wishes.

22 b. A court may not deny visitation based solely on the  
23 failure of a parent to prove that the parent has not  
24 used legal or illegal substances or complied with an

1 aspect of the court-ordered individualized service  
2 plan.

3 7. The court may order a permanent guardianship to be  
4 established as more fully set forth in Section 1-4-709 of this  
5 title.

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

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

10 1. A statement informing the child's parent that the  
11 consequences of noncompliance with the requirement of the court may  
12 include termination of the parent's rights with respect to the  
13 child; or

14 2. A statement informing the child's legal guardian or  
15 custodian that the consequences of noncompliance with the  
16 requirement of the court may include removal of the child from the  
17 custody of the legal guardian or custodian.

18 C. 1. In any dispositional order removing a child from the  
19 home of the child, the court shall make a determination as to  
20 whether, in accordance with the best interests and the health,  
21 safety, or welfare of the child, reasonable efforts have been made  
22 to provide for the safe return of the child to the child's own home.

23 2. If reasonable efforts are required for the safe return of  
24 the child to the child's home, the court shall allow the parent of

1 the child not less than three (3) months to correct the conditions  
2 which led to the adjudication of the child as a deprived child;  
3 however, the time period for reunification services may not exceed  
4 seventeen (17) months from the date that the child was initially  
5 removed from the child's home, absent a finding of compelling  
6 reasons to the contrary.

7 3. If the court finds that continuation of reasonable efforts  
8 to return the child home are inconsistent with the permanency plan  
9 for a child, the court shall determine whether reasonable efforts  
10 have been made to complete the steps necessary to finalize the  
11 permanent placement of the child.

12 4. Reasonable efforts to reunite the child with the child's  
13 family shall not be required pursuant to the provisions of Section  
14 1-4-809 of Title 10A of the Oklahoma Statutes.

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

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

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



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

4           SECTION 120.        NEW LAW        A new section of law to be codified  
5 in the Oklahoma Statutes as Section 1-4-708 of Title 10A, unless  
6 there is created a duplication in numbering, reads as follows:

7           A.    In cases where the child has been adjudicated to be deprived  
8 due to repeated absence from school, the court may order counseling  
9 and treatment for the child and the parents.

10          B.    Prior to final disposition, the court shall require  
11 verification by the appropriate school district that the child found  
12 to be truant has been evaluated for literacy, learning disabilities,  
13 developmental disabilities, hearing and visual impairment, and other  
14 impediments which could constitute an educational handicap. The  
15 results of such assessments or evaluations shall be made available  
16 to the court for use by the court in determining the disposition of  
17 the case.

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

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

4 SECTION 121. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 1-4-709 of Title 10A, unless  
6 there is created a duplication in numbering, reads as follows:

7 A. The court may establish a permanent guardianship between a  
8 child and a relative or other adult if the guardianship is in the  
9 child's best interests and all of the following conditions are  
10 substantially satisfied:

11 1. The child has been adjudicated to be a deprived child;

12 2. The parent has:

13 a. consented to the guardianship,

14 b. had his or her parental rights terminated,

15 c. failed to substantially correct the conditions that  
16 led to the adjudication of the child,

17 d. been adjudicated as incompetent or incapacitated by a  
18 court,

19 e. abandoned the child,

20 f. failed to be identified or has not been located  
21 despite reasonably diligent efforts to ascertain the  
22 whereabouts of the parent, or

23 g. died;

24

1           3. The child consents to the guardianship if the court finds  
2 the child to be of sufficient intelligence, understanding, and  
3 experience to provide consent;

4           4. Termination of the parent's rights is either not legally  
5 possible or not in the best interests of the child or adoption is  
6 not the permanency plan for the child;

7           5. The child and the prospective guardian do not require  
8 protective supervision or preventive services to ensure the  
9 stability of the guardianship;

10          6. The prospective guardian is committed to providing for the  
11 child until the child reaches the age of majority and to preparing  
12 the child for adulthood and independence;

13          7. The prospective guardian agrees not to return the child to  
14 the care of the person from whom the child was removed nor to allow  
15 visitation without the approval of the court; and

16          8. The child has been residing or placed with the proposed  
17 guardian for at least the six (6) preceding months or the permanent  
18 guardian is a relative with whom the child has a relationship.

19          B. In proceedings for permanent guardianship, the court shall  
20 give primary consideration to the physical and behavioral health  
21 needs of the child.

22          C. Unless otherwise set forth in the final order of permanent  
23 guardianship, a permanent guardian is vested with all of the rights  
24 and responsibilities as set forth in Title 30 of the Oklahoma

1 Statutes relating to the powers and duties of a guardian of a minor,  
2 other than those rights and responsibilities retained by the child's  
3 parent, if any, that are set forth in the decree of permanent  
4 guardianship.

5 SECTION 122. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1-4-710 of Title 10A, unless  
7 there is created a duplication in numbering, reads as follows:

8 A. The district attorney or child's attorney shall file a  
9 motion for permanent guardianship with the juvenile court in the  
10 deprived case. The motion shall be verified by the prospective  
11 guardian and shall include the following:

12 1. The name, gender, and date of birth of the child;

13 2. The facts and circumstances supporting the grounds for  
14 permanent guardianship;

15 3. The name and address of the prospective guardian and a  
16 statement that the prospective guardian agrees to accept the duties  
17 and responsibilities of guardianship;

18 4. The relationship of the child to the prospective guardian;

19 5. That the prospective guardian understands that the  
20 guardianship is intended to be permanent in nature and that the  
21 person will be responsible as the guardian until the child reaches  
22 the age of majority;

23

24

1           6. Whether the child has resided with the prospective guardian  
2 prior to the motion being filed, and, if so, the length of time and  
3 the circumstances surrounding the child's stay; and

4           7. Whether there exists a loving, emotional tie between the  
5 child and the prospective guardian.

6           B. Notice of the hearing as well as a copy of the motion shall  
7 be served upon the parties, the Department of Human Services, and  
8 the guardian ad litem of the child, if any. Notice shall also be  
9 sent to the tribe of an Indian child as defined by the federal  
10 Indian Child Welfare Act. Service shall not be required on the  
11 parent whose rights have been previously terminated.

12           C. 1. When the child is in the custody of the Department, the  
13 Department shall cause an assessment of the proposed guardian's home  
14 to be completed and provide a report to the court regarding the  
15 suitability of the proposed guardian and whether guardianship is in  
16 the best interest of the child. The Department shall promulgate  
17 rules in furtherance of the duties imposed by this subsection.  
18 However, the prospective guardian shall be responsible to obtain the  
19 home assessment if the child is not in the custody of the  
20 Department.

21           2. The findings of the home assessment shall be set forth in a  
22 written report provided to the court, the district attorney, the  
23 child, and the guardian ad litem, if any, before the hearing. The  
24

1 court may require additional information as necessary to make an  
2 appropriate decision regarding the permanent guardianship.

3 D. 1. Before issuing an order of permanent guardianship, the  
4 court shall find by clear and convincing evidence all of the  
5 following:

6 a. the factual basis for establishing parental unfitness  
7 or unavailability to provide adequate care for the  
8 child,

9 b. termination of the rights of the parent is either not  
10 legally possible or not in the best interests of the  
11 child, or adoption is not the permanency plan for the  
12 child,

13 c. the child has resided with the permanent guardian for  
14 at least six (6) months, or the permanent guardian is  
15 a relative with whom the child has a relationship,

16 d. a permanent guardianship is in the best interests of  
17 the child, and

18 e. the proposed permanent guardian:

19 (1) is emotionally, mentally, physically, and  
20 financially suitable to become the permanent  
21 guardian,

22 (2) has expressly committed to remain the permanent  
23 guardian for the duration of the child's  
24 minority, and

1 (3) has expressly demonstrated a clear understanding  
2 of the financial implications of becoming a  
3 permanent guardian.

4 2. A decree of permanent guardianship divests the parents of  
5 legal custody or guardianship of the child, but is not a termination  
6 of parental rights.

7 E. Upon finding that grounds exist for a permanent  
8 guardianship, the court may also order visitation with the parent,  
9 siblings, or other relatives of the child if such contact would be  
10 in the child's best interests as well as any other provision  
11 necessary to provide for the child's continuing safety and well-  
12 being. The court shall order the parents to contribute to the  
13 support of the child pursuant to child-support guidelines as  
14 provided for in Sections 118 and 119 of Title 43 of the Oklahoma  
15 Statutes.

16 F. 1. An order appointing a permanent guardian shall:

17 a. require that the placement be reviewed within one (1)  
18 year after transfer, and may require the permanent  
19 guardian to submit any records or reports the court  
20 deems necessary for purposes of such review,

21 b. not require the Department to supervise the placement  
22 during such period of time,

23 c. not require periodic reviews by the court thereafter

24 if the parties agree with the assent of the court that

1 the reviews are not necessary to serve the best  
2 interests of the child, unless periodic reviews are  
3 otherwise required by the court.

