

THE HOUSE OF REPRESENTATIVES
Wednesday, February 24, 2010

Committee Substitute for
House Bill No. 3292

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3292 - By: PETERSON of the House and CRAIN of the Senate.

An Act relating to children; amending 10 O.S. 2001, Sections 7504-1.2, 7510-1.5, as last amended by Section 7, Chapter 258, O.S.L. 2006 and 7510-3.2 (10 O.S. Supp. 2009, Section 7510-1.5), which relate to disclosure, adoption assistance benefits, and Compact on Adoption and Medical Assistance; authorizing disclosure of certain history under specified circumstances; updating statutory references; modifying certain educational requirements for eligibility for certain benefits; making language gender neutral; modifying certain residential requirements for certain benefits; amending 10 O.S. 2001, Section 7004-1.6, as amended by Section 63, Chapter 233, O.S.L. 2009, and as renumbered by Section 299, Chapter 233, O.S.L. 2009 (10A O.S. Supp. 2009, Section 1-9-107), which relates to the Independent Living Act; expanding purpose of act; modifying eligibility for certain independent living services; amending 63 O.S. 2001, Section 1-227.4, as last amended by Section 150, Chapter 234, O.S.L. 2009 (63 O.S. Supp. 2009, Section 1-227.4), which relates to interagency child abuse prevention task force; modifying certain membership requirement; clarifying language; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7504-1.2, is amended to
2 read as follows:

3 Section 7504-1.2 A. Whenever the disclosure of medical and social history is
4 permitted under this section, all identifying information shall be deleted from the copy of
5 the report or record that is disclosed, unless the court, Department, agency, attorney, or

1 person authorized to disclose information by this section has been informed in writing by
2 both a biological parent and an adoptive parent or prospective adoptive parent of their
3 mutual agreement to share identifying information. When such an agreement has been
4 made, identifying information shall be released only to the extent specifically permitted
5 by the written agreement. When a minor is in the legal custody of the Department,
6 medical and social history may be disclosed to the prospective adoptive parent without
7 any agreement and without redacting identifying information when the prospective
8 adoptive parent is a kinship or relative caregiver for the minor, or the minor has lived in
9 the prospective adoptive parent's home for two (2) or more years, unless the Department
10 determines redaction of such information is in the best interest of the child.

11 B. As early as practicable before the first meeting of the prospective adoptive
12 parent with a minor and before the prospective adoptive parent accepts physical custody
13 of the minor, the Department or child-placing agency that is placing the minor for
14 adoption, or the attorney for the adoptive parent in a direct placement adoption, or the
15 person who is placing the minor for adoption in a direct placement adoption in which the
16 adoptive parent is not represented by an attorney, shall furnish to the prospective
17 adoptive parent a copy of the medical and social history report, containing all of the
18 medical and social history information and records regarding the minor reasonably
19 available at that time. If placement of the minor with the prospective adoptive parent
20 does not subsequently occur, the prospective adoptive parent shall return the medical
21 and social history report to the Department, agency, attorney or other person who
22 furnished it to the prospective adoptive parent.

1 C. Before a hearing on the petition for adoption, the Department or child-placing
2 agency that placed the minor for adoption, or the attorney for the adoptive parent in a
3 direct placement adoption, or the person who placed the minor for adoption in a direct
4 placement adoption in which the adoptive parent is unrepresented, shall furnish to the
5 adoptive parent a supplemental written report containing information or records
6 required by Section ~~19~~ 7505-1.1 of this ~~act~~ title, which was unavailable before the minor
7 was placed for adoption, but which becomes reasonably available to the Department,
8 agency, attorney, or person who placed the minor after the placement.

9 D. A petition for adoption may not be granted until a copy of the medical and social
10 history report is filed with the court. If the court finds that information or records
11 required by Section ~~19~~ 7505-1.1 of this ~~act~~ title cannot be obtained by the reasonable
12 efforts of the Department or child-placing agency placing the minor, or by the attorney
13 for the adoptive parent in a direct placement adoption, or by the person who placed the
14 minor for adoption in a direct placement adoption in which the adopted parent is
15 unrepresented, the court may accept the report and proceed with the adoption.

