

1 ENGROSSED SENATE
2 BILL NO. 339

By: Anderson and Easley of the
Senate

3 and

4 Peters of the House

5
6
7 [children - child placement - courts -
8 determinations - rules -

9 emergency]

10

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

12 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7003-2.4, as
13 last amended by Section 2, Chapter 293, O.S.L. 2008 (10 O.S. Supp.
14 2008, Section 7003-2.4), is amended to read as follows:

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

19 2. The written notice shall:

- 20 a. inform the parents, legal guardian, or custodian that
21 the child has been removed from the home,
22 b. inform the parent, legal guardian, or custodian of the
23 child that an emergency custody hearing to determine
24 custody of the child will occur within two (2)

1 judicial days from the date the child was removed from
2 the home, and

3 c. contain information about the:

4 (1) emergency custody hearing process including, but
5 not limited to, the date, time and place that the
6 child was taken into protective or emergency
7 custody,

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

10 (3) address and telephone number of the local and
11 county law enforcement agencies,

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

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

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

22 B. 1. Within the next two (2) judicial days following the
23 child being taken into protective or emergency custody, the court
24 shall conduct an emergency custody hearing to determine whether

1 evidence or facts exist that are sufficient to demonstrate to the
2 court there is reason to believe the child is in need of protection
3 due to abuse or neglect, or is in surroundings that are such as to
4 endanger the health, safety or welfare of the child.

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

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

- 18 3. a. At the emergency custody hearing, the court shall:
- 19 (1) release the child to the child's parent, legal
20 guardian or custodian or other responsible adult
21 without conditions or under such conditions as
22 the court finds reasonably necessary to ensure
23 the health, safety or welfare of the child, or

24

- 1 (2) continue the child in or place the child into
2 emergency custody if continuation of the child in
3 the child's home is contrary to the health,
4 safety or welfare of the child,
- 5 (3) obtain information from the parent, legal
6 guardian or custodian necessary to identify and
7 locate kinship placement resources. If such
8 information indicates that within one (1) year of
9 the emergency custody hearing the child had
10 resided with a grandparent for six (6) months,
11 and that such grandparent was the primary
12 caregiver and provided primary financial support
13 for the child during such time, the court shall
14 provide notice and an opportunity to be heard at
15 future hearings to such grandparent, ~~and~~
- 16 (4) require the Department to provide to any
17 custodian or other person caring for the child
18 information on Department of Human Services
19 programs and services available to the child and
20 provide written notice of any further proceedings
21 to any foster or preadoptive parents or relatives
22 providing care for a child, and
- 23
24

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

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

7 (b) provide for frequent visitation or other
8 ongoing interaction in the case of siblings
9 who have been removed and who are not placed
10 together.

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

1 C. The court shall order the parent, legal guardian, or
2 custodian to complete an affidavit listing the names, addresses and
3 phone numbers of any parent, whether known or alleged, grandparent,
4 adult aunt, uncle, brother, sister, half-sibling and first cousin of
5 the child and any comments concerning the appropriateness of the
6 child's potential placement with such relative. If none exist, the
7 court shall further require the parents, legal guardian or custodian
8 to list any other adult relatives or persons with whom the child has
9 had a substantial relationship or who may be a suitable placement
10 for the child.

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

23 E. The Department shall, within thirty (30) days of a child's
24 removal, exercise due diligence to identify adult relatives. Notice

1 shall be provided by the Department to all grandparents and to such
2 other adult relatives as the court directs. The Department may
3 notify any adult relative for the purpose of assessing whether the
4 relative may be a suitable placement for the child or to maintain
5 the child's connection to kin or culture. The notice, ordered by
6 the court, shall advise the relatives:

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

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

12 3. Of the requirements to become a foster family home and the
13 additional services and supports available for children placed in
14 such a home.

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

20 F. If it is determined by agreement of the office of the
21 district attorney and the Department of Human Services that a child
22 may be safely returned home prior to an emergency custody hearing,
23 the following form or a substantially similar form shall be
24

1 completed by the office of the district attorney and the Department
2 and filed of record:

3 IN THE DISTRICT COURT OF _____ COUNTY

4 STATE OF OKLAHOMA

5 IN THE MATTER OF:

6 _____

7 ALLEGED DEPRIVED CHILD(REN)

8 MEMORANDUM

9 CHILD WELFARE WORKER:

10 ASSISTANT DISTRICT ATTORNEY:

11 ___ INVESTIGATION REVEALED ALLEGATIONS NOT CONFIRMED

12 ___ SERVICES WERE OFFERED AND ACCEPTED

13 ___ PARENT/CARETAKER HAS TAKEN APPROPRIATE STEPS TO

14 PROTECT CHILD FROM HARM

15 ___ OTHER:

16 NOTES:

17 CHILD(REN) RELEASED TO:

18 _____

19 ASSISTANT DISTRICT ATTORNEY

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

24 _____

1 DHS CHILD WELFARE WORKER.

2 ~~D~~. G. 1. Except as otherwise provided by this subsection, a
3 petition for a deprived child proceeding shall be filed and a
4 summons issued within five (5) judicial days from the date of
5 assumption of custody; provided, however, such time period may be
6 extended a period of time not to exceed fifteen (15) calendar days
7 from the date of assumption of custody of the child if, upon request
8 of the district attorney at the emergency custody hearing, the court
9 determines there are compelling reasons to grant additional time for
10 the filing of the petition for a deprived child proceeding.