4 2. Unless periodic reviews are required, the court may close  
5 the case, provided the order of permanent guardianship shall remain  
6 in full force and effect subject to the provisions of this Code.

7 SECTION 123. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1-4-711 of Title 10A, unless  
9 there is created a duplication in numbering, reads as follows:

10 A. 1. A motion for modification or termination of a permanent  
11 guardianship may be filed by the permanent guardian, the child, or  
12 the district attorney. A modification or termination may also be  
13 ordered by the court on its own initiative. An order for  
14 modification or termination of the permanent guardianship may be  
15 entered after notice and opportunity for hearing and shall be based  
16 on a finding that there has been a substantial change of material  
17 circumstances including, but not limited to, the following:

- 18 a. the parent of the child is presently able and willing  
19 to properly care for the child,
- 20 b. the permanent guardian of the child is unable to  
21 properly care for the child,
- 22 c. the child has been abused or neglected while in the  
23 care of the permanent guardian, or
- 24 d. the permanent guardian of the child is deceased.



1           2. The court shall appoint a guardian ad litem for the child in  
2 any proceeding for modification or termination of a permanent  
3 guardianship.

4           B. 1. The court may modify or terminate the order granting  
5 permanent guardianship upon a finding by clear and convincing  
6 evidence that there has been a substantial change in material  
7 circumstances and that a modification or termination of the  
8 permanent guardianship is in the child's best interest.

9           2. When the modification or termination of the permanent  
10 guardianship results in the removal of the child from the home of  
11 the guardian, the court shall determine if the continuation of the  
12 child in the home of the guardian is contrary to the welfare of the  
13 child, and, if so, whether:

- 14           a. reasonable efforts have been made to prevent the  
15           removal of the child from the child's home, or
- 16           b. an absence of efforts to prevent the removal of the  
17           child from the child's home is reasonable because the  
18           removal is due to an emergency and is for the purpose  
19           of providing for the welfare of the child.

20           3. Where the termination of a permanent guardianship is granted  
21 for reason of the guardian's abuse, neglect, death, or inability to  
22 care for the child, the court shall order the child returned to the  
23 legal custody of the Department of Human Services pending further  
24 hearing. The Department shall develop a new permanency plan on

1 behalf of the child, which shall be presented to the court within  
2 thirty (30) days of the date the permanent guardianship is  
3 terminated.

4 4. Unless the parental rights of the child's parent or parents  
5 have been terminated, they shall be notified that the legal  
6 guardianship has been modified or terminated and shall be entitled  
7 to participate in the new permanency planning hearing where the  
8 court shall order a new permanency plan appropriate to meet the  
9 needs of the child.

10 5. The court may order that reunification services again be  
11 provided to the parent or parents if it is in the best interests of  
12 the child and may consider the parent or parents for custody of the  
13 child, with Department supervision, if the parent can prove by a  
14 preponderance of the evidence that conditions which previously  
15 existed at the time of the granting of the permanent guardianship  
16 order have been substantially corrected and that reunification is  
17 the best alternative for the child.

18 SECTION 124. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1-4-801 of Title 10A, unless  
20 there is created a duplication in numbering, reads as follows:

21 A. At any hearing including, but not limited to, hearings  
22 conducted pursuant to Section 1-8-103 of Title 10A of the Oklahoma  
23 Statutes, where it is determined that a child in state custody will  
24 be released from state custody, the district attorney or the

1 attorney for the child may give verbal notice to the court of an  
2 objection to the order of the court and an intention to seek review  
3 of that order based on the grounds that the order of the court  
4 releasing the child from state custody creates a serious risk of  
5 danger to the health or safety of the child.

6 B. Upon giving such notice, the court issuing the custody order  
7 in question shall stay the custody order pending the filing of an  
8 application and completion of review as provided in this section.  
9 The district attorney or attorney for the child shall file with the  
10 presiding judge of the administrative judicial district a written  
11 application for review within three (3) judicial days from the  
12 custody order. If a written application for review is not filed  
13 within such time period, or if a written notice to the trial court  
14 withdrawing the objection is filed within that time period, the  
15 objection will be deemed abandoned and the stay shall expire.

16 C. Each application for review shall be assigned by the  
17 presiding judge of the administrative judicial district to a judge  
18 within that administrative judicial district with juvenile docket  
19 responsibilities. The review shall be completed within five (5)  
20 judicial days of the filing of the written application for review.  
21 The review conducted by the reviewing judge shall address the  
22 question of whether releasing the child from state custody creates a  
23 serious risk of danger to the health or safety of the child. The  
24 reviewing court shall review the record of the hearing and any other

1 evidence deemed relevant by the reviewing court. At the conclusion  
2 of the review, the reviewing court shall issue its findings of fact  
3 and conclusions of law and report them to the court issuing the  
4 custody order under review.

5 D. A finding by the reviewing court that the order releasing  
6 the child from state custody creates a serious risk of danger to the  
7 health or safety of the child shall be controlling and the court  
8 issuing the order under review shall proceed to enter a different  
9 custody order. If the reviewing court finds that the order under  
10 review does not create a serious risk of danger to the health or  
11 safety of the child and that the order is otherwise appropriate then  
12 the court issuing the order under review shall release the stay and  
13 the order shall be subject to appeal as provided in Section 1-5-101  
14 of Title 10A of the Oklahoma Statutes. The failure of any court to  
15 issue the stay mandated by this section shall be subject to  
16 immediate mandamus to an appropriate court.

17 SECTION 125. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1-4-803 of Title 10A, unless  
19 there is created a duplication in numbering, reads as follows:

20 If the court determines it would be in the best interests of a  
21 child, the court may place the child in the legal custody of the  
22 Department of Human Services. Whenever a child is in the custody of  
23 the Department, the court shall not have the authority to order a  
24 specific placement of the child but shall have the authority to

1 approve or disapprove a specific placement if it does not conform to  
2 statutory requirements and the best interests of the child.

3 SECTION 126. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as 1-4-903 of Title 10A, unless there is  
5 created a duplication in numbering, reads as follows:

6 If the court finds from the information presented by the  
7 Department of Human Services that the permanency plan for the child  
8 should be adoption, the court may order the district attorney to  
9 show cause why it should not file a petition or motion to terminate  
10 the parent-child legal relationship pursuant to Section 1-4-903 of  
11 this title. Good cause may include, but need not be limited to, any  
12 of the following conditions:

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

15 2. The Department has documented a compelling reason for  
16 determining that filing a petition to terminate parental rights  
17 would not serve the best interests of the child; or

18 3. The state has not provided to the family of the child,  
19 consistent with the time period in the state case plan, such  
20 services as the state deems necessary for the safe return of the  
21 child to the child's home, if reasonable efforts are required to be  
22 made with respect to the child.

23

24

1 SECTION 127. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-4-907 of Title 10A, unless  
3 there is created a duplication in numbering, reads as follows:

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

14 SECTION 128. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1-4-908 of Title 10A, unless  
16 there is created a duplication in numbering, reads as follows:

17 A. When parental rights are not terminated as a result of a  
18 trial, the court shall set the matter for a permanency hearing  
19 within thirty (30) days.

20 B. The failure of parental rights to be terminated at trial  
21 shall not deprive the court of its continuing jurisdiction over the  
22 child, nor shall it require reunification of the child with the  
23 parent if the child has been adjudicated to be deprived.

24

1           SECTION 129.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-4-909 of Title 10A, unless  
3 there is created a duplication in numbering, reads as follows:

4           A. A child may, by application, request the court to reinstate  
5 the previously terminated parental rights of his or her parent under  
6 the following circumstances:

7           1. The child was previously found to be a deprived child;

8           2. The parent's rights were terminated in a proceeding under  
9 Title 10A of the Oklahoma Statutes;

10          3. The child has not achieved his or her permanency plan within  
11 three (3) years of a final order of termination; and

12          4. The child is at least fifteen (15) years old at the time the  
13 application is filed.

14          B. A child shall be represented during the proceeding and shall  
15 be provided independent counsel.

16          C. The application shall be signed by the child as well as the  
17 child's attorney.

18          D. If, after a preliminary hearing to consider the parent's  
19 apparent fitness and interest in reinstatement of parental rights,  
20 the court finds by a preponderance of the evidence that the best  
21 interests of the child may be served by reinstatement of parental  
22 rights, the court shall order that a hearing on the merits of the  
23 motion be held.

24

1 E. The court shall cause prior notice to be given to the  
2 Department of Human Services, the child's attorney, and the child.  
3 The court shall also order the Department or the child's attorney to  
4 give prior notice of any hearing to:

- 5 1. The former parent of the child whose parental rights are the  
6 subject of the application;
- 7 2. The current foster parent or relative guardian of the child;
- 8 3. The guardian ad litem of the child, if any; and
- 9 4. The child's tribe, if applicable.

