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THE STATE SENATE
Monday, April 6, 2009

Committee Substitute for
ENGROSSED
House Bill No. 1734

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1734 - By: Peters, Nelson, McCullough, Kern and McDaniel (Jeannie) of the House and Crain of the Senate.

[children - Department of Human Services - codification - noncodification - effective date]

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The Legislature shall review revisions of the Oklahoma Children's Code in Title 10 of the Oklahoma Statutes proposed by the Oklahoma Children and Law Review Committee to ensure that the sole criterion for removal of a child from his or her home is an imminent safety threat.

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

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

1 1. By a peace officer or employee of the court, without a court
2 order if ~~the child's surroundings are such as to endanger the~~
3 ~~welfare of the child or if continuation of the child in the child's~~
4 ~~home is contrary to the health, safety or welfare of the child~~ after
5 a safety analysis by the Department of Human Services, the
6 Department determines that there is an imminent threat to the safety
7 of the child due to abuse or neglect and a continuation of the child
8 in the home or with the caretaker of the child is contrary to the
9 welfare of the child;

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

1 shall be submitted to the district court within one (1) judicial day
2 from the issuance of the order.

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

10 (1) the child is located in an educational or day
11 care facility,

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

15 (3) assumption of the child's custody from the
16 facility can occur without a breach of the peace,
17 otherwise the child shall be taken into custody
18 by a peace officer or employee of the court.

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

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

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

15 4. Pursuant to the provisions of Section 7115.1 of this title.

16 B. 1. When a determination is made by the Department that
17 there is a significant risk of abuse or neglect, but there is not an
18 imminent threat to the safety of the child, the Department may
19 recommend a court-supervised and Department-monitored in-home
20 placement pending adjudication of the deprived petition if filed by
21 the district attorney.

1 2. The Department shall assist the family in obtaining the
2 services necessary to maintain the in-home care and correct the
3 circumstances leading to the risk determination.

4 C. Whenever a child is taken into custody pursuant to
5 subsection A of this section:

6 1. The child may be taken to a children's shelter located
7 within the county where protective or emergency custody is assumed
8 or, if there is no children's shelter within the county, to a
9 children's shelter designated by the court, provided that the
10 placement of an infant who appears to be or has been determined to
11 have a medical condition or illness that falls within the placement
12 protocol for at-risk infants established pursuant to subsection ~~D~~ E
13 of this section shall be taken to a location as provided in the
14 placement protocol;

15 2. Except as otherwise provided by subsection ~~E~~ D of this
16 section, the child may be taken before a judge of the district court
17 for the purpose of obtaining an order for emergency custody. The
18 court may place the child in the emergency custody of the Department
19 of Human Services pending further hearing specified by Section 7003-
20 2.4 of this title. The Department may place the child in a kinship
21 foster care home, another foster home or other suitable placement
22 that is determined by the Department to meet the needs of the child,
23 provided that the placement of an infant who appears to be or has

1 been determined to have a medical condition or illness that falls
2 within the placement protocol for at-risk infants established
3 pursuant to subsection ~~D~~ E of this section shall be taken to a
4 location as provided in the placement protocol;

5 3. The child may be taken directly to or retained in a health
6 care facility for medical treatment, when it reasonably appears to
7 the peace officer or court employee that the child is in need of
8 emergency medical treatment to maintain the child's health, or as
9 otherwise directed by the court; or

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

18 5. ~~Except as otherwise provided by subsection C of this~~
19 ~~section, the~~ The district court of the county where the emergency
20 custody is assumed shall be immediately notified, verbally or in
21 writing, that the child has been taken into custody. If
22 notification is verbal, written notification shall be sent to the

1 district court within one (1) judicial day of such verbal
2 notification.

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

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

16 2. Authorize the release of a child from custody in accord with
17 such criteria as the court specifies or the placement of a child
18 with such responsible persons as the court may designate and who are
19 willing to provide care for the child pending further proceedings;
20 and

21 3. Require such notice to the court concerning the assumption
22 of custody and the disposition of children taken into custody as the
23 court may direct.