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

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

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

24

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

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

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

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

13 a. that continuation of the child in the child's home is
14 contrary to the health, safety or welfare of the
15 child, and

16 b. as to whether or not reasonable efforts were made to
17 prevent the need for the removal of the child from the
18 child's home, or

19 c. as to whether or not an absence of efforts to prevent
20 the removal of the child from the child's home is
21 reasonable because the removal is due to an alleged
22 emergency and is for the purpose of providing for the
23 health, safety or welfare of the child, or

24

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

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

10 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7003-5.3, as
11 last amended by Section 2, Chapter 258, O.S.L. 2006 (10 O.S. Supp.
12 2008, Section 7003-5.3), is amended to read as follows:

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

16 B. The plan shall be filed by the Department of Human Services
17 or the agency responsible for the supervision of the case, or by the
18 Department or the agency or licensed child-placing agency having
19 custody of the child if the child has been removed from the custody
20 of its lawful parent or parents.

21 C. The treatment and service plan shall be based upon a
22 comprehensive assessment and evaluation of the child and family.

23 The plan shall be:
24

1 1. Developed with the participation or input of the parent,
2 legal guardian, or custodian of the child, the attorney of the child
3 and the guardian ad litem of the child, if any, and, if appropriate,
4 the child;

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

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

12 4. Subject to modification based on changing circumstances
13 consistent with the correction of the conditions that led to the
14 adjudication of the child; and

15 5. Reasonable, accurate, and in compliance with the
16 requirements of other court orders.

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

19 1. A history of the child and family, including identification
20 of the problems leading to the deprived child adjudication. The
21 statement of the conditions leading to the adjudication shall
22 include a statement of the methods to be used to correct those
23 conditions or to achieve permanent placement of the child;

24

1 2. Identification of the specific services to be provided to
2 the child including, but not limited to, educational, vocational
3 educational, medical, drug or alcohol abuse treatment, or counseling
4 or other treatment services, and identification of the services to
5 be provided to the parent, legal guardian, custodian, stepparent,
6 other adult person living in the home or other family members, to
7 remediate or alleviate the conditions that led to the adjudication,
8 including services needed to assist the family to provide safe and
9 proper care of the child or to prevent further harm to the child;

10 3. A schedule of the frequency of services or treatment and the
11 means by which delivery of the services or treatment will be assured
12 or, as necessary, the proposed means by which support services or
13 other assistance will be provided to enable the parent or the child
14 to obtain the services or treatment;

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

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

17 a. the services to be provided during and after any such
18 placement,

19 b. the reasons for such placement and a statement as to
20 the unavailability or inappropriateness of local
21 placement, or other good cause, for any placement
22 which is not in as close proximity as possible to the
23 home of the child,

24

- 1 c. the services to be provided to the child to ensure
2 safe and proper care while in such placement and the
3 projected date of discharge,
- 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 the child can be returned to a safe home,
- 12 e. if the child is sixteen (16) years of age or older,
13 the services necessary to make the transition from
14 foster care or other community placement to
15 independent living,
- 16 f. a description of the type of safe and proper placement
17 in which the child is to be placed,
- 18 g. a description of the initial support obligation to the
19 child, as determined by the court,
- 20 h. a description of any visitation rights and obligations
21 of the parent or parents, legal guardian, or custodian
22 during the period the child is in care, ~~and~~
- 23 i. a discussion of the safety and appropriateness of the
24 child's placement, which placement is intended to be

1 in the least restrictive and most family-like setting
2 available, consistent with the best interests and
3 special needs of the child and in as close proximity
4 as possible to the child's home, and

5 j. a plan for ensuring the educational stability of the
6 child while in out-of-home placement, including:

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

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

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

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

5 7. A projected date for the completion of the treatment and
6 service plan;

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

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

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

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

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

21 (3) finalize the adoption or guardianship, kinship
22 guardianship or other permanent placement.

23 b. Such documentation shall include, at a minimum, child-
24 specific recruitment efforts such as the use of state,

1 regional and national adoption exchanges, including
2 electronic exchange systems.