10 F. The application of the child shall be dismissed if the  
11 parent cannot be located.

12 G. The court shall conditionally grant the application if it  
13 finds by clear and convincing evidence that the child has not and is  
14 not likely to imminently achieve his or her permanency plan and that  
15 reinstatement of parental rights is in the child's best interest.  
16 In determining whether reinstatement is in the child's best  
17 interest, the court shall consider, but is not limited to, the  
18 following:

- 19 1. Whether the parent whose rights are to be reinstated is a  
20 fit parent and has remedied the conditions as provided in the record  
21 of the prior termination proceedings and prior termination order;
- 22 2. The age and maturity of the child, and the ability of the  
23 child to express his or her preference;

24



1           3. Whether the reinstatement of parental rights will present a  
2 risk to the health, safety, or welfare of the child; and

3           4. Other material changes in circumstances, if any, that may  
4 have occurred which warrant the granting of the application.

5           H. In determining whether the child has or has not achieved his  
6 or her permanency plan, the Department shall provide the court, and  
7 the court shall review, information related to any efforts to  
8 achieve the permanency plan including efforts to achieve adoption or  
9 a permanent guardianship.

10           I. 1. If the court conditionally grants the application under  
11 subsection G of this section, the case shall be continued for six  
12 (6) months and a temporary order of reinstatement of parental rights  
13 entered. During this period, the child shall be placed in the  
14 custody of the parent. The Department shall develop a permanency  
15 plan for the child reflecting the plan to be reunification and shall  
16 provide or ensure that transition services are provided to the  
17 family as appropriate.

18           2. If the child must be removed from the parent due to abuse or  
19 neglect allegations prior to the expiration of the conditional six-  
20 month period, the court shall dismiss the application for  
21 reinstatement of parental rights if the court finds the allegations  
22 have been proven by a preponderance of the evidence.

23           J. The court shall hold a hearing after the child has been  
24 placed with the parent for six (6) months. If the placement with

1 the parent has been successful, the court shall enter a final order  
2 of reinstatement of parental rights, which shall restore all rights,  
3 powers, privileges, immunities, duties, and obligations of the  
4 parent to the child, including those relating to custody, control,  
5 and support of the child. The court shall close the deprived action  
6 and direct the court clerk's office to provide a certified copy of  
7 the final order of reinstatement of parental rights to the parent at  
8 no cost.

9 K. A proceeding to reinstate parental rights is a separate  
10 action from the termination of parental rights proceeding and does  
11 not vacate the original termination of parental rights. An order  
12 granted under this section reinstates the parental rights to the  
13 child and acknowledges that the conditions of the parent and child  
14 have changed since the time of the termination of parental rights  
15 and that reunification is now appropriate.

16 L. This section is retroactive and shall apply to any child who  
17 is under the jurisdiction of the district court as a deprived child  
18 at the time of the hearing to reinstate parental rights regardless  
19 of the date when parental rights were terminated.

20 M. The district attorney, the Department, and its employees are  
21 not liable for civil damages resulting from any act or omission in  
22 providing services under this section unless the act or omission  
23 constitutes gross negligence. This section does not create any duty  
24 and shall not be construed to create a duty where none exists. This

1 section does not create a cause of action against the district  
2 attorney, the Department, or its employees concerning the original  
3 order of termination of parental rights.

4 SECTION 130. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 1-6-106 of Title 10A, unless  
6 there is created a duplication in numbering, reads as follows:

7 Social records as defined by the Oklahoma Children's Code shall  
8 not be filed in the court record unless so ordered by the court. If  
9 filed in the court record, the social records shall be placed in  
10 confidential envelopes in the court file and may only be accessed by  
11 the person who is the subject of the records, or attorney for such  
12 person, except as provided by Section 1-6-103 of this title.

13 SECTION 131. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1-7-107 of Title 10A, unless  
15 there is created a duplication in numbering, reads as follows:

16 When two or more children in foster care are siblings, every  
17 reasonable attempt should be made to place them in the same home.  
18 In making a permanent placement, such children should be placed in  
19 the same permanent home or, if the siblings are separated, should be  
20 allowed contact or visitation with other siblings; provided,  
21 however, the best interests of each sibling shall be the standard  
22 for determining whether they should be placed in the same foster  
23 placement or permanent placement, or allowed contact or visitation  
24 with other siblings.

1 SECTION 132. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-7-114 of Title 10A, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. The Department of Human Services and the Office of Juvenile  
5 Affairs shall be responsible for the completion of and costs of the  
6 foster parent eligibility assessment and any national criminal  
7 history records search based upon submission of fingerprints,  
8 preparation of a treatment and service plan, and a medical  
9 examination only for the children placed in the custody of the state  
10 agency. The state agency may provide for reimbursement of such  
11 expenses, costs, and charges so incurred pursuant to the Oklahoma  
12 Children's Code or the Oklahoma Juvenile Code, as applicable.

13 B. No child shall be eligible for any reimbursement through the  
14 state Medicaid program for placement in therapeutic foster care  
15 unless such placement has been reviewed and approved pursuant to  
16 rules regarding medical necessity for therapeutic foster care  
17 placement promulgated by the Oklahoma Health Care Authority Board.

18 SECTION 133. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1-8-102 of Title 10A, unless  
20 there is created a duplication in numbering, reads as follows:

21 A. Any court-appointed special advocate (CASA) available for  
22 appointment pursuant to the Oklahoma Children's Code or the Oklahoma  
23 Juvenile Code shall complete education and training courses in  
24 juvenile law, child abuse and neglect and other issues relating to

1 children such as foster care and parental divorce, including, but  
2 not limited to, risk factors which may identify domestic abuse and  
3 potential violence and the relationship between alcohol or drug  
4 abuse and violence, safe visitation and supervised visitation  
5 arrangements and standards for a child and parties. The chief judge  
6 of the judicial district for which a court-appointed special  
7 advocate serves shall be responsible for developing and  
8 administering procedures and rules for such courses.

9 B. No court-appointed special advocate shall be assigned a case  
10 before:

11 1. Completing a training program in compliance with nationally  
12 documented Court-Appointed Special Advocate standards.

13 Documentation of training shall be submitted annually by local  
14 court-appointed special advocate programs to the Oklahoma Court-  
15 Appointed Special Advocate Association; and

16 2. Being approved by the local court-appointed special advocate  
17 program, which will include appropriate criminal background checks  
18 as provided in subsection C of this section.

19 C. 1. Each local court-appointed special advocate program  
20 shall require a criminal history records search conducted by the  
21 Oklahoma State Bureau of Investigation, and any other background  
22 check requirements as set forth in Oklahoma Court-Appointed Special  
23 Advocate Association state standards for local programs, for any  
24 person making application to become a court-appointed special

1 advocate volunteer or to be employed by the local court-appointed  
2 special advocate program.

3 2. If the prospective court-appointed special advocate  
4 volunteer or employee of the local court-appointed special advocate  
5 program has lived in Oklahoma for less than one (1) year, a criminal  
6 history records search shall also be obtained from the criminal  
7 history state repository of the previous state of residence.

8 3. The Oklahoma Court-Appointed Special Advocate Association  
9 shall pay the fee for the criminal history records search provided  
10 in this subsection.

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

15 2. Any person serving in a management position of a court-  
16 appointed special advocate organization, including a member of the  
17 Board of Directors acting in good faith, shall be immune from any  
18 civil liability or any vicarious liability for the negligence of any  
19 court-appointed special advocate organization advocates, managers,  
20 or directors.

21 SECTION 134. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1-8-107 of Title 10A, unless  
23 there is created a duplication in numbering, reads as follows:

24

1       A. The court may issue an order directing the county sheriff or  
2 his designee of the county in which the court is located to provide  
3 transportation to a child who is the subject of a deprived  
4 proceeding, regardless of where the child is placed within the  
5 state, for purposes of the following:

6       1. Transferring the child from his or her current placement to  
7 a designated inpatient treatment facility, as more further defined  
8 in the Inpatient Mental Health and Substance Abuse Treatment of  
9 Minors Act;

10       2. Transferring the child from the inpatient treatment facility  
11 to court for hearing;

12       3. Transferring the child from an out-of-county placement to  
13 court for hearing and returning the child back to the out-of-county  
14 placement; and

15       4. Assisting the Department of Human Services in transporting a  
16 child from any location to placement when requested by the  
17 Department for purposes of ensuring the safekeeping of the child as  
18 well as the Department employee.

19       B. 1. The Department shall provide reimbursement to the county  
20 sheriff or his designee for necessary and actual expenses for  
21 transporting the child as follows:

22           a. a fee for the cost of personal services at the rate of  
23               Twelve Dollars (\$12.00) per hour,

24

- 1           b.    mileage reimbursement for each mile actually traveled  
2                    at the rate established in the State Travel  
3                    Reimbursement Act,  
4           c.    meals for transporting personnel, not to exceed Seven  
5                    Dollars (\$7.00) per meal, and  
6           d.    meals for the child being transported, not to exceed  
7                    Seven Dollars (\$7.00) per meal.