16 E. 1. Any additional information about an adopted person, the adopted person's
17 biological parents, or the adopted person's genetic history that is submitted to the clerk
18 of the district court that issues the final decree of adoption, before or after the final
19 decree of adoption is issued, shall be made a part of the court's permanent record of the
20 adoption, pursuant to Section ~~19~~ 7505-1.1 of this ~~act~~ title. No filing fee shall be charged
21 for filing this supplemental information with the court clerk.

1 2. An adoptive parent, a biological parent, or an adult adopted person may file with
2 the clerk of the district court that issued the final decree of adoption a notice of the
3 individual's current mailing address. A legal guardian of an adopted minor may file with
4 the clerk of the district court that issued the final decree of adoption a notice of the
5 guardian's current mailing address and proof of legal guardianship. No filing fee shall be
6 charged for filing this notification of address or guardianship with the court clerk.

7 3. Upon filing with the court clerk supplemental information concerning the
8 biological parents or the adopted person's genetic history, the court clerk shall send
9 notice by ordinary mail, at the most recent address, if any, listed in the court records, to
10 the adoptive parent or legal guardian of a minor adopted person or to the adult adopted
11 person. The notice shall state that supplemental information has been received and is
12 available from the court clerk upon request.

13 4. Upon filing with the court clerk supplemental information concerning the
14 adopted person that may be genetically significant for a biological parent or biological
15 relative, the court clerk shall send notice by ordinary mail, at the most recent address, if
16 any, listed in the court records, to the biological parent. The notice shall state that
17 supplemental information has been received and is available from the court clerk upon
18 request.

19 F. If any additional information about an adopted person, the adopted person's
20 biological parents, or the adopted person's genetic history is submitted to the
21 Department, agency, attorney, or person who prepared the original report, the
22 Department, agency, attorney, or person shall:

1 1. Retain this supplemental information with their other records of the adoption for
2 as long as these records are maintained;

3 2. File a copy of the supplemental information with the clerk of the court that
4 issued the decree of adoption, to be made a part of the court's permanent record of the
5 adoption pursuant to subsection E of this section; and

6 3. Furnish a copy of the supplemental information to:

7 a. the adoptive parent or current legal guardian of the child, if the
8 adopted person is under the age of eighteen (18), or the adult adopted
9 person, if the location of the adoptive parent, guardian or adult
10 adopted person is known to the Department, agency, attorney, or
11 person, or

12 b. the biological parents, if the supplemental information is submitted by
13 an adoptive parent or adopted person and concerns genetically
14 significant information about the adopted person that is relevant to the
15 health or childbearing decisions of the biological parents or other
16 biological relatives, if the location of the biological parents is known to
17 the Department, agency, attorney, or person.

18 G. 1. The clerk of the district court that issues the final adoption decree or the
19 Department, agency, attorney, or person who prepared the medical and social history
20 report shall provide a copy of the medical and social history report and any additional
21 medical and social history information in its possession to the following persons upon
22 request:

- 1 a. the adoptive parent or legal guardian of a minor adopted person,
- 2 b. an adopted person who has attained eighteen (18) years of age, and
- 3 c. an adult whose biological mother's and biological father's parental
- 4 rights were terminated and who was never adopted.

5 2. The clerk of the district court that issues the final adoption decree or the
6 Department, agency, attorney, or person who prepared the medical and social history
7 report shall provide a copy of the medical report and any additional medical information
8 in its possession to the following persons upon request:

- 9 a. an adult direct descendant of a deceased adopted person or of a
- 10 deceased person whose biological mother's and biological father's
- 11 parental rights were terminated and who was never adopted, and
- 12 b. the parent or guardian of a minor direct descendant of a deceased
- 13 adopted person or of a deceased person whose biological mother's and
- 14 biological father's rights were terminated and who was never adopted.

15 3. The clerk of the district court that issues the final adoption decree or the
16 Department, child-placing agency, attorney, or person who prepared the medical and
17 social history report shall provide to the following persons upon request, a copy of
18 genetically significant supplemental information about an adopted person, or about a
19 person whose parents' parental rights were terminated, which became available
20 subsequent to the issuance of the decree of adoption or termination order:

- 21 a. a biological parent or biological relative of an adopted person, and

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 b. a biological parent or biological relative of a person whose biological
2 mother's and biological father's rights were terminated and who was
3 never adopted.

4 4. The clerk of the district court that issues the final adoption decree shall provide
5 a copy of any medical and social history information contained in the court records to the
6 Department, or child-placing agency that placed the minor for adoption or to the attorney
7 representing the adoptive parent upon request.