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

7 F. The individual treatment and service plan shall include the
8 following statement:

9 TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE
10 IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE
11 REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR
12 UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME, YOUR PARENTAL AND
13 CUSTODIAL DUTIES AND RIGHTS MAY BE RESTRICTED OR TERMINATED OR YOUR
14 CHILD MAY NOT BE RETURNED TO YOU.

15 G. Whenever a child who is subject to the provisions of this
16 section is committed for inpatient mental health or substance abuse
17 treatment pursuant to the Inpatient Mental Health and Substance
18 Abuse Treatment of Minors Act, the individual treatment and service
19 plan shall be amended as necessary and appropriate, including, but
20 not limited to, identification of the treatment and services to be
21 provided to the child and the child's family upon discharge of the
22 child from inpatient mental health or substance abuse treatment.

23 H. In addition to the information required pursuant to
24 subsection A of this section, when a child, who at birth tested

1 positive for alcohol or a controlled dangerous substance and who was
2 determined to be at risk for future exposure to such substances, has
3 been removed from the home, the Department of Human Services,
4 subject to court approval:

5 1. May require, as part of the treatment and service plan, that
6 the mother of such child complete a treatment program approved by
7 the Alcohol and Drug Abuse Prevention, Training, Treatment and
8 Rehabilitation Authority prior to the return of the child to a safe
9 home;

10 2. May require, as part of the treatment and service plan, that
11 the father of the child, legal guardian, custodian, stepparent or
12 other adult person living in the home who is an alcohol-dependent or
13 a drug-dependent person, as such terms are defined by Section 3-403
14 of Title 43A of the Oklahoma Statutes, and whose conduct has
15 contributed to the dependency of such child or mother on alcohol or
16 drugs, or to the conditions which caused the child to be adjudicated
17 deprived, complete a treatment program approved by the Alcohol and
18 Drug Abuse Prevention, Training, Treatment and Rehabilitation
19 Authority prior to the return of the child to the safe home; and

20 3. May require testing for substance abuse of the mother,
21 father, legal guardian, custodian, stepparent or other adult person
22 living in the home, on a monthly basis for a twelve-month period
23 following completion of the substance abuse program and after return
24 of the child to a safe home. A positive test of any such person

1 shall be presented to the Department of Human Services and the
2 district attorney.

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

6 J. The services delineated in the individual treatment and
7 service plan shall be designed to improve the conditions in the
8 family home and aid in maintaining the child in a safe home, to
9 facilitate the return of the child to the family home, or to
10 facilitate the permanent placement of the child. The plan shall
11 focus on clearly defined objectives and shall provide the most
12 efficient path to quick reunification or permanent placement. To
13 the extent possible, the plan shall contain outcome-based evaluation
14 criteria that measure success in the reunification or permanent
15 placement process.

16 K. In the event that the parent or parents are unwilling to
17 participate in the development or implementation of the individual
18 treatment and service plan, the Department shall document such
19 unwillingness in writing to the parent or parents and shall file the
20 document with the court.

21 L. The parents, any foster parents of the child, the child's
22 attorney and the guardian ad litem of the child, if any, shall be
23 each provided a copy of the treatment and service plan approved by
24 the court.

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

4 Section 7003-5.5 A. 1. When a child has been adjudicated
5 deprived pursuant to the provisions of Section 7003-4.5 of this
6 title, the court may enter a dispositional order on the same day,
7 but in any event the court shall hold a dispositional hearing and
8 enter such order within forty (40) days of such adjudication unless
9 the court finds on the record that the best interests of the child
10 will be served by granting a delay.

11 2. If the court grants a delay, the court shall state why the
12 delay is necessary and shall state the minimum amount of time needed
13 to resolve any such reasons for the delay. The court shall schedule
14 the dispositional hearing at the earliest possible time following
15 the delay.

16 B. 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 Consideration should be given so that if reunification fails or is
21 delayed, the placement made is the best available placement to
22 provide permanency for the child.

23
24

1 C. The following kinds of orders of disposition may be made in
2 respect to wards of the court pursuant to a deprived child
3 proceeding:

4 1. a. The court may place the child under supervision by the
5 Department of Human Services in the child's own home,
6 or in the custody of a suitable person elsewhere. If
7 a child has been removed from the custodial parent of
8 the child and the court, in the best interests of the
9 child, is unable to release the child to the custodial
10 parent, the court shall give priority for placement of
11 the child with the noncustodial parent of the child
12 unless such placement would not be in the child's best
13 interests. If the court cannot place the child with
14 the noncustodial parent, custody shall be consistent
15 with the provisions of Section 21.1 of this title. If
16 custody of the child cannot be made pursuant to the
17 provisions of Section 21.1 of this title, the reason
18 for such determination shall be documented in the
19 court record. The court may require the parent or
20 other person to comply with such conditions as the
21 court may require and to give security by bond, with
22 surety or sureties approved by the court, for
23 compliance with such order.