8           2.    The Department shall process and mail reimbursement claims  
9           within sixty (60) days of receipt.   Payments for services provided  
10           by the county sheriff's office shall be paid to the county and  
11           deposited in the sheriff's service fee account.

12           C.    The court issuing the transportation order shall make such  
13           provision for the transportation and safekeeping of a child as is  
14           appropriate in the circumstances.

15           SECTION 135.        NEW LAW        A new section of law not to be  
16           codified in the Oklahoma Statutes reads as follows:

17           Sections 1-1-101 through 1-1-105 of Title 10A of the Oklahoma  
18           Statutes shall be Chapter 1 - General Provisions and Definitions.

19           SECTION 136.        NEW LAW        A new section of law not to be  
20           codified in the Oklahoma Statutes reads as follows:

21           Sections 1-2-101 through 1-2-110 of Title 10A of the Oklahoma  
22           Statutes shall be Chapter 2 - Reporting and Investigations.

23           SECTION 137.        NEW LAW        A new section of law not to be  
24           codified in the Oklahoma Statutes reads as follows:



1 Sections 1-3-101 through 1-3-103 of Title 10A of the Oklahoma  
2 Statutes shall be Chapter 3 - Medical and Behavioral Health  
3 Treatment.

4 SECTION 138. NEW LAW A new section of law not to be  
5 codified in the Oklahoma Statutes reads as follows:

6 Sections 1-4-101 through 1-4-102 of Title 10A of the Oklahoma  
7 Statutes shall be Chapter 4, Part 1 - Jurisdiction.

8 SECTION 139. NEW LAW A new section of law not to be  
9 codified in the Oklahoma Statutes reads as follows:

10 Sections 1-4-201 through 1-4-207 of Title 10A of the Oklahoma  
11 Statutes shall be Chapter 4, Part 2 - Protective and Emergency  
12 Custody.

13 SECTION 140. NEW LAW A new section of law not to be  
14 codified in the Oklahoma Statutes reads as follows:

15 Sections 1-4-301 through 1-4-306 of Title 10A of the Oklahoma  
16 Statutes shall be Chapter 4, Part 3 - Petition, Summons, Appointment  
17 of Counsel and Others.

18 SECTION 141. NEW LAW A new section of law not to be  
19 codified in the Oklahoma Statutes reads as follows:

20 Section 1-4-401 of Title 10A of the Oklahoma Statutes shall be  
21 Chapter 4, Part 4 - Discovery.

22 SECTION 142. NEW LAW A new section of law not to be  
23 codified in the Oklahoma Statutes reads as follows:

24

1 Sections 1-4-501 through 1-4-508 of Title 10A of the Oklahoma  
2 Statutes shall be Chapter 4, Part 5 - Conduct of Hearings.

3 SECTION 143. NEW LAW A new section of law not to be  
4 codified in the Oklahoma Statutes reads as follows:

5 Sections 1-4-601 through 1-4-603 of Title 10A of the Oklahoma  
6 Statutes shall be Chapter 4, Part 6 - Adjudication Hearing.

7 SECTION 144. NEW LAW A new section of law not to be  
8 codified in the Oklahoma Statutes reads as follows:

9 Sections 1-4-701 through 1-4-711 of Title 10A of the Oklahoma  
10 Statutes shall be Chapter 4, Part 7 - Dispositional Hearings.

11 SECTION 145. NEW LAW A new section of law not to be  
12 codified in the Oklahoma Statutes reads as follows:

13 Sections 1-4-801 through 1-4-814 of Title 10A of the Oklahoma  
14 Statutes shall be Chapter 4, Part 8 - Postdispositional, Placement,  
15 and Miscellaneous Hearings.

16 SECTION 146. NEW LAW A new section of law not to be  
17 codified in the Oklahoma Statutes reads as follows:

18 Sections 1-4-901 through 1-4-909 of Title 10A of the Oklahoma  
19 Statutes shall be Chapter 4, Part 9 - Termination of Parental  
20 Rights.

21 SECTION 147. NEW LAW A new section of law not to be  
22 codified in the Oklahoma Statutes reads as follows:

23 Sections 1-5-101 through 1-5-103 of Title 10A of the Oklahoma  
24 Statutes shall be Chapter 5 - Appeals.

1 SECTION 148. NEW LAW A new section of law not to be  
2 codified in the Oklahoma Statutes reads as follows:

3 Sections 1-6-101 through 1-6-108 of Title 10A of the Oklahoma  
4 Statutes shall be Chapter 6 - Children's Records.

5 SECTION 149. NEW LAW A new section of law not to be  
6 codified in the Oklahoma Statutes reads as follows:

7 Sections 1-7-101 through 1-7-114 of Title 10A of the Oklahoma  
8 Statutes shall be Chapter 7 - Persons/Agencies Receiving Custody -  
9 Rights and Duties.

10 SECTION 150. NEW LAW A new section of law not to be  
11 codified in the Oklahoma Statutes reads as follows:

12 Sections 1-8-101 through 1-8-108 of Title 10A of the Oklahoma  
13 Statutes shall be Chapter 8 - Miscellaneous Provisions.

14 SECTION 151. NEW LAW A new section of law not to be  
15 codified in the Oklahoma Statutes reads as follows:

16 Sections 1-9-101 through 1-9-122 of Title 10A of the Oklahoma  
17 Statutes shall be Chapter 9 - Programs, Contracts, and  
18 Administrative Provisions.

19 SECTION 152. REPEALER 10 O.S. 2001, Section 4, is hereby  
20 repealed.

21 SECTION 153. REPEALER 10 O.S. 2001, Section 5.1, is  
22 hereby repealed.

23 SECTION 154. REPEALER 10 O.S. 2001, Section 5A, is  
24 hereby repealed.

1 SECTION 155. REPEALER 10 O.S. 2001, Section 6, is hereby  
2 repealed.

3 SECTION 156. REPEALER 10 O.S. 2001, Section 6.5, is  
4 hereby repealed.

5 SECTION 157. REPEALER 10 O.S. 2001, Section 7, is hereby  
6 repealed.

7 SECTION 158. REPEALER 10 O.S. 2001, Section 8, is hereby  
8 repealed.

9 SECTION 159. REPEALER 10 O.S. 2001, Section 9, is hereby  
10 repealed.

11 SECTION 160. REPEALER 10 O.S. 2001, Section 10, is  
12 hereby repealed.

13 SECTION 161. REPEALER 10 O.S. 2001, Section 11, is  
14 hereby repealed.

15 SECTION 162. REPEALER 10 O.S. 2001, Section 12, is  
16 hereby repealed.

17 SECTION 163. REPEALER 10 O.S. 2001, Section 14, is  
18 hereby repealed.

19 SECTION 164. REPEALER 10 O.S. 2001, Section 16, is  
20 hereby repealed.

21 SECTION 165. REPEALER 10 O.S. 2001, Section 17, is  
22 hereby repealed.

23 SECTION 166. REPEALER 10 O.S. 2001, Section 18, is  
24 hereby repealed.

1 SECTION 167. REPEALER 10 O.S. 2001, Section 21.2, is  
2 hereby repealed.

3 SECTION 168. REPEALER 10 O.S. 2001, Section 21.3, is  
4 hereby repealed.

5 SECTION 169. REPEALER 10 O.S. 2001, Section 21.4, is  
6 hereby repealed.

7 SECTION 170. REPEALER 10 O.S. 2001, Section 21.5, as  
8 amended by Section 1, Chapter 286, O.S.L. 2006 (10 O.S. Supp. 2008,  
9 Section 21.5), is hereby repealed.

10 SECTION 171. REPEALER 10 O.S. 2001, Section 21.6, is  
11 hereby repealed.

12 SECTION 172. REPEALER 10 O.S. 2001, Section 23, is  
13 hereby repealed.

14 SECTION 173. REPEALER Section 1, Chapter 141, O.S.L.  
15 2008 (10 O.S. Supp. 2008, Section 7002-1.3), is hereby repealed.

16 SECTION 174. REPEALER 10 O.S. 2001, Section 7003-2.2, is  
17 hereby repealed.

18 SECTION 175. REPEALER 10 O.S. 2001, Section 7003-2.3, is  
19 hereby repealed.

20 SECTION 176. REPEALER 10 O.S. 2001, Section 7003-7.2, is  
21 hereby repealed.

22 SECTION 177. REPEALER 10 O.S. 2001, Section 7004-1.2, is  
23 hereby repealed.

24

1 SECTION 178. REPEALER 10 O.S. 2001, Section 7004-1.4, is  
2 hereby repealed.

3 SECTION 179. REPEALER 10 O.S. 2001, Section 7004-3.3, is  
4 hereby repealed.

5 SECTION 180. REPEALER 10 O.S. 2001, Section 7005-1.4, as  
6 last amended by Section 3, Chapter 351, O.S.L. 2007 (10 O.S. Supp.  
7 2008, Section 7005-1.4), is hereby repealed.