8 5. A copy of the report and supplemental medical and social history information
9 may not be furnished under this subsection to a person who cannot furnish satisfactory
10 proof of identity and legal entitlement to receive a copy.

11 6. A person requesting a copy of a report or other medical and social history
12 information under this subsection shall pay only the actual and reasonable costs of
13 providing the copy.

14 H. The Department, a child-placing agency, or an attorney for an adoptive parent
15 who facilitated or participated in an adoption proceeding prior to the effective date of this
16 act shall be subject to the same requirements and duties set forth in subsections F and G
17 of this section that are required in those subsections for the Department, agency, or
18 attorney who prepared the medical or social history.

19 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7510-1.5, as last amended
20 by Section 7, Chapter 258, O.S.L. 2006 (10 O.S. Supp. 2009, Section 7510-1.5), is
21 amended to read as follows:

1 Section 7510-1.5 A. 1. When a parent or parents are found and approved for
2 adoption of a child who is determined by the Department of Human Services to be
3 eligible for adoption assistance pursuant to the Oklahoma Adoption Assistance Act, and
4 before the final decree of adoption is entered, there must be a signed written agreement
5 between the prospective adoptive parent or parents and the Department.

6 2. Adoption assistance in individual cases may commence with the adoptive
7 placement or at the time of finalization of the adoption. Adoption assistance may be for
8 special services only, or for monthly money payments, and either for a limited period, or
9 for a long term, or for any combination of the foregoing.

10 Eligibility for and the rate of monthly adoption assistance payments shall be
11 determined by the Department in accordance with rules promulgated by the Commission
12 for Human Services.

13 B. When an otherwise eligible child is determined to have a causative, preexisting
14 condition which was not identified or known prior to the legal finalization of the adoption
15 and which has resulted in a severe medical or psychiatric condition that requires
16 extensive treatment, hospitalization, or institutionalization, an adoption assistance
17 agreement may be approved by the Department after the final decree of adoption has
18 been entered. In the event an adoption assistance agreement is approved that provides
19 for monthly adoption assistance payments, the adoptive parents may also be entitled to
20 receive retroactive adoption assistance payments for a period not to exceed the two (2)
21 months prior to the date the adoption assistance agreement was approved.

1 C. Any child who met the requirements of the provisions of Sections 7510-1.2 and
2 7510-1.4 of this title, and was determined eligible for Oklahoma adoption assistance with
3 respect to a prior adoption, and is available for adoption because the prior adoption has
4 been dissolved and the parental rights of the adoptive parents have been terminated or
5 because the adoptive parents of the child have died, shall be eligible for Oklahoma
6 adoption assistance with respect to any subsequent adoption.

7 D. 1. When adoption assistance benefits are for more than one (1) year, the
8 Department shall send the adoptive parent or parents an Adoption Assistance Annual
9 Review request and assure that the child who has attained the minimum age for
10 compulsory school attendance and is eligible for an adoption assistance payment under
11 Title IV-E of the Social Security Act, 42 U.S.C., Section 670 et seq. is:

- 12 a. enrolled in an institution that provides elementary or secondary
13 education as determined under the law of this state or other
14 jurisdiction in which the institution is located,
15 b. instructed in elementary or secondary education by any other means
16 legally authorized,
17 c. in an independent study elementary or secondary education program
18 in accordance with the law of this state or other jurisdiction in which
19 the program is located, that is administered by the local school or
20 school district, or
21 d. incapable of attending school on a full-time basis due to a documented
22 medical condition supported by regular updates.

1 2. The adoptive parent or parents shall at all times keep the Department informed
2 of circumstances including, but not limited to, whether the adoptive parent or parents
3 continue to be legally responsible for support of the child which would make them
4 ineligible for such assistance payments or eligible for assistance payments in a different
5 amount.

6 3. The Department is authorized and directed to make a review of each adoption
7 assistance agreement annually to assure that the parents are fulfilling their obligations
8 under the agreement.

9 4. No payment may be made to any parents with respect to any child who has
10 attained the age of eighteen (18) years, except a child may continue to receive assistance
11 until the child reaches the age of nineteen (19) years if the child:

12 a. continues to attend high school or pursues General Education
13 Development, or

14 b. meets the criteria for an adoption assistance difficulty of care rate as
15 determined by the Department.

16 5. Termination or modification of the adoption assistance agreement may be
17 requested by the adoptive parent or parents at any time.