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

3 2. Factors for determining at-risk infants include, but are not
4 limited to:

5 a. premature infants,

6 b. history of respiratory distress,

7 c. oxygen dependency,

8 d. diagnosis requiring special care beyond routine infant
9 care,

10 e. infants under six (6) weeks of age, and

11 f. medical conditions or illnesses of the infants that
12 without protocol placements may result in increased
13 episodes of illness, prolonged hospitalization and
14 increased cost for care.

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

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

1 ~~E.~~ F. No child taken into custody pursuant to this section
2 shall be confined in any jail, adult lockup, or adult or juvenile
3 detention facility. No child shall be transported or detained in a
4 secure facility in association with delinquent, criminal, vicious,
5 or dissolute persons.

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 7003-9.1 of Title 10, unless
8 there is created a duplication in numbering, reads as follows:

9 The Department of Human Services shall contract with the
10 district attorney's office in each county to represent the
11 Department in deprived proceedings. The Department shall maximize
12 federal funds available to fund the administrative costs to carry
13 out the provisions of this section.

14 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7103, is
15 amended to read as follows:

16 Section 7103. A. The Department of Human Services shall
17 establish a statewide centralized hotline for the reporting of child
18 abuse and neglect to the Department.

19 B. 1. Every:

20 a. physician or surgeon, including doctors of medicine
21 and dentistry, licensed osteopathic physicians,
22 residents and interns, examining, attending or
23 treating a child under the age of eighteen (18) years,

- 1 b. registered nurse examining, attending or treating such
2 a child in the absence of a physician or surgeon,
3 c. teacher of any child under the age of eighteen (18)
4 years, and
5 d. other person

6 having reason to believe that a child under the age of eighteen (18)
7 years is a victim of abuse or neglect, shall report the matter
8 promptly to the Department of Human Services. Such reports may be
9 made by telephone, in writing, personally or by any other method
10 prescribed by the Department. Any report of abuse or neglect made
11 pursuant to this section shall be made in good faith.

12 2. At the request of the district attorney, the Department
13 shall enter into an agreement with the accredited child advocacy
14 center of the district attorney's district to automatically provide
15 all referral information for priority one referrals and priority two
16 referrals originating in the district from the Department's hotline
17 or intake process within twelve (12) hours of accepting the
18 referral. In districts with an accredited child advocacy center,
19 the Department shall initiate the multidisciplinary team protocol
20 for priority one and priority two referrals. The multidisciplinary
21 team shall include, at a minimum, Department staff and law
22 enforcement and shall conduct a joint investigation beginning at the

1 Department's practice model of assessment of safety, critical
2 thinking analysis, and decision making.

3 3. Every physician or surgeon, including doctors of medicine,
4 licensed osteopathic physicians, residents and interns, or any other
5 health care professional attending the birth of a child who tests
6 positive for alcohol or a controlled dangerous substance shall
7 promptly report the matter to the Department of Human Services.

8 ~~3-~~ 4. No privilege or contract shall relieve any person from
9 the requirement of reporting pursuant to this section.

10 ~~4-~~ 5. The reporting obligations under this section are
11 individual, and no employer, supervisor or administrator shall
12 impede or inhibit the reporting obligations of any employee or other
13 person. No employer, supervisor or administrator of any employee or
14 other person required to provide information pursuant to this
15 section shall discharge, or in any manner discriminate or retaliate
16 against, the employee or other person who in good faith provides
17 such child abuse reports or information, testifies, or is about to
18 testify in any proceeding involving child abuse or neglect;
19 provided, that the person did not perpetrate or inflict such abuse
20 or neglect. Any employer, supervisor or administrator who
21 discharges, discriminates or retaliates against the employee or
22 other person shall be liable for damages, costs and attorney fees.
23 Internal procedures to facilitate child abuse or neglect reporting

1 and inform employers, supervisors and administrators of reported
2 suspected child abuse or neglect may be established provided that
3 they are not inconsistent with the provisions of this section and
4 that such procedures shall not relieve the employee or such other
5 person from the individual reporting obligations required by this
6 section.