8 SECTION 181. REPEALER 10 O.S. 2001, Section 7005-1.5, is  
9 hereby repealed.

10 SECTION 182. REPEALER 10 O.S. 2001, Section 7005-1.7, is  
11 hereby repealed.

12 SECTION 183. REPEALER 10 O.S. 2001, Section 7006-1.4, is  
13 hereby repealed.

14 SECTION 184. REPEALER 10 O.S. 2001, Section 7006-1.5, is  
15 hereby repealed.

16 SECTION 185. REPEALER 10 O.S. 2001, Section 7006-1.6, is  
17 hereby repealed.

18 SECTION 186. REPEALER Section 9, Chapter 205, O.S.L.  
19 2006 (10 O.S. Supp. 2008, Section 7008-1.1), is hereby repealed.

20 SECTION 187. REPEALER Sections 10, 11, 12 and 13,  
21 Chapter 205, O.S.L. 2006, as amended by Sections 4, 5, 6 and 7,  
22 Chapter 293, O.S.L. 2008 (10 O.S. Supp. 2008, Sections 7008-1.2,  
23 7008-1.3, 7008-1.4 and 7008-1.5), are hereby repealed.

24

1 SECTION 188. REPEALER Section 14, Chapter 205, O.S.L.  
2 2006 (10 O.S. Supp. 2008, Section 7008-1.6, is hereby repealed.

3 SECTION 189. REPEALER 10 O.S. 2001, Section 7101, is  
4 hereby repealed.

5 SECTION 190. REPEALER 10 O.S. 2001, Section 7102, as  
6 last amended by Section 5, Chapter 351, O.S.L. 2007 (10 O.S. Supp.  
7 2008, Section 7102), is hereby repealed.

8 SECTION 191. REPEALER 10 O.S. 2001, Section 7104, as  
9 amended by Section 1, Chapter 53, O.S.L. 2005 (10 O.S. Supp. 2008,  
10 Section 7104), is hereby repealed.

11 SECTION 192. REPEALER 10 O.S. 2001, Sections 7201,  
12 7202.3, 7202.4, 7203, 7203.1 and 7203.2, are hereby repealed.

13 SECTION 193. RECODIFICATION 10 O.S. 2001, Section 5, as  
14 last amended by Section 1, Chapter 290, O.S.L. 2008 (10 O.S. Supp.  
15 2008, Section 5), shall be recodified as Section 109.4 of Title 43  
16 of the Oklahoma Statutes, unless there is created a duplication in  
17 numbering.

18 SECTION 194. RECODIFICATION 10 O.S. 2001, Section 5.2,  
19 shall be recodified as Section 109.6 of Title 43 of the Oklahoma  
20 Statutes, unless there is created a duplication in numbering.

21 SECTION 195. RECODIFICATION 10 O.S. 2001, Section 13,  
22 shall be recodified as Section 209.2 of Title 43 of the Oklahoma  
23 Statutes, unless there is created a duplication in numbering.

24

1 SECTION 196. RECODIFICATION 10 O.S. 2001, Section 15, as  
2 amended by Section 1 of this act, shall be recodified as Section  
3 112.4 of Title 43 of the Oklahoma Statutes, unless there is created  
4 a duplication in numbering.

5 SECTION 197. RECODIFICATION 10 O.S. 2001, Section 17.1,  
6 shall be recodified as Section 2025.1 of Title 12 of the Oklahoma  
7 Statutes, unless there is created a duplication in numbering.

8 SECTION 198. RECODIFICATION 10 O.S. 2001, Section 19,  
9 shall be recodified as Section 112.2A of Title 43 of the Oklahoma  
10 Statutes, unless there is created a duplication in numbering.

11 SECTION 199. RECODIFICATION 10 O.S. 2001, Section 20,  
12 shall be recodified as Section 1.1 of Title 76 of the Oklahoma  
13 Statutes, unless there is created a duplication in numbering.

14 SECTION 200. RECODIFICATION 10 O.S. 2001, Section 21.1,  
15 as last amended by Section 2 of this act, shall be recodified as  
16 Section 112.4 of Title 43 of the Oklahoma Statutes, unless there is  
17 created a duplication in numbering.

18 SECTION 201. RECODIFICATION 10 O.S. 2001, Section 7001-  
19 1.1, as amended by Section 9 of this act, shall be recodified as  
20 Section 1-1-101 of Title 10A of the Oklahoma Statutes, unless there  
21 is created a duplication in numbering.

22 SECTION 202. RECODIFICATION 10 O.S. 2001, Section 7001-  
23 1.2, as amended by Section 10 of this act, shall be recodified as  
24



1 Section 1-1-102 of Title 10A of the Oklahoma Statutes, unless there  
2 is created a duplication in numbering.

3 SECTION 203. RECODIFICATION 10 O.S. 2001, Section 7001-  
4 1.3, as last amended by Section 11 of this act, shall be recodified  
5 as Section 1-1-105 of Title 10A of the Oklahoma Statutes, unless  
6 there is created a duplication in numbering.

7 SECTION 204. RECODIFICATION 10 O.S. 2001, Section 7002-  
8 3.1, as amended by Section 16 of this act, shall be recodified as  
9 Section 1-1-104 of Title 10A of the Oklahoma Statutes, unless there  
10 is created a duplication in numbering.

11 SECTION 205. RECODIFICATION 10 O.S. 2001, Section 7103,  
12 as amended by Section 79 of this act, shall be recodified as Section  
13 1-2-101 of Title 10A of the Oklahoma Statutes, unless there is  
14 created a duplication in numbering.

15 SECTION 206. RECODIFICATION 10 O.S. 2001, Section 7003-  
16 1.1, as amended by Section 17 of this act, shall be recodified as  
17 Section 1-2-102 of Title 10A of the Oklahoma Statutes, unless there  
18 is created a duplication in numbering.

19 SECTION 207. RECODIFICATION Section 15, Chapter 205,  
20 O.S.L. 2006 (10 O.S. Supp. 2008, Section 7104.1), as amended by  
21 Section 80 of this act, shall be recodified as Section 1-2-103 of  
22 Title 10A of the Oklahoma Statutes, unless there is created a  
23 duplication in numbering.

24

1 SECTION 208. RECODIFICATION 10 O.S. 2001, Section 7105,  
2 as last amended by Section 81 of this act, shall be recodified as  
3 Section 1-2-104 of Title 10A of the Oklahoma Statutes, unless there  
4 is created a duplication in numbering.

5 SECTION 209. RECODIFICATION 10 O.S. 2001, Section 7106,  
6 as last amended by Section 83 of this act, shall be recodified as  
7 Section 1-2-105 of Title 10A of the Oklahoma Statutes, unless there  
8 is created a duplication in numbering.

9 SECTION 210. RECODIFICATION 10 O.S. 2001, Section 7108,  
10 as last amended by Section 85 of this act, shall be recodified as  
11 Section 1-2-106 of Title 10A of the Oklahoma Statutes, unless there  
12 is created a duplication in numbering.

13 SECTION 211. RECODIFICATION 10 O.S. 2001, Section 7109,  
14 as amended by Section 86 of this act, shall be recodified as Section  
15 1-2-107 of Title 10A of the Oklahoma Statutes, unless there is  
16 created a duplication in numbering.

17 SECTION 212. RECODIFICATION 10 O.S. 2001, Section 7111,  
18 as amended by Section 90 of this act, shall be recodified as Section  
19 1-2-108 of Title 10A of the Oklahoma Statutes, unless there is  
20 created a duplication in numbering.

21 SECTION 213. RECODIFICATION 10 O.S. 2001, Section  
22 7115.1, as amended by Section 92 of this act, shall be recodified as  
23 Section 1-2-109 of Title 10A of the Oklahoma Statutes, unless there  
24 is created a duplication in numbering.

1 SECTION 214. RECODIFICATION 10 O.S. 2001, Section 7218,  
2 as amended by Section 107 of this act, shall be recodified as  
3 Section 1-2-110 of Title 10A of the Oklahoma Statutes, unless there  
4 is created a duplication in numbering.

5 SECTION 215. RECODIFICATION 10 O.S. 2001, Section 170.1,  
6 as amended by Section 7 of this act, shall be recodified as Section  
7 1-3-101 of Title 10A of the Oklahoma Statutes, unless there is  
8 created a duplication in numbering.

9 SECTION 216. RECODIFICATION 10 O.S. 2001, Section 7003-  
10 2.5, as amended by Section 20 of this act, shall be recodified as  
11 Section 1-3-103 of Title 10A of the Oklahoma Statutes, unless there  
12 is created a duplication in numbering.