1 b. If it is consistent with the welfare of the child, the
2 child shall be returned to the child's parent, legal
3 guardian or custodian. Provided, that if it appears
4 to the court that the conduct of the parent, legal
5 guardian, custodian, or that a stepparent or other
6 adult person living in the home has contributed to
7 such deprivation, the court may issue a written order
8 specifying conduct to be followed by such parent,
9 legal guardian, custodian, stepparent or other adult
10 person living in the home with respect to such child.
11 The conduct specified shall be such as would
12 reasonably prevent the child from becoming or
13 continuing to be deprived.

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

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

22 3. The court may place the child in the custody of a private
23 institution or agency, including any institution established and
24 operated by the county, authorized to care for children or to place

1 them in family homes. In placing a child in a private institution
2 or agency, the court shall select one that is licensed by the
3 Department or any other state department supervising or licensing
4 private institutions and agencies; or, if such institution or agency
5 is in another state, by the analogous department of that state.
6 Whenever the court shall place a child in any institution or agency,
7 it shall transmit with the order of commitment a summary of its
8 information concerning the child, and such institution or agency
9 shall give to the court such information concerning the child as the
10 court may at any time require.

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

13 5. The court may place the child in the custody of the
14 Department.

15 6. If the child has been placed outside the home, and it
16 appears to the court that the parent, legal guardian, custodian,
17 stepparent, or other adult person living in the home has contributed
18 to the deprivation of the child, the court may order that the
19 parent, legal guardian, custodian, stepparent, or other adult living
20 in the home be made subject to any treatment or placement plan
21 prescribed by the Department or other person or agency receiving
22 custody of the child.

23 7. a. The court may order a child's permanent care and
24 custody transferred to another person, subject to

1 residual parental rights and responsibilities and
2 subject to such orders of the court as deemed
3 necessary for the health, safety or welfare of the
4 child pursuant to the provisions of this paragraph,
5 upon the written consent of both parents of the child
6 or upon the consent of one parent only if:

- 7 (1) the other parent is deceased,
- 8 (2) the other parent has been determined by a court
9 of law to be incompetent or incapacitated,
- 10 (3) the other parent's whereabouts or identity is
11 unknown. This fact shall be attested to by an
12 affidavit of the consenting parent,
- 13 (4) the other parent who is eighteen (18) years of
14 age or older, has signed a statement consenting
15 to the transfer, executed before a notary public,
- 16 (5) the parental rights of the other parent has been
17 terminated,
- 18 (6) the other parent has been or is found by the
19 court of law to be unfit or unable to exercise
20 parental rights and responsibilities for the
21 child based upon situations enumerated in Section
22 7006-1.1 of this title,
- 23 (7) is or has been subject to the registration
24 requirements of the Oklahoma Sex Offenders

1 Registration Act or any similar act in any other
2 state, or

3 (8) has abandoned the child or is determined by the
4 court to be otherwise unfit to assume custody of
5 the child for any other reason.

6 b. Prior to the entry of an order transferring the
7 permanent care and custody of a child, the court shall
8 receive an investigation and report regarding the
9 background and home of the prospective custodian.
10 Such investigation and report of the prospective
11 custodian shall be made pursuant to the requirements
12 of the Oklahoma Adoption Code. The Department of
13 Human Services shall only be required by the court to
14 make the home study and report as specified by this
15 paragraph in the following circumstances:

16 (1) the Department has previously conducted a home
17 study on the prospective custodian within the
18 past three (3) years, or

19 (2) the child is in the custody or under the legal
20 supervision of the Department.

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

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

- 1 (2) the child marries or is legally emancipated, or
- 2 (3) the parent who consented to the transfer of the
- 3 permanent care and custody of the child petitions
- 4 the court for the recovery of the child and the
- 5 court finds after evidentiary hearing:
- 6 (a) the child has been abused or neglected while
- 7 in the care and custody of the custodian,
- 8 and
- 9 (b) it is in the best interests of the child
- 10 that custody of the child be returned to the
- 11 parents,
- 12 (4) the district attorney, attorney for the child, or
- 13 custodian petitions the court for modification of
- 14 the order transferring permanent care and custody
- 15 and the court finds after evidentiary hearing
- 16 that it is in the best interests of the child for
- 17 the order to be modified and the custody of the
- 18 child be given to another person, pursuant to the
- 19 Oklahoma Guardianship and Conservatorship Act or
- 20 the Oklahoma Children's Code,
- 21 (5) the order terminates because of the death or
- 22 incapacity of the custodian or the death of the
- 23 child, or
- 24 (6) the child is adopted.