18 6. No payment may be made to adoptive parents if the Department determines that
19 the parents are no longer legally responsible for the support of the child or that the child
20 is no longer receiving any financial support from such parents.

1 E. A child for whom an adoption assistance agreement has been reached with the
2 Department shall remain eligible and receive adoption assistance benefits regardless of
3 the domicile or residence of the adopting parent or parents at any given time.

4 F. All records regarding adoption assistance shall be confidential and may be
5 disclosed only in accordance with the provisions of the Oklahoma Adoption Code.

6 SECTION 3. AMENDATORY 10 O.S. 2001, Section 7510-3.2, is amended to
7 read as follows:

8 Section 7510-3.2 This Compact on Adoption and Medical Assistance, hereinafter
9 called "the compact", is hereby enacted into law and entered into with all other
10 jurisdictions legally joining therein in the form substantially as follows:

11 ARTICLE I. FINDINGS

12 The party states find that:

13 (1) In order to obtain adoptive families for children with special needs, prospective
14 adoptive parents must be assured of substantial assistance (usually on a continuing
15 basis) in meeting the high costs of supporting and providing for the special needs and
16 services required by such children.

17 (2) The states have a fundamental interest in promoting adoption for children with
18 special needs because the care, emotional stability and general support and
19 encouragement required by such children to surmount their physical, mental or
20 emotional conditions can be best, and often only, obtained in family homes with a normal
21 parent-child relationship.

1 (3) The states obtain advantages from providing adoption assistance because the
2 customary alternative is for the state to defray the entire cost of meeting all the needs of
3 such children.

4 (4) The special needs involved are for the emotional, physical maintenance of the
5 child, and medical support and services.

6 (5) The necessary assurance of adoption assistance for children with special needs,
7 in those instances where children and adoptive parents are in states other than the one
8 undertaking to provide the assistance, is to establish and maintain suitable substantive
9 guarantees and workable procedures for interstate payments to assist with the necessary
10 child maintenance, procurement of services, and medical assistance.

11 ARTICLE II. PURPOSES

12 The purposes of this compact are to:

13 (1) Strengthen protections for the interest of the children with special needs on
14 behalf of whom adoption assistance is committed to be paid, when such children are in or
15 move to states other than the one committed to make adoption assistance payments.

16 (2) Provide substantive assurances and procedures which will promote the delivery
17 of medical and other services on an interstate basis to children through programs of
18 adoption assistance established by the laws of the party states.

19 ARTICLE III. DEFINITIONS

20 As used in this compact, unless the context clearly requires a different construction:

21 (1) "Child with special needs" means a minor who has not yet attained the age at
22 which the state normally discontinues children's services or twenty-one (21) years, where

1 the state determines that the child's mental or physical handicaps warrant the
2 continuation of assistance, for whom the state has determined the following:

3 (A) That the child cannot or should not be returned to the home of his or her
4 parents;

5 (B) That there exists with respect to the child a specific factor or condition (such as
6 his or her ethnic background, age, or membership in a minority or sibling group, or the
7 presence of factors such as medical condition or physical, mental, or emotional
8 handicaps) because of which it is reasonable to conclude that such child cannot be placed
9 with adoptive parents without providing adoption assistance.

10 (C) That, except where it would be against the best interests of the child because of
11 such factors as the existence of significant emotional ties with prospective adoptive
12 parents while in the care of such parents as a foster child, a reasonable, but unsuccessful,
13 effort has been made to place the child with appropriate adoptive parents without
14 providing adoption assistance payments.

15 (2) "Adoption assistance" means the payment or payments for maintenance of a
16 child, which payment or payments are made or committed to be made pursuant to the
17 adoption assistance program established by the laws of a party state.

18 (3) "State" means a state of the United States, the District of Columbia, the
19 Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the
20 Northern Mariana Islands, or a Territory or Possession of the United States.

21 (4) "Adoption assistance state" means the state that is signatory to an adoption
22 assistance agreement in a particular case.

1 (5) "Residence state" means the state of which the child is a resident by virtue of
2 the residence of the adoptive parents.

3 (6) "Parents" means either the singular or plural of the word "parent".