13 SECTION 217. RECODIFICATION 10 O.S. 2001, Section 7002-  
14 1.1, as last amended by Section 12 of this act, shall be recodified  
15 as Section 1-4-101 of Title 10A of the Oklahoma Statutes, unless  
16 there is created a duplication in numbering.

17 SECTION 218. RECODIFICATION 10 O.S. 2001, Section 7002-  
18 1.2, as amended by Section 13 of this act, shall be recodified as  
19 Section 1-4-102 of Title 10A of the Oklahoma Statutes, unless there  
20 is created a duplication in numbering.

21 SECTION 219. RECODIFICATION 10 O.S. 2001, Section 7003-  
22 2.1, as last amended by Section 18 of this act, shall be recodified  
23 as Section 1-4-201 of Title 10A of the Oklahoma Statutes, unless  
24 there is created a duplication in numbering.

1 SECTION 220. RECODIFICATION 10 O.S. 2001, Section 7003-  
2 2.4, as last amended by Section 19 of this act, shall be recodified  
3 as Section 1-4-202 of Title 10A of the Oklahoma Statutes, unless  
4 there is created a duplication in numbering.

5 SECTION 221. RECODIFICATION 10 O.S. 2001, Section 7003-  
6 8.5, as amended by Section 56 of this act, shall be recodified as  
7 Section 1-4-207 of Title 10A of the Oklahoma Statutes, unless there  
8 is created a duplication in numbering.

9 SECTION 222. RECODIFICATION 10 O.S. 2001, Section 7003-  
10 3.1, as last amended by Section 21 of this act, shall be recodified  
11 as Section 1-4-301 of Title 10A of the Oklahoma Statutes, unless  
12 there is created a duplication in numbering.

13 SECTION 223. RECODIFICATION 10 O.S. 2001, Section 7003-  
14 3.3, as amended by Section 22 of this act, shall be recodified as  
15 Section 1-4-302 of Title 10A of the Oklahoma Statutes, unless there  
16 is created a duplication in numbering.

17 SECTION 224. RECODIFICATION 10 O.S. 2001, Section 7003-  
18 3.4, as amended by Section 23 of this act, shall be recodified as  
19 Section 1-4-303 of Title 10A of the Oklahoma Statutes, unless there  
20 is created a duplication in numbering.

21 SECTION 225. RECODIFICATION 10 O.S. 2001, Section 7003-  
22 3.5, as amended by Section 24 of this act, shall be recodified as  
23 Section 1-4-304 of Title 10A of the Oklahoma Statutes, unless there  
24 is created a duplication in numbering.

1 SECTION 226. RECODIFICATION 10 O.S. 2001, Section 7003-  
2 3.6, as amended by Section 25 of this act, shall be recodified as  
3 Section 1-4-305 of Title 10A of the Oklahoma Statutes, unless there  
4 is created a duplication in numbering.

5 SECTION 227. RECODIFICATION 10 O.S. 2001, Section 7003-  
6 3.7, as last amended by Section 26 of this act, shall be recodified  
7 as Section 1-4-306 of Title 10A of the Oklahoma Statutes, unless  
8 there is created a duplication in numbering.

9 SECTION 228. RECODIFICATION 10 O.S. 2001, Section 7003-  
10 8.4, as amended by Section 55 of this act, shall be recodified as  
11 Section 1-4-501 of Title 10A of the Oklahoma Statutes, unless there  
12 is created a duplication in numbering.

13 SECTION 229. RECODIFICATION 10 O.S. 2001, Section 7003-  
14 3.8, as amended by Section 1, Chapter 473, O.S.L. 2002 (10 O.S.  
15 Supp. 2008, Section 7003-3.8), shall be recodified as Section 1-4-  
16 502 of Title 10A of the Oklahoma Statutes, unless there is created a  
17 duplication in numbering.

18 SECTION 230. RECODIFICATION 10 O.S. 2001, Section 7003-  
19 4.1, as last amended by Section 27 of this act, shall be recodified  
20 as Section 1-4-503 of Title 10A of the Oklahoma Statutes, unless  
21 there is created a duplication in numbering.

22 SECTION 231. RECODIFICATION 10 O.S. 2001, Section 7003-  
23 4.2, as amended by Section 28 of this act, shall be recodified as  
24

1 Section 1-4-505 of Title 10A of the Oklahoma Statutes, unless there  
2 is created a duplication in numbering.

3 SECTION 232. RECODIFICATION 10 O.S. 2001, Section 7003-  
4 4.3, as amended by Section 29 of this act, shall be recodified as  
5 Section 1-4-506 of Title 10A of the Oklahoma Statutes, unless there  
6 is created a duplication in numbering.

7 SECTION 233. RECODIFICATION 10 O.S. 2001, Section 7113,  
8 as amended by Section 91 of this act, shall be recodified as Section  
9 1-4-507 of Title 10A of the Oklahoma Statutes, unless there is  
10 created a duplication in numbering.

11 SECTION 234. RECODIFICATION 10 O.S. 2001, Section 7003-  
12 4.4, as amended by Section 30 of this act, shall be recodified as  
13 Section 1-4-602 of Title 10A of the Oklahoma Statutes, unless there  
14 is created a duplication in numbering.

15 SECTION 235. RECODIFICATION 10 O.S. 2001, Section 7003-  
16 4.5, as amended by Section 31 of this act, shall be recodified as  
17 Section 1-4-603 of Title 10A of the Oklahoma Statutes, unless there  
18 is created a duplication in numbering.

19 SECTION 236. RECODIFICATION 10 O.S. 2001, Section 7003-  
20 8.7, as last amended by Section 58 of this act, shall be recodified  
21 as Section 1-4-701 of Title 10A of the Oklahoma Statutes, unless  
22 there is created a duplication in numbering.

23 SECTION 237. RECODIFICATION Section 2, Chapter 198,  
24 O.S.L. 2004 (10 O.S. Supp. 2008, Section 7003-8.8), as last amended

1 by Section 59 of this act, shall be recodified as Section 1-4-702 of  
2 Title 10A of the Oklahoma Statutes, unless there is created a  
3 duplication in numbering.

4 SECTION 238. RECODIFICATION 10 O.S. 2001, Section 7003-  
5 5.2, as amended by Section 34 of this act, shall be recodified as  
6 Section 1-4-703 of Title 10A of the Oklahoma Statutes, unless there  
7 is created a duplication in numbering.

8 SECTION 239. RECODIFICATION 10 O.S. 2001, Section 7003-  
9 5.3, as last amended by Section 35 of this act, shall be recodified  
10 as Section 1-4-704 of Title 10A of the Oklahoma Statutes, unless  
11 there is created a duplication in numbering.

12 SECTION 240. RECODIFICATION 10 O.S. 2001, Section 7003-  
13 8.1, as last amended by Section 52 of this act, shall be recodified  
14 as Section 1-4-705 of Title 10A of the Oklahoma Statutes, unless  
15 there is created a duplication in numbering.

16 SECTION 241. RECODIFICATION 10 O.S. 2001, Section 7003-  
17 5.5, as last amended by Section 38 of this act, shall be recodified  
18 as Section 1-4-706 of Title 10A of the Oklahoma Statutes, unless  
19 there is created a duplication in numbering.

20 SECTION 242. RECODIFICATION 10 O.S. 2001, Section 7003-  
21 6.2A, as last amended by Section 48 of this act, shall be recodified  
22 as Section 1-4-802 of Title 10A of the Oklahoma Statutes, unless  
23 there is created a duplication in numbering.

24

1 SECTION 243. RECODIFICATION 10 O.S. 2001, Section 7003-  
2 5.4a, as amended by Section 37 of this act, shall be recodified as  
3 Section 1-4-804 of Title 10A of the Oklahoma Statutes, unless there  
4 is created a duplication in numbering.

5 SECTION 244. RECODIFICATION 10 O.S. 2001, Section 7208,  
6 as last amended by Section 100 of this act, shall be recodified as  
7 Section 1-4-805 of Title 10A of the Oklahoma Statutes, unless there  
8 is created a duplication in numbering.

9 SECTION 245. RECODIFICATION 10 O.S. 2001, Section 7003-  
10 5.5a, as last amended by Section 39 of this act, shall be recodified  
11 as Section 1-4-806 of Title 10A of the Oklahoma Statutes, unless  
12 there is created a duplication in numbering.

13 SECTION 246. RECODIFICATION 10 O.S. 2001, Section 7003-  
14 5.6, as last amended by Section 40 of this act, shall be recodified  
15 as Section 1-4-807 of Title 10A of the Oklahoma Statutes, unless  
16 there is created a duplication in numbering.

17 SECTION 247. RECODIFICATION 10 O.S. 2001, Section 7003-  
18 5.6a, as amended by Section 41 of this act, shall be recodified as  
19 Section 1-4-808 of Title 10A of the Oklahoma Statutes, unless there  
20 is created a duplication in numbering.

