

THE HOUSE OF REPRESENTATIVES
Wednesday, February 25, 2009

Committee Substitute for
House Bill No. 1315

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1315 - By: ORTEGA of the House and SCHULZ of the Senate.

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

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

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

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

5 B. 1. a. When a child has been removed from the child's home and is in the
6 care and custody of the Department, the Department shall attempt to
7 place the child with a person determined by the Department to have a
8 kinship relationship with the child if such placement is in the best
9 interests of the child.

10 b. In determining a kinship placement for a child who has been removed
11 from the custody of a custodial parent and placed with the Department

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

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

15 C. 1. ~~Upon the completion of the~~ The Department shall complete a records search
16 to ascertain if there is an Oklahoma record of criminal history for the prospective kinship
17 foster parent or any other adult residing in the prospective kinship foster parent's home
18 ~~and subject to any other standards established by the Department, a.~~ A child may shall
19 be placed in the kinship home, provided that the prospective kinship home meets all
20 other eligibility standards established by the Department and such placement is in the
21 best interests of the child. If the Department determines that placement in a prospective
22 kinship foster home is not in the best interests of the child, the Department shall provide

1 to the prospective kinship foster parents the reasons therefor. The records search and
2 eligibility determination shall be completed within seven (7) days of identification of a
3 prospective kinship foster home. A kinship foster parent shall not be entitled to any
4 payments for providing foster care until such foster parent receives final approval from
5 the Department to be a kinship foster parent.

6 2. Following placement, the Oklahoma State Bureau of Investigation shall
7 complete a national criminal history records search based upon submission of
8 fingerprints for any kinship foster parent and any adult residing in the home of such
9 parent, and shall make the results of the records search available to the Department
10 pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act. The
11 Director of Human Services or designee may authorize an exception to the fingerprinting
12 requirement for an adult residing in the kinship foster care home who has a severe
13 physical condition which precludes such person's being fingerprinted.

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

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

20 5. Any person violating the provisions of this subsection shall be guilty of a
21 misdemeanor.

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

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

- 6 1. Reviewing personal and professional references;
- 7 2. Observing during a visit to the home of the kinship foster care family; and
- 8 3. Interviewing the kinship foster care parent.

9 F. When the kinship foster parent is finally approved by the Department, in
10 accordance with rules promulgated by the Commission for Human Services regarding
11 foster care services, the kinship foster care family shall be eligible to receive payment for
12 the full foster care rate for the care of the child and any other benefits that might be
13 available to foster parents, whether monetary or in services. If a child is placed with a
14 kinship foster parent prior to the home's final approval as a foster care home, the
15 Department shall immediately refer such child and family for assistance through the
16 Temporary Assistance for Needy Families Program.

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

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

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

3 SECTION 2. This act shall become effective November 1, 2009.

4 COMMITTEE REPORT BY: COMMITTEE ON HUMAN SERVICES, dated 02-24-09 -
5 DO PASS, As Amended and Coauthored.