4 ARTICLE IV. ADOPTION ASSISTANCE

5 (1) Each state shall determine the amounts of adoption assistance and other aid
6 which it will give to children with special needs and their adoptive parents in accordance
7 with its own laws and programs. The adoption assistance and other aid may be made
8 subject to periodic re-evaluation of eligibility by the adoption assistance state in
9 accordance with its laws. The provisions of this article and of Article V are subject to the
10 limitation set forth in this paragraph.

11 (2) The adoption assistance and medical assistance services and benefits to which
12 this compact applies are those provided to children with special needs and their adoptive
13 parents from the time of the final decree of adoption or the interlocutory decree of
14 adoption, as the case may be, pursuant to the laws of the adoptive assistance state. In
15 addition to the content required by subsequent provisions of this article for adoption
16 assistance agreements, each such agreement shall state whether the initial adoption
17 assistance period thereunder begins with the final or interlocutory decree of adoption.
18 Aid provided by party states to children with special needs during the preadoptive
19 placement period or earlier shall be under the foster care or other programs of the states
20 and, except as provided in paragraph 3 of this article, shall not be governed by the
21 provisions of this compact.

1 (3) Every case of adoption assistance shall include an adoption assistance
2 agreement between the adoptive parents and the agency of the state undertaking to
3 provide the adoption assistance. Every such agreement shall contain provisions for the
4 fixing of actual or potential interstate aspects of the adoption assistance, as follows:

5 (A) An express commitment that the adoption assistance shall be payable without
6 regard for the state of residence of the adoptive parents, both at the outset of the
7 agreement period and at all times during its continuance.

8 (B) A provision setting forth with particularity the types of child care and services
9 toward which the adoption assistance state will make payments.

10 (C) A commitment to make medical assistance available to the child in accordance
11 with Article V of this compact.

12 (D) An express declaration that the agreement is for the benefit of the child, the
13 adoptive parents and the state and that it is enforceable by any or all of them.

14 (4) Any services or benefits provided by the residence state and the adoption
15 assistance state for a child may be facilitated by the party states on each other's behalf.
16 To this end, the personnel of the child welfare agencies of the party states will assist each
17 other and beneficiaries of adoption assistance agreements with other party states in
18 implementing benefits expressly included in adoption assistance agreements. However,
19 it is recognized and agreed that in general children to whom adoption assistance
20 agreements apply are eligible for benefits under the child welfare, education,
21 rehabilitation, mental health and other programs of their state of residence on the same
22 basis as other resident children.

1 (5) Adoption assistance payments, when made on behalf of a child who is subject to
2 the jurisdiction of this state but residing in another state, shall be made on the same
3 basis and in the same amounts as they would be made if the child were residing in the
4 this state making the payments; provided, however, adoption assistance agreements
5 with families residing in other states signed before October 1, 2009, may be continued.

6 (6) Effective July 1, 2010, for good cause shown, the Director of the Department of
7 Human Services or designee may approve adoption assistance payments on behalf of a
8 child subject to the jurisdiction of this state but residing in another state, up to the
9 maximum foster care reimbursement allowable in the state of residence.

10 ARTICLE V. MEDICAL ASSISTANCE

11 (1) Children for whom a party state is committed in accordance with the terms of
12 an adoption assistance agreement to make adoption assistance payments are eligible for
13 medical assistance during the entire period for which such payments are to be provided.
14 Upon application therefor by the adoptive parents of a child on whose behalf a party
15 state's duly constituted authorities have entered into an adoption assistance agreement,
16 the adoptive parents shall receive a medical assistance identification made out in the
17 child's name. The identification shall be issued by the medical assistance program of the
18 residence state and shall entitle the child to the same benefits, pursuant to the same
19 procedures, as any other child who is a resident of the state and covered by medical
20 assistance, whether or not the adoptive parents are eligible for medical assistance.

21 (2) The identification shall bear no indication that an adoption assistance
22 agreement with another state is the basis for issuance. However, if the identification is

1 issued on account of an outstanding adoption assistance agreement to which another
2 state is a signatory, the records of the issuing state and the adoption assistance state
3 shall show the fact, shall contain a copy of the adoption assistance agreement and any
4 amendment or replacement therefor, and all other pertinent information. The adoption
5 assistance and medical assistance programs of the adoption assistance state shall be
6 notified of the identification issuance.

7 (3) A state which has issued a medical assistance identification pursuant to this
8 compact, which identification is valid and currently in force, shall accept, process and pay
9 medical assistance claims thereon as on any other medical assistance eligibilities of
10 residents.