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

3 (1) shall require that the placement be reviewed
4 within one (1) year after transfer and may
5 require the person to whom custody is transferred
6 to submit any records or reports the court deems
7 necessary for purposes of such review. Such
8 order shall not require the Department to
9 supervise the placement during such period,

10 (2) shall not require periodic reviews by the court
11 thereafter if the parties agree with the assent
12 of the court that such reviews are not necessary
13 to serve the best interests of the child, and

14 (3) unless periodic reviews are required pursuant to
15 this subparagraph, the court may close the case,
16 provided the order transferring the permanent
17 care and custody of the child shall remain in
18 full force and effect subject to the provisions
19 of subparagraph b of this paragraph.

20 8. a. When reunification of the family is not recommended or
21 possible, as determined by the court, the court may
22 order a child's permanent care and custody transferred
23 to a kinship guardian subject to residual parental
24 rights and responsibilities and subject to such orders

1 of the court as deemed necessary for the health,
2 safety or welfare of the child. Kinship guardianship
3 shall include, but not be limited to, the following
4 parental responsibilities with respect to a child:

- 5 (1) protection,
- 6 (2) education,
- 7 (3) care and control,
- 8 (4) custody, and
- 9 (5) decision making.

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

12 c. The petition for kinship guardianship shall allege
13 that:

- 14 (1) the child is in the legal custody of the
15 Department,
- 16 (2) more than twelve (12) months have passed since
17 the date of the dispositional order placing such
18 child in the legal custody of the Department,
- 19 (3) the parents of the child are presently and for
20 the foreseeable future unable to provide proper
21 and adequate care for the child,
- 22 (4) the prospective kinship guardian consents to the
23 appointment,
- 24

1 (5) the child has resided with the kinship foster
2 parent and there exists a loving and emotional
3 tie between the child and the kinship foster
4 parent, and

5 (6) it would be in the best interests of the child
6 for the petition to be granted.

7 d. Notice of the petition and a copy of the petition
8 shall be served upon the parties, the Department, and
9 the guardian ad litem of the child, if any.

10 e. Prior to the entry of an order appointing a kinship
11 guardian, the court shall receive the most recent
12 report regarding the background and home of the
13 prospective kinship guardian.

14 f. If the court finds that the elements of the petition
15 have been proven based on clear and convincing
16 evidence, or upon the consent of all parties, the
17 court shall grant the petition.

18 g. An order appointing a person as a kinship guardian
19 shall award custody of the child to the kinship
20 guardian. A kinship guardian shall have the same
21 authority as a parent to consent on behalf of a child,
22 except that a kinship guardian shall not consent to
23 the adoption or surrender of a child.
24

1 h. Upon the entry of an order providing for the transfer
2 of the permanent care and custody of a child to a
3 kinship guardian, the order shall remain in full force
4 and effect until:

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

6 (2) the child is married or legally emancipated,

7 (3) the court finds after evidentiary hearing:

8 (a) the child has been abused or neglected while
9 in the care and custody of the kinship
10 guardian, and

11 (b) it is in the best interests of the child
12 that custody of the child be returned to the
13 parents,

14 (4) the district attorney, an attorney for the child,
15 or the kinship guardian petitions the court for
16 modification of the order transferring permanent
17 care and custody to a kinship guardian and the
18 court finds after evidentiary hearing that it is
19 in the best interests of the child for the order
20 to be modified and the custody of the child be
21 given to another person, pursuant to the Oklahoma
22 Guardianship and Conservatorship Act or the
23 Oklahoma Children's Code,
24

1 (5) the order terminates because of the death or
2 incapacity of the kinship guardian or the death
3 of the child, or

4 (6) the child is adopted.

5 i. An order appointing a kinship guardian shall:

6 (1) require that the placement be reviewed within one
7 (1) year after transfer and may require the
8 kinship guardian to whom custody is transferred
9 to submit any records or reports the court deems
10 necessary for purposes of such review. Such
11 order shall not require the Department to
12 supervise the placement during such period,

13 (2) not require periodic reviews by the court
14 thereafter if the parties agree with the assent
15 of the court that such reviews are not necessary
16 to serve the best interests of the child, unless
17 periodic reviews are otherwise required by the
18 court, and

19 (3) unless periodic reviews are required, the court
20 may close the case, provided the order
21 transferring permanent care and custody to a
22 kinship guardian shall remain in full force and
23 effect subject to the provisions of this
24 subparagraph.

1 j. Except as otherwise provided by the court, the
2 appointment of a kinship guardian shall not affect or
3 impair the visitation rights of a parent.

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

7 D. Any order entered pursuant to this section shall include a
8 statement informing the child's parent that the consequences of
9 noncompliance with the requirement of the court may include
10 termination of the parent's rights with respect to the child or
11 shall include a statement informing the child's legal guardian or
12 custodian that the consequences of noncompliance with the
13 requirement of the court may include removal of the child from the
14 custody of the legal guardian or custodian.