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

18 ~~B-~~ C. If the report is not made in writing in the first
19 instance, it shall be reduced to writing by the Department of Human
20 Services, in accordance with rules promulgated by the Commission for
21 Human Services, as soon as may be after it is initially made by
22 telephone or otherwise and shall contain the following information:

1 1. The names and addresses of the child and the child's parents
2 or other persons responsible for the child's health, safety or
3 welfare;

4 2. The child's age;

5 3. The nature and extent of the abuse or neglect, including any
6 evidence of previous injuries;

7 4. If the child has tested positive for alcohol or a controlled
8 dangerous substance; and

9 5. Any other information that the maker of the report believes
10 might be helpful in establishing the cause of the injuries and the
11 identity of the person or persons responsible therefor if such
12 information or any part thereof is known to the person making the
13 report.

14 ~~E.~~ D. Any person who knowingly and willfully fails to promptly
15 report any incident as provided in this section may be reported by
16 the Department of Human Services to local law enforcement for
17 criminal investigation and, upon conviction thereof, shall be guilty
18 of a misdemeanor.

19 ~~D.~~ E. 1. Any person who knowingly and willfully makes a false
20 report pursuant to the provisions of this section or a report that
21 the person knows lacks factual foundation may be reported by the
22 Department of Human Services to local law enforcement for criminal

1 investigation and, upon conviction thereof, shall be guilty of a
2 misdemeanor.

3 2. If a court determines that an accusation of child abuse or
4 neglect made during a child custody proceeding is false and the
5 person making the accusation knew it to be false at the time the
6 accusation was made, the court may impose a fine, not to exceed Five
7 Thousand Dollars (\$5,000.00) and reasonable attorney fees incurred
8 in recovering the sanctions, against the person making the
9 accusation. The remedy provided by this paragraph is in addition to
10 paragraph 1 of this subsection or to any other remedy provided by
11 law.

12 ~~E.~~ F. 1. Nothing in this section shall be construed to mean a
13 child is abused or neglected for the sole reason the parent, legal
14 guardian or person having custody or control of a child, in good
15 faith, selects and depends upon spiritual means alone through
16 prayer, in accordance with the tenets and practice of a recognized
17 church or religious denomination, for the treatment or cure of
18 disease or remedial care of such child.

19 2. Nothing contained in this subsection shall prevent a court
20 from immediately assuming custody of a child, pursuant to the
21 Oklahoma Children's Code, and ordering whatever action may be
22 necessary, including medical treatment, to protect the child's
23 health or welfare.

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

4 SECTION 5. NEW LAW A new section of law not to be
5 codified in the Oklahoma Statutes reads as follows:

6 The Commission on Human Services shall promulgate rules to
7 clarify priority one and priority two definitions, the criteria for
8 investigations versus assessments, and modify response times and the
9 daily contact rule.

10 SECTION 6. AMENDATORY 10 O.S. 2001, Section 7004-3.1, is
11 amended to read as follows:

12 Section 7004-3.1. A. 1. The Department of Human Services is
13 authorized to manage and operate the children's shelter located ~~at~~
14 in Oklahoma City, known and designated as the Pauline Mayer
15 Children's Shelter, and the children's shelter located in Tulsa,
16 known and designated as the Laura Dester Children's Shelter. The
17 Department shall implement a plan to phase out use of the shelters,
18 and in the alternative, use kinship foster homes and emergency
19 foster homes. The Department shall monitor and report to the
20 Legislature and Governor on a monthly basis the daily average
21 shelter population and the number of kinship foster homes utilized
22 and the total number of emergency foster homes available by county.

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

6 B. The Commission for Human Services shall establish and
7 maintain ~~such~~ methods of administration, including those necessary
8 to establish and maintain a merit system of personnel
9 administration, and shall prescribe ~~such~~ rules ~~as it deems~~ necessary
10 for the efficient and effective operation of the children's
11 facilities operated by the Department.

12 C. 1. The Director of the Department ~~of Human Services~~ shall
13 employ and fix the duties and compensation of a director or
14 supervisor, and ~~such~~ other personnel ~~as he deems~~ necessary, for each
15 of the children's facilities operated by the Department, ~~provided~~
16 ~~that the~~.

17 2. The Department shall promulgate, and in its hiring and
18 employment practices, the Department shall adhere to, written
19 minimum qualifications by position for personnel working with or
20 around children in ~~said~~ such facilities. ~~Such minimum~~ Minimum
21 qualifications shall be designed to assure that such:

22 a. personnel possess sufficient education, training,
23 experience, and background to provide adequate and

1 safe professional care and services to ~~said~~ children,
2 and ~~that the~~

3 b. children will not be exposed to abuse, deprivation,
4 criminal conduct, or other unwholesome conditions
5 attributable to employee incompetence or misconduct.