11 (4) An adoption assistance state which provides medical services or benefits to
12 children covered by its adoption assistance agreements, which services or benefits are not
13 provided for those children under the medical assistance program of the residence state,
14 may enter into cooperative arrangements with the residence state to facilitate the
15 delivery and administration of such services and benefits. However, any such
16 arrangements shall not be inconsistent with this compact nor shall they relieve the
17 residence state of any obligation to provide medical assistance in accordance with its
18 laws and this compact.

19 (5) A child whose residence is changed from one party state to another party state
20 shall be eligible for medical assistance under the medical assistance program of the new
21 state of residence.

22 ARTICLE VI. JOINDER AND WITHDRAWAL

1 (1) This compact shall be open to joinder by any state. It shall enter into force as to
2 a state when its duly constituted and empowered authority has executed it.

3 (2) In order that the provisions of this compact may be accessible to and known by
4 the general public and so that its status as law in each of the party states may be fully
5 implemented, the full text of the compact, together with a notice of its execution, shall be
6 caused to be published by the authority which has executed it in each party state. Copies
7 of the compact shall be made available upon request made of the executing authority in
8 any state.

9 (3) Withdrawal from this compact shall be by written notice sent by the authority
10 which executed it to the appropriate officials of all other party states, but no such notice
11 shall take effect until one (1) year after it is given in accordance with the requirements of
12 this paragraph.

13 (4) All adoption assistance agreements outstanding and to which a party state is
14 signatory at the time when its withdrawal from this compact takes effect shall continue
15 to have the effects given to them pursuant to this compact, until they expire or are
16 terminated in accordance with their provisions. Until such expiration or termination, all
17 beneficiaries of the agreements involved shall continue to have all rights and obligations
18 conferred or imposed by this compact and the withdrawing state shall continue to
19 administer the compact to the extent necessary to accord and implement fully the rights
20 and protections preserved thereby.

1 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7004-1.6, as amended by
2 Section 63, Chapter 233, O.S.L. 2009, and as renumbered by Section 299, Chapter 233,
3 O.S.L. 2009 (10A O.S. Supp. 2009, Section 1-9-107), is amended to read as follows:

4 Section 1-9-107. A. This section ~~and Section 3230 of Title 70 of the Oklahoma~~
5 ~~Statutes~~ shall be known and may be cited as the “Independent Living Act”.

6 B. The purpose of the Independent Living Act shall be:

7 1. To ensure that eligible individuals, who have been or are in the foster care
8 program of the Department of Human Services or a federally recognized Indian tribe
9 with whom the Department has a contract, due to abuse or neglect, receive the protection
10 and support necessary to allow those individuals to become self reliant and productive
11 citizens through the provision of requisite services that include, but are not limited to,
12 transitional planning, housing, medical coverage, and education, provided that eligibility
13 for tuition waivers shall be as set forth in Section 3230 of Title 70 of the Oklahoma
14 Statutes; and

15 2. To break the cycle of abuse and neglect that obligates the state to assume
16 custody of children.

17 C. ~~Individuals eligible for services pursuant to the Independent Living Act include~~
18 ~~any individual up to twenty-one (21) years of age who has been in the custody of the~~
19 ~~Department or a federally recognized Indian tribe due to abuse or neglect for any nine (9)~~
20 ~~of the twenty-four (24) months after the individual's sixteenth birthday and before the~~
21 ~~individual's eighteenth birthday~~ An individual is eligible to receive independent living
22 services from the age of sixteen (16) until the age of eighteen (18), during the time the

1 individual is in the custody of the Department or a federally recognized Indian tribe and
2 in an out-of-home placement.

3 D. Independent living services may continue to the age of twenty-one (21), provided
4 the individual is in the custody of the Department or a federally recognized Indian tribe
5 due to abuse or neglect and is in an out-of-home placement at the time of the individual's
6 eighteenth birthday.

7 E. Individuals who are sixteen (16) years of age or older, who have been released
8 from the custody of the Department or federally recognized Indian tribe due to the entry
9 of an adoption decree or guardianship order are eligible to receive independent living
10 services until the age of twenty-one (21).

11 F. Individuals who are eligible for services pursuant to the Independent Living Act
12 and who are between eighteen (18) and twenty-one (21) years of age shall be eligible for
13 Medicaid coverage, provided such individuals were also in the custody of the Department
14 or a federally recognized Indian tribe on the date they reached eighteen (18) years of age
15 and meet Medicaid financial eligibility guidelines.