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

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

21 b. reasonable efforts to reunite the family are not
22 feasible, and reasonable efforts are being made to
23 secure an alternate permanent placement for the child.
24

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

4 F. 1. At any hearing held pursuant to the provisions of this
5 section, if the court finds that continuation of reasonable efforts
6 to return the child home are inconsistent with the permanency plan
7 for a child, the court shall determine whether reasonable efforts
8 have been made to place the child in a timely manner in accordance
9 with the permanency plan and to complete whatever steps are
10 necessary to finalize the permanent placement of the child.

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

14 G. 1. If it is consistent with the welfare of the child, in
15 cases where the child has been adjudicated to be deprived due to
16 repeated absence from school, the court may order counseling and
17 treatment for the child and the parents of the child to be provided
18 by the local school district, the county, the Department or a
19 private individual or entity.

20 2. Prior to final disposition, the court shall require that it
21 be shown by the appropriate school district that a child found to be
22 truant has been evaluated for literacy, learning disabilities,
23 mental retardation, and hearing and visual impairments and other
24 impediments which could constitute an educational handicap. The

1 results of such tests shall be made available to the court for use
2 by the court in determining the disposition of the case.

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

8 4. A deprived adjudication based solely upon repeated absence
9 from school shall not constitute a ground for termination of
10 parental rights.

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

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

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

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

23 J. 1. If reasonable efforts are required for the return of the
24 child to the child's home, the court shall allow the parent of the

1 child not less than three (3) months to correct conditions which led
2 to the adjudication of the child as a deprived child prior to
3 terminating the parental rights of the parent pursuant to the
4 provisions of Section 7006-1.1 of this title.

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

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

17 ~~J.~~ K. 1. When the juvenile court assumes jurisdiction over a
18 child pursuant to Article III of this Code, an order concerning
19 child support or the legal custody of the child that has been
20 previously entered in any other administrative or district court
21 proceeding shall be subject to modification by the juvenile court
22 during the pendency of the deprived action. When the juvenile court
23 terminates its jurisdiction over the child in the deprived action,
24 the most recent order which determines child support or awards legal

1 custody of the child to a parent or other person shall remain in
2 full force and effect and shall control over any prior custody or
3 child support order entered in an administrative or district court
4 action.

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

1 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7003-5.6, as
2 last amended by Section 2, Chapter 196, O.S.L. 2007 (10 O.S. Supp.
3 2008, Section 7003-5.6), is amended to read as follows:

4 Section 7003-5.6 A. Every case regarding a child alleged or
5 adjudicated to be deprived shall be reviewed by the court at a
6 hearing no later than six (6) months from the date of the child's
7 out-of-home placement and at least once every six (6) months
8 thereafter. A review hearing may be held concurrently with a
9 permanency hearing. A child shall be considered to have entered an
10 out-of-home placement on the earlier of the adjudication date or the
11 date that is sixty (60) days after the date on which the child is
12 removed from the home. Such reviews shall continue until such time
13 as:

14 1. The conditions which caused the child to be adjudicated have
15 been corrected;

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

19 3. The court otherwise terminates jurisdiction.

20 B. The provisions of this section shall also apply to a child
21 who has been removed from the home of the parent or parents, legal
22 guardian or custodian of the child after the child has been returned
23 to that home.

24

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

5 D. In addition to the parties, adequate prior written notice of
6 review hearings shall be provided by the Department pursuant to
7 rules promulgated by the Commission for Human Services to the
8 current foster parents, preadoptive parent, or relative providing
9 care for the child. A right to be heard at such hearings shall be
10 provided by the court to the current foster parent of a child, the
11 child's guardian ad litem, and to any preadoptive parent or relative
12 providing care for the child. Such notice and right to be heard
13 shall not be construed as requiring any foster parent, preadoptive
14 parent or relative to be made a party to such deprived proceedings
15 if not currently a party to the action.

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

21 F. At each review hearing the court shall:

22 1. Determine whether:

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

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

3 (1) have complied with, performed, and completed the
4 terms and conditions of the individual treatment
5 and service plan which are essential and
6 fundamental to the health, safety or welfare of
7 the child as determined by the court,

8 (2) have corrected those conditions which caused the
9 child to be adjudicated and which the court
10 determines to be essential and fundamental to the
11 health, safety or welfare of the child,