21 SECTION 248. RECODIFICATION 10 O.S. 2001, Section 7003-  
22 4.6, as amended by Section 32 of this act, shall be recodified as  
23 Section 1-4-809 of Title 10A of the Oklahoma Statutes, unless there  
24 is created a duplication in numbering.



1 SECTION 249. RECODIFICATION 10 O.S. 2001, Section 7003-  
2 5.6e, as last amended by Section 44 of this act, shall be recodified  
3 as Section 1-4-810 of Title 10A of the Oklahoma Statutes, unless  
4 there is created a duplication in numbering.

5 SECTION 250. RECODIFICATION 10 O.S. 2001, Section 7003-  
6 5.6d, as last amended by Section 43 of this act, shall be recodified  
7 as Section 1-4-811 of Title 10A of the Oklahoma Statutes, unless  
8 there is created a duplication in numbering.

9 SECTION 251. RECODIFICATION 10 O.S. 2001, Section 7003-  
10 5.6h, as last amended by Section 46 of this act, shall be recodified  
11 as Section 1-4-812 of Title 10A of the Oklahoma Statutes, unless  
12 there is created a duplication in numbering.

13 SECTION 252. RECODIFICATION 10 O.S. 2001, Section 7003-  
14 5.6f, as amended by Section 45 of this act, shall be recodified as  
15 Section 1-4-813 of Title 10A of the Oklahoma Statutes, unless there  
16 is created a duplication in numbering.

17 SECTION 253. RECODIFICATION 10 O.S. 2001, Section 7003-  
18 6.1, shall be recodified as Section 1-4-814 of Title 10A of the  
19 Oklahoma Statutes, unless there is created a duplication in  
20 numbering.

21 SECTION 254. RECODIFICATION 10 O.S. 2001, Section 7002-  
22 3.1, as amended by Section 16 of this act, shall be recodified as  
23 Section 1-4-901 of Title 10A of the Oklahoma Statutes, unless there  
24 is created a duplication in numbering.

1 SECTION 255. RECODIFICATION 10 O.S. 2001, Section 7003-  
2 4.7, as last amended by Section 33 of this act, shall be recodified  
3 as Section 1-4-902 of Title 10A of the Oklahoma Statutes, unless  
4 there is created a duplication in numbering.

5 SECTION 256. RECODIFICATION 10 O.S. 2001, Section 7006-  
6 1.1, as amended by Section 76 of this act, shall be recodified as  
7 Section 1-4-904 of Title 10A of the Oklahoma Statutes, unless there  
8 is created a duplication in numbering.

9 SECTION 257. RECODIFICATION 10 O.S. 2001, Section 7006-  
10 1.2, as amended by Section 77 of this act, shall be recodified as  
11 Section 1-4-905 of Title 10A of the Oklahoma Statutes, unless there  
12 is created a duplication in numbering.

13 SECTION 258. RECODIFICATION 10 O.S. 2001, Section 7006-  
14 1.3, as amended by Section 78 of this act, shall be recodified as  
15 Section 1-4-906 of Title 10A of the Oklahoma Statutes, unless there  
16 is created a duplication in numbering.

17 SECTION 259. RECODIFICATION 10 O.S. 2001, Section 7003-  
18 6.2, as last amended by Section 47 of this act, shall be recodified  
19 as Section 1-5-101 of Title 10A of the Oklahoma Statutes, unless  
20 there is created a duplication in numbering.

21 SECTION 260. RECODIFICATION 10 O.S. 2001, Section 7003-  
22 6.3, as amended by Section 49 of this act, shall be recodified as  
23 Section 1-5-102 of Title 10A of the Oklahoma Statutes, unless there  
24 is created a duplication in numbering.

1 SECTION 261. RECODIFICATION 10 O.S. 2001, Section 7003-  
2 6.4, as amended by Section 50 of this act, shall be recodified as  
3 Section 1-5-103 of Title 10A of the Oklahoma Statutes, unless there  
4 is created a duplication in numbering.

5 SECTION 262. RECODIFICATION 10 O.S. 2001, Section 7005-  
6 1.1, as amended by Section 71 of this act, shall be recodified as  
7 Section 1-6-101 of Title 10A of the Oklahoma Statutes, unless there  
8 is created a duplication in numbering.

9 SECTION 263. RECODIFICATION 10 O.S. 2001, Section 7005-  
10 1.2, as amended by Section 72 of this act, shall be recodified as  
11 Section 1-6-102 of Title 10 of the Oklahoma Statutes, unless there  
12 is created a duplication in numbering.

13 SECTION 264. RECODIFICATION 10 O.S. 2001, Section 7005-  
14 1.3, as last amended by Section 73 of this act, shall be recodified  
15 as Section 1-6-103 of Title 10A of the Oklahoma Statutes, unless  
16 there is created a duplication in numbering.

17 SECTION 265. RECODIFICATION Section 4, Chapter 351,  
18 O.S.L. 2007 (10 O.S. Supp. 2008, Section 7005-1.9), as last amended  
19 by Section 75 of this act, shall be recodified as Section 1-6-105 of  
20 Title 10A of the Oklahoma Statutes, unless there is created a  
21 duplication in numbering.

22 SECTION 266. RECODIFICATION 10 O.S. 2001, Section 7107,  
23 as amended by Section 84 of this act, shall be recodified as Section  
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1 1-6-107 of Title 10A of the Oklahoma Statutes, unless there is  
2 created a duplication in numbering.

3 SECTION 267. RECODIFICATION 10 O.S. 2001, Section 7005-  
4 1.8, shall be recodified as Section 1-6-108 of Title 10A of the  
5 Oklahoma Statutes, unless there is created a duplication in  
6 numbering.

7 SECTION 268. RECODIFICATION 10 O.S. 2001, Section 7003-  
8 7.1, as last amended by Section 51 of this act, shall be recodified  
9 as Section 1-7-101 of Title 10A of the Oklahoma Statutes, unless  
10 there is created a duplication in numbering.

11 SECTION 269. RECODIFICATION 10 O.S. 2001, Section 7002-  
12 2.1, as amended by Section 14 of this act, shall be recodified as  
13 Section 1-7-102 of Title 10A of the Oklahoma Statutes, unless there  
14 is created a duplication in numbering.

15 SECTION 270. RECODIFICATION 10 O.S. 2001, Section 7004-  
16 1.1, as amended by Section 60 of this act, shall be recodified as  
17 Section 1-7-103 of Title 10A of the Oklahoma Statutes, unless there  
18 is created a duplication in numbering.

19 SECTION 271. RECODIFICATION 10 O.S. 2001, Section 7003-  
20 5.4, as amended by Section 36 of this act, shall be recodified as  
21 Section 1-7-104 of Title 10A of the Oklahoma Statutes, unless there  
22 is created a duplication in numbering.

23 SECTION 272. RECODIFICATION 10 O.S. 2001, Section 7004-  
24 3.2, as last amended by Section 68 of this act, shall be recodified

1 as Section 1-7-105 of Title 10A of the Oklahoma Statutes, unless  
2 there is created a duplication in numbering.

3 SECTION 273. RECODIFICATION 10 O.S. 2001, Section 7202,  
4 as amended by Section 93 of this act, shall be recodified as Section  
5 1-7-106 of Title 10A of the Oklahoma Statutes, unless there is  
6 created a duplication in numbering.

7 SECTION 274. RECODIFICATION 10 O.S. 2001, Section 7204,  
8 as amended by Section 94 of this act, shall be recodified as Section  
9 1-7-108 of Title 10A of the Oklahoma Statutes, unless there is  
10 created a duplication in numbering.

11 SECTION 275. RECODIFICATION 10 O.S. 2001, Section 7205,  
12 as amended by Section 96 of this act, shall be recodified as Section  
13 1-7-109 of Title 10A of the Oklahoma Statutes, unless there is  
14 created a duplication in numbering.

15 SECTION 276. RECODIFICATION 10 O.S. 2001, Section 7207,  
16 as amended by Section 99 of this act, shall be recodified as Section  
17 1-7-110 of Title 10A of the Oklahoma Statutes, unless there is  
18 created a duplication in numbering.

19 SECTION 277. RECODIFICATION 10 O.S. 2001, Section 7209,  
20 as last amended by Section 101 of this act, shall be recodified as  
21 Section 1-7-111 of Title 10A of the Oklahoma Statutes, unless there  
22 is created a duplication in numbering.

23 SECTION 278. RECODIFICATION 10 O.S. 2001, Section 7214,  
24 as amended by Section 106 of this act, shall be recodified as

1 Section 1-7-112 of Title 10A of the Oklahoma Statutes, unless there  
2 is created a duplication in numbering.

3 SECTION 279. RECODIFICATION 10 O.S. 2001, Section 7221,  
4 as last amended by Section 108 of this act, shall be recodified as  
5 Section 1-7-113 of Title 10A of the Oklahoma Statutes, unless there  
6 is created a duplication in numbering.