16 SECTION 5. AMENDATORY 63 O.S. 2001, Section 1-227.4, as last amended
17 by Section 150, Chapter 234, O.S.L. 2009 (63 O.S. Supp. 2009, Section 1-227.4), is
18 amended to read as follows:

19 Section 1-227.4 A. The Oklahoma Commission on Children and Youth shall
20 appoint an interagency child abuse prevention task force which shall be composed of
21 seventeen (17) members as follows:

- 1 1. One representative of the child welfare services division of the Department of
2 Human Services;
- 3 2. One representative of the maternal and child health services of the State
4 Department of Health;
- 5 3. One representative of the child guidance services of the State Department of
6 Health;
- 7 4. One representative of the State Department of Education;
- 8 5. Two representatives of the Department of Mental Health and Substance Abuse
9 Services, one with expertise in the treatment of mental illness and one with expertise in
10 the treatment of substance abuse;
- 11 6. One representative of the Office of the Attorney General with expertise in the
12 area of domestic abuse;
- 13 7. One representative of the Oklahoma Commission on Children and Youth's
14 Community Partnership Board;
- 15 8. One representative of the Oklahoma Chapter of the American Academy of
16 Pediatrics;
- 17 9. One representative of the judiciary, the legal profession, or law enforcement;
- 18 10. Two representatives who have expertise in the delivery of child abuse
19 prevention services and who do not receive funds from the Child Abuse Prevention Fund
20 as provided in Section 1-227.8 of this title; one of whom shall have experience providing
21 child abuse prevention services pursuant to Section 1-9-108 of Title 10A of the Oklahoma
22 Statutes;

1 11. One representative of the Oklahoma Partnership for School Readiness Board;

2 12. Three parents participating in a child abuse prevention program, ~~one of whom~~
3 ~~shall have participated in a program for high-risk families pursuant to Section 1-9-108 of~~
4 ~~Title 10A of the Oklahoma Statutes~~; and

5 13. One representative of the faith community.

6 B. Each member of the interagency child abuse prevention task force is authorized
7 to have one designee.

8 C. The Office of Child Abuse Prevention and the interagency child abuse prevention
9 task force of the Oklahoma Commission on Children and Youth shall prepare the
10 comprehensive state plan for prevention of child abuse and neglect for the approval of the
11 Commission. The development and preparation of ~~said~~ the plan shall include, but not be
12 limited to, adequate opportunity for appropriate local private and public agencies and
13 organizations and private citizens to participate in the development of the state plan at
14 the local level.

15 D. 1. The interagency child abuse prevention task force and the Office of Child
16 Abuse Prevention shall review and evaluate all proposals submitted for grants or
17 contracts for child abuse prevention programs and services. Upon completion of such
18 review and evaluation, the interagency child abuse prevention task force and the Office
19 of Child Abuse Prevention shall make the final recommendations as to which proposals
20 should be funded pursuant to the provisions of the Child Abuse Prevention Act and shall
21 submit its findings to the Oklahoma Commission on Children and Youth. The
22 Commission shall review the findings of the interagency child abuse prevention task

1 force and the Office of Child Abuse Prevention for compliance of such approved proposals
2 with the comprehensive state plan prepared pursuant to the provisions of the Child
3 Abuse Prevention Act.

4 2. Upon ascertaining compliance with ~~said~~ the plans, the Commission shall deliver
5 the findings of the interagency child abuse prevention task force and the Office of Child
6 Abuse Prevention to the State Commissioner of Health.

7 3. The Commissioner shall authorize the Office of Child Abuse Prevention to use
8 the Child Abuse Prevention Fund to fund such grants or contracts for child abuse
9 prevention programs and services which are approved by the Commissioner.

10 4. Whenever the Commissioner approves a grant or contract which was not
11 recommended by the interagency task force and the Office of Child Abuse Prevention, the
12 Commissioner shall state in writing the reason for such decision.

13 5. Once the grants or contracts have been awarded by the Commissioner, the Office
14 of Child Abuse Prevention, along with the interagency child abuse prevention task force,
15 shall annually review the performance of the awardees and determine if funding should
16 be continued.

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

20 COMMITTEE REPORT BY: COMMITTEE ON HUMAN SERVICES, dated 02-23-10 -
21 DO PASS, As Amended and Coauthored.