12 (3) have made marked progress towards reunification
13 with the child, and

14 (4) have maintained a close and positive relationship
15 with the child,

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

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

20 (2) placed with a willing and suitable guardian or
21 custodian, or

22 (3) placed for adoption, or other permanent
23 arrangement,
24

- 1 c. the rights of the parent of the child should be
2 terminated and the child placed for adoption, placed
3 with a guardian or custodian, or provided with another
4 permanent arrangement, or
- 5 d. the child, because of exceptional circumstances,
6 should remain in long-term out-of-home placement as a
7 permanent plan or with a goal of independent living;
- 8 2. Consider in-state and out-of-state placement options for the
9 child;
- 10 3. Make a determination as to whether:
- 11 a. reasonable efforts have been made to provide for the
12 safe return of the child to the child's own home. In
13 determining reasonable efforts, the child's health,
14 safety or welfare shall be the paramount concern. If
15 the court determines or has previously determined that
16 reasonable efforts are not required, pursuant to the
17 provisions of Section 7003-4.6 of this title, or that
18 continuation of reasonable efforts to reunite the
19 child with the child's family is inconsistent with the
20 permanency plan for the child, the court shall
21 determine if reasonable efforts are being made to
22 place the child in a timely manner in accordance with
23 the permanency plan and to complete steps necessary to
24 finalize permanent placement for the child, ~~and~~

- 1 b. where appropriate, when the child is sixteen (16)
2 years of age or older, services are being provided
3 that will assist the child in making the transition
4 from foster care to independent living, and shall also
5 inquire, or cause inquiry to be made of the child,
6 regarding any proposed independent living plan,
7 c. in accordance with the safety or well-being of any
8 child, reasonable efforts have been made to:
9 (1) place siblings, who have been removed, together
10 in the same foster care, guardianship or adoptive
11 placement, and
12 (2) provide for frequent visitation or other ongoing
13 interaction in the case of siblings who have been
14 removed and who are not placed together, and
15 d. during the ninety-day period immediately prior to the
16 date on which the child in the Department's custody
17 will attain eighteen (18) years of age, the
18 Department, and, as appropriate, other representatives
19 of the child, is providing the child with assistance
20 and support in developing an appropriate transition
21 plan that is personalized at the direction of the
22 child, that includes specific options on housing,
23 health insurance, education, local opportunities for
24 mentors and continuing support services and workforce

1 supports and employment services, and that is as
2 detailed as the child may elect;

3 4. Determine the safety of the child and consider fully all
4 relevant prior and current information including, but not limited
5 to, the report or reports submitted pursuant to Sections 7208 and
6 7003-5.6a of this title;

7 5. Inquire as to the nature and extent of services being
8 provided the child and parent or parents of the child and shall
9 direct that additional services be provided if necessary to ensure
10 the safety of the child and to protect the child from further
11 physical, mental, or emotional harm, or to correct the conditions
12 that led to the adjudication; and

13 6. Order such modification to the existing individual treatment
14 and service plan as the court determines to be in the best interests
15 of the child and necessary for the correction of the conditions that
16 led to the adjudication of the child.

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

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

- 22 a. six (6) months after placing the child in out-of-home
23 placement and every six (6) months thereafter, and
24

1 b. thirty (30) days after a determination by the court
2 that reasonable efforts are not required pursuant to
3 the provisions of Section 7003-4.6 of this title and
4 every six (6) months thereafter.

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

- 7 a. the adjudication date, or
8 b. the date that is sixty (60) days after the date on
9 which the child is removed from the home.

10 B. A permanency hearing may be held concurrently with a
11 dispositional or review hearing. All permanency decisions must be
12 in writing and in accordance with the health, safety or welfare of
13 the child and the long-term best interests of the child. In the
14 case of a child who will not be returned to the parent, the hearing
15 shall consider in-state and out-of-state permanent placement
16 options.

17 C. In addition to the parties, adequate prior written notice of
18 permanency hearings shall be provided by the Department pursuant to
19 rules promulgated by the Commission for Human Services to the
20 current foster parents and to any preadoptive parent or relative
21 providing care for the child. A right to be heard at such hearing
22 shall be provided by the court to the current foster parents of a
23 child, the child's guardian ad litem, and to any preadoptive parent
24 or relative providing care for the child. Such notice and right to

1 be heard shall not be construed as requiring any foster parent,
2 preadoptive parent or relative to be made a party to such action.

3 D. At the hearing, the court shall determine the most suitable
4 permanency plan based on the child's need for a permanent placement
5 as indicated by the recommended permanency plan or other evidence
6 submitted and shall also, in an age-appropriate manner, inquire or
7 cause inquiry to be made of the child regarding the proposed
8 permanency plan and if the child is age sixteen (16) or older, the
9 independent living plan. The court shall determine whether:

10 1. The child should be returned home immediately or by a
11 specified date not to exceed three (3) months. An order entered
12 pursuant to the provisions of this paragraph shall enumerate the
13 specific factors, conditions, or expected behavioral changes which
14 must occur by the specified date before the child may be returned
15 home. Before a child may be returned home, the court must find
16 that:

17 a. the parent, legal guardian or custodian has made
18 marked progress towards reunification with the child,
19 and has maintained a close and positive relationship
20 with the child, and