6 D. 1. It shall be the duty of the State Fire Marshal and the
7 Commissioner of Public Health to cause annual unannounced
8 inspections of children's facilities operated by the Department,
9 utilizing adequately trained and qualified inspection personnel, to
10 determine and evaluate conditions in their respective areas of
11 agency jurisdiction. ~~Such inspections~~

12 2. Inspections shall include, but not be limited to, compliance
13 with:

14 a. minimum fire, life and health safety standards, and
15 ~~compliance with~~

16 b. minimum standards governing general sanitation of the
17 institution.

18 3. Reports of ~~such~~ inspections ~~will~~ shall be made in writing,
19 itemizing and identifying any deficiencies, and recommending
20 corrective ~~measure~~ measures, and shall be filed with ~~the Child Care~~
21 ~~Facilities Licensing Division of the Department of Human Services,~~
22 the Office of Juvenile System Oversight, and the Commission on
23 Children and Youth.

1 ~~E.~~ 4. The Department of ~~Human Services~~ shall file copies of the
2 reports of the inspections and recommendations of the accrediting
3 agencies with the Office of Juvenile System Oversight.

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

5 a. give assistance to local school districts in providing
6 an education to children in facilities operated by the
7 Department, ~~may~~

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

9 c. provide facilities for such purposes.

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

15 SECTION 7. NEW LAW A new section of law not to be
16 codified in the Oklahoma Statutes reads as follows:

17 The Department of Human Services shall focus on creating a
18 safety culture that is ingrained into all staff and impacts all
19 decisions made by:

20 1. Adopting one safety assessment protocol and providing
21 comprehensive training on its use and application to all staff; and

22 2. Making better use of the risk assessment protocol.

1 SECTION 8. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 A. The Children and Family Services Division of the Department
4 of Human Services shall conduct an area-level services needs
5 assessment at least annually and, using evidence based practices as
6 available, determine the needs of families and children in each
7 area.

8 B. Based upon the assessment, the Department shall allocate the
9 number and types of in-home services needed and report the
10 utilization of the services regularly to the management of each area
11 office. Allocation shall be by contract to providers of services
12 who can cover one (1) or more counties and contracts shall be
13 awarded to the providers with the lowest and best bid under the
14 criteria set by the area office.

15 SECTION 9. NEW LAW A new section of law not to be
16 codified in the Oklahoma Statutes reads as follows:

17 The Department of Human Services shall work with the recruitment
18 staff of the Department to develop a resource recruitment plan based
19 on the number of children in non-relative care and the projected
20 foster family turnover which meets the performance review standard
21 of two available beds per child.

22 SECTION 10. NEW LAW A new section of law not to be
23 codified in the Oklahoma Statutes reads as follows:

1 A. Unless otherwise prohibited by law, the Department of Human
2 Services shall develop an agency-wide process for conducting
3 background checks, fingerprinting, and personal care applications.

4 B. The Department shall maintain limits on the number of
5 children a person is authorized to care for; however, a person shall
6 be permitted to provide multiple services where authorized.

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

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

- 12 1. Demographic information;
- 13 2. Strengths, needs and general behavior of the child;
- 14 3. Circumstances which necessitated placement;
- 15 4. Type of custody and previous placement;
- 16 5. Pertinent family information including, but not limited to,
17 the names of family members who are and who are not, by court order,
18 allowed to visit the child and the child's relationship to the
19 family which may affect placement;
- 20 6. Known and important life experiences and relationships which
21 may significantly affect the child's feelings, behavior, attitudes
22 or adjustment;

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

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

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

- 10 a. allergies,
- 11 b. immunizations,
- 12 c. childhood diseases,
- 13 d. physical handicaps,
- 14 e. psycho-social information, and
- 15 f. the name of the child's last doctor, if known.

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

- 21 1. Any medical or psychological conditions;
- 22 2. Diseases, illnesses, accidents, allergies, and congenital
23 defects;

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

3 4. Immunization history.