7 SECTION 280. RECODIFICATION 10 O.S. 2001, Section 1211,  
8 as last amended by Section 8 of this act, shall be recodified as  
9 Section 1-8-101 of Title 10A of the Oklahoma Statutes, unless there  
10 is created a duplication in numbering.

11 SECTION 281. RECODIFICATION 10 O.S. 2001, Section 7003-  
12 8.6, as amended by Section 57 of this act, shall be recodified as  
13 Section 1-8-103 of Title 10A of the Oklahoma Statutes, unless there  
14 is created a duplication in numbering.

15 SECTION 282. RECODIFICATION 10 O.S. 2001, Section 7003-  
16 8.2, as amended by Section 53 of this act, shall be recodified as  
17 Section 1-8-104 of Title 10A of the Oklahoma Statutes, unless there  
18 is created a duplication in numbering.

19 SECTION 283. RECODIFICATION 10 O.S. 2001, Section 7003-  
20 8.3, as amended by Section 54 of this act, shall be recodified as  
21 Section 1-8-105 of Title 10A of the Oklahoma Statutes, unless there  
22 is created a duplication in numbering.

23 SECTION 284. RECODIFICATION 10 O.S. 2001, Section 7005-  
24 1.6, as amended by Section 74 of this act, shall be recodified as

1 Section 1-8-106 of Title 10A of the Oklahoma Statutes, unless there  
2 is created a duplication in numbering.

3 SECTION 285. RECODIFICATION 10 O.S. 2001, Section 7002-  
4 2.2, as amended by Section 15 of this act, shall be recodified as  
5 Section 1-8-108 of Title 10A of the Oklahoma Statutes, unless there  
6 is created a duplication in numbering.

7 SECTION 286. RECODIFICATION 10 O.S. 2001, Section  
8 7105.1, as amended by Section 82 of this act, shall be recodified as  
9 Section 1-9-101 of Title 10A of the Oklahoma Statutes, unless there  
10 is created a duplication in numbering.

11 SECTION 287. RECODIFICATION 10 O.S. 2001, Section 7110,  
12 as last amended by Section 87 of this act, shall be recodified as  
13 Section 1-9-102 of Title 10A of the Oklahoma Statutes, unless there  
14 is created a duplication in numbering.

15 SECTION 288. RECODIFICATION 10 O.S. 2001, Section  
16 7110.1, as last amended by Section 88 of this act, shall be  
17 recodified as Section 1-9-103 of Title 10A of the Oklahoma Statutes,  
18 unless there is created a duplication in numbering.

19 SECTION 289. RECODIFICATION 10 O.S. 2001, Section  
20 7110.2, as last amended by Section 89 of this act, shall be  
21 recodified as Section 1-9-104 of Title 10A of the Oklahoma Statutes,  
22 unless there is created a duplication in numbering.

23 SECTION 290. RECODIFICATION 10 O.S. 2001, Section 7004-  
24 1.3, as amended by Section 61 of this act, shall be recodified as

1 Section 1-9-105 of Title 10A of the Oklahoma Statutes, unless there  
2 is created a duplication in numbering.

3 SECTION 291. RECODIFICATION 10 O.S. 2001, Section 7004-  
4 1.5, as amended by Section 62 of this act, shall be recodified as  
5 Section 1-9-106 of Title 10A of the Oklahoma Statutes, unless there  
6 is created a duplication in numbering.

7 SECTION 292. RECODIFICATION 10 O.S. 2001, Section 7004-  
8 1.6, as amended by Section 63 of this act, shall be recodified as  
9 Section 1-9-107 of Title 10A of the Oklahoma Statutes, unless there  
10 is created a duplication in numbering.

11 SECTION 293. RECODIFICATION 10 O.S. 2001, Section 7004-  
12 1.7, as amended by Section 64 of this act, shall be recodified as  
13 Section 1-9-108 of Title 10A of the Oklahoma Statutes, unless there  
14 is created a duplication in numbering.

15 SECTION 294. RECODIFICATION Section 7, Chapter 205,  
16 O.S.L. 2006 (10 O.S. Supp. 2008, Section 7004-1.8), as last amended  
17 by Section 65 of this act, shall be recodified as Section 1-9-109 of  
18 Title 10A of the Oklahoma Statutes, unless there is created a  
19 duplication in numbering.

20 SECTION 295. RECODIFICATION 10 O.S. 2001, Section 7004-  
21 2.1, as amended by Section 66 of this act, shall be recodified as  
22 Section 1-9-110 of Title 10A of the Oklahoma Statutes, unless there  
23 is created a duplication in numbering.

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1 SECTION 296. RECODIFICATION 10 O.S. 2001, Section 7004-  
2 3.1, as amended by Section 67 of this act, shall be recodified as  
3 Section 1-9-111 of Title 10A of the Oklahoma Statutes, unless there  
4 is created a duplication in numbering.

5 SECTION 297. RECODIFICATION 10 O.S. 2001, Section 7004-  
6 3.4, as last amended by Section 69 of this act, shall be recodified  
7 as Section 1-9-112 of Title 10A of the Oklahoma Statutes, unless  
8 there is created a duplication in numbering.

9 SECTION 298. RECODIFICATION 10 O.S. 2001, Section 7004-  
10 3.5, as amended by Section 70 of this act, shall be recodified as  
11 Section 1-9-113 of Title 10A of the Oklahoma Statutes, unless there  
12 is created a duplication in numbering.

13 SECTION 299. RECODIFICATION 10 O.S. 2001, Section 7112,  
14 shall be recodified as Section 51b of Title 21 of the Oklahoma  
15 Statutes, unless there is created a duplication in numbering.

16 SECTION 300. RECODIFICATION 10 O.S. 2001, Section 7114,  
17 shall be recodified as Section 51c of Title 21 of the Oklahoma  
18 Statutes, unless there is created a duplication in numbering.

19 SECTION 301. RECODIFICATION 10 O.S. 2001, Section 7115,  
20 shall be recodified as Section 51d of Title 21 of the Oklahoma  
21 Statutes, unless there is created a duplication in numbering.

22 SECTION 302. RECODIFICATION 10 O.S. 2001, Section 7210,  
23 as amended by Section 102 of this act, shall be recodified as  
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1 Section 1-9-114 of Title 10A of the Oklahoma Statutes, unless there  
2 is created a duplication in numbering.

3 SECTION 303. RECODIFICATION 10 O.S. 2001, Section 7211,  
4 as amended by Section 103 of this act, shall be recodified as  
5 Section 1-9-115 of Title 10A of the Oklahoma Statutes, unless there  
6 is created a duplication in numbering.

7 SECTION 304. RECODIFICATION 10 O.S. 2001, Section 7212,  
8 as amended by Section 104 of this act, shall be recodified as  
9 Section 1-9-116 of Title 10A of the Oklahoma Statutes, unless there  
10 is created a duplication in numbering.

11 SECTION 305. RECODIFICATION 10 O.S. 2001, Section  
12 7204.1, as amended by Section 95 of this act, shall be recodified as  
13 Section 1-9-117 of Title 10A of the Oklahoma Statutes, unless there  
14 is created a duplication in numbering.

15 SECTION 306. RECODIFICATION 10 O.S. 2001, Section 7206,  
16 as last amended by Section 97 of this act, shall be recodified as  
17 Section 1-9-118 of Title 10A of the Oklahoma Statutes, unless there  
18 is created a duplication in numbering.

19 SECTION 307. RECODIFICATION 10 O.S. 2001, Section  
20 7206.1, as amended by Section 98 of this act, shall be recodified as  
21 Section 1-9-119 of Title 10A of the Oklahoma Statutes, unless there  
22 is created a duplication in numbering.

23 SECTION 308. RECODIFICATION 10 O.S. 2001, Section 7213,  
24 as amended by Section 105 of this act, shall be recodified as

1 Section 1-9-120 of Title 10A of the Oklahoma Statutes, unless there  
2 is created a duplication in numbering.

3 SECTION 309. RECODIFICATION 10 O.S. 2001, Section 7220,  
4 shall be recodified as Section 1-9-121 of Title 10A of the Oklahoma  
5 Statutes, unless there is created a duplication in numbering.

6 SECTION 310. RECODIFICATION 10 O.S. 2001, Section 7003-  
7 5.6b, as last amended by Section 42 of this act, shall be recodified  
8 as Section 1-9-122 of Title 10A of the Oklahoma Statutes, unless  
9 there is created a duplication in numbering.

10 SECTION 311. It being immediately necessary for the  
11 preservation of the public peace, health and safety, an emergency is  
12 hereby declared to exist, by reason whereof this act shall take  
13 effect and be in full force from and after its passage and approval.

14 Passed the House of Representatives the 5th 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