21 b. the parties have complied with, performed and
22 completed those terms and conditions of the court-
23 ordered individual treatment and service plan and have
24 corrected those conditions which caused the child to

1 be adjudicated which are essential and fundamental to
2 the health, safety and welfare of the child;

3 2. A plan for the guardianship or kinship guardianship of the
4 child should be approved;

5 3. The child should be placed in a planned permanent living
6 arrangement if the Department has documented a compelling reason for
7 the court to determine that it would not be in the best interests of
8 the child to return home, or to be placed for adoption or with a fit
9 and willing relative or a legal guardian;

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

12 5. Any other out-of-home placement in which the child is placed
13 continues to be safe and appropriate and in the best interests of
14 the child; and

15 6. In accordance with the safety or well-being of any child,
16 reasonable efforts have been made to:

17 a. place siblings, who have been removed, together in the
18 same foster care, guardianship or adoptive placement,
19 and

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

23 E. The court shall enter an order for completion of all steps
24 necessary to finalize the permanent placement of the child.

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

3 Section 7204. A. The Department of Human Services and the
4 ~~Department of Juvenile Justice~~ Office of Juvenile Affairs shall each
5 establish a program of foster care for children in the custody of
6 the state agency.

7 B. Each ~~Department~~ agency, in implementing the foster care
8 program within its jurisdictional area, shall:

9 1. Recruit their respective foster families for children in the
10 custody of the state agency;

11 2. Contract with foster parents and child-placing agencies to
12 provide foster care services to children within the custody of the
13 state agency;

14 3. Exercise supervision over all foster placements with whom
15 the state agency has a contract for foster care services;

16 4. Exercise oversight of all foster children within the custody
17 of the state agency who are in out-of-home placement, including, but
18 not limited to, foster children placed in foster homes by a child-
19 placing agency;

20 5. Advise and cooperate with the governing boards of all child-
21 placing agencies and with foster parents;

22 6. Assist the staff of all child-placing agencies, foster
23 parents and foster families by advising them on methods and
24

1 procedures relating to child care, parental substitute authority,
2 behavioral management techniques, and improvement of services;

3 7. Establish rules and standards for providing foster care
4 services in addition to those required by the Oklahoma Child Care
5 Facilities Licensing Act;

6 8. Require initial and ongoing foster parent training and
7 education programs related to the area of parental substitute
8 authority and behavioral management techniques, including, but not
9 limited to, restraining and holding techniques, parent-child
10 conflict resolution techniques, stress management, and any other
11 appropriate technique to teach a foster parent how to control
12 potentially violent behavior in a manner appropriate to the age and
13 development of a foster child;

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

18 10. Cooperate, collaborate and assist postadjudication review
19 boards in the review of the placement of each child in foster care
20 in order to achieve the goals in the treatment and service plan
21 required for each child by this title;

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

24

1 12. Provide for collection, through assignment, attachment,
2 garnishment, liens, or other legal process, of the cost for out-of-
3 home placement services provided through the state agency from the
4 parents, guardian, or other person responsible for the care and
5 support of a child in the custody of the state agency;

6 13. Cooperate and work with a foster parent in integrating a
7 foster child into a foster family setting. The state agency shall
8 provide a foster parent with information, on an ongoing basis,
9 pertinent to the care, guidance, supervision and rearing of a foster
10 child;

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

13 15. Cooperate with and help promote foster parent associations.
14 The state agency shall provide foster parent associations with data,
15 information and guidelines on the obligations, responsibilities and
16 opportunities of foster parenting and shall keep the associations
17 and members apprised of changes in laws and rules relevant to foster
18 parenting;

19 16. Through the individualized service planning process,
20 develop a permanency plan for each child in custody who is placed in
21 foster care with the goal of placement of the child in a home
22 environment that can be reasonably expected to be stable and
23 permanent; and

24

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

5 a. enrolled in an institution which provides elementary
6 or secondary education as determined under the law of
7 the state or other jurisdiction in which the
8 institution is located,

9 b. instructed in elementary or secondary education in any
10 legally authorized education program,

11 c. in an independent study elementary or secondary
12 education program in accordance with the law of the
13 state or other jurisdiction in which the program is
14 located which is administered by the local school or
15 school district, or

16 d. incapable of attending school on a full-time basis due
17 to a documented medical condition supported by regular
18 updates; and

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

21 C. The Department of Human Services and the ~~Department of~~
22 ~~Juvenile Justice~~ Office of Juvenile Affairs shall not be liable for
23 any costs or expenses expended voluntarily by a foster parent for a
24

1 foster child which are in excess of the funds authorized for
2 providing foster care services to the foster child.

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

7 Passed the Senate the 19th day of February, 2009.

8

9

Presiding Officer of the Senate

10

11 Passed the House of Representatives the ____ day of _____,
12 2009.

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Presiding Officer of the House
of Representatives

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