4 C. 1. When the Department places a child in out-of-home care,
5 the placement providers may request the Department to provide
6 contagious or infectious screening examinations or tests on the
7 child and provide the results to such placement providers.

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

1 3. The Department may also designate other persons who may
2 request the performance of such examinations or tests on the child,
3 including, but not limited to, Department employees, direct
4 caregivers and physicians.

5 D. The Department or child-placing agency throughout the
6 child's placement shall inform the foster parent of any costs and
7 expenses related to providing foster care services for the child for
8 which the foster parent may be eligible for reimbursement.

9 E. 1. The Department shall establish a passport program for
10 children in the custody of the Department.

11 2. The program shall provide for a passport, which shall be a
12 compilation of the significant information provided for in
13 subsections A and B of this section for each child, including, but
14 not limited to, educational and physical and behavioral health
15 records.

16 3. In order to implement the provisions of this section, the
17 Oklahoma Health Care Authority, the State Department of Education,
18 and the Department of Mental Health and Substance Abuse Services
19 shall cooperate with the Department to establish the passport
20 program.

21 4. The passport shall accompany each child to wherever the
22 child resides so long as the child is in the custody of the
23 Department.

1 5. The Department of Human Services shall:

2 a. work with public and private partners to gain access
3 to the information listed in subsections A and B of
4 this section,

5 b. provide for a secure database in which to store
6 information, and

7 c. consult with the Oklahoma Health Care Authority to
8 convert Medicaid claims data into a usable format and
9 to add to it from other data sources in order to
10 provide foster families more information about the
11 history and needs of the child.

12 SECTION 12. NEW LAW A new section of law not to be
13 codified in the Oklahoma Statutes reads as follows:

14 A. It is the intent of the Legislature to provide foster
15 families with an increase both in the daily reimbursement rate and
16 provide for a One Hundred Fifty Dollar (\$150.00) clothing allowance
17 for each child placed in the foster home, even if the initial
18 allowance has been spent on the child in another placement.

19 B. It is the intent of the Legislature to provide foster
20 families a reimbursement for transportation based on the
21 requirements of the service plan, unless the foster family is
22 receiving a difficulty of care payment.

1 SECTION 13. AMENDATORY 10 O.S. 2001, Section 7221, as
2 amended by Section 2, Chapter 159, O.S.L. 2008 (10 O.S. Supp. 2008,
3 Section 7221), is amended to read as follows:

4 Section 7221. A. In order to promote the stability and healthy
5 growth of a foster child who has been placed in a foster family
6 home, it is the intent of the Legislature to limit the number of
7 times a foster child is moved within the foster family system.

8 B. If there is an allegation of abuse or neglect in a foster
9 home, an investigation of the allegation shall be conducted as
10 required in Section 7106 of this title.

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

1 SECTION 14. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 The Department of Human Services shall implement a plan of
4 reorganization of the offices serving the two largest counties by
5 population according to the most recent Federal Decennial Census in
6 the state. The plan shall include, but is not limited to, the
7 replacement of the county director and field liaison positions with
8 programmatic directors for each of the programs within the Human
9 Services Centers.

10 SECTION 15. NEW LAW A new section of law not to be
11 codified in the Oklahoma Statutes reads as follows:

12 The area offices of the Department of Human Services shall
13 assume direct responsibility for functions which cross county lines.

14 SECTION 16. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 236.1 of Title 56, unless there
16 is created a duplication in numbering, reads as follows:

17 The Department of Human Services administrators shall address
18 all personnel performance problems within fifteen (15) working days
19 of notification of a personnel performance problem. Such deadline
20 may be extended upon written authorization of the Director.

21 SECTION 17. NEW LAW A new section of law not to be
22 codified in the Oklahoma Statutes reads as follows:

1 A. The Continuous Quality Improvement Unit within the Children
2 and Family Services Division of the Department of Human Services
3 shall review its instrument and procedures to ensure a focus on the
4 quality of casework, including soundness of assessments and
5 decision-making.

6 B. The Department shall develop a clear structure of
7 accountability based on the results of the Continuous Quality
8 Improvement Unit's reviews, including positive and negative
9 sanctions.

10 SECTION 18. AMENDATORY 10 O.S. 2001, Section 601.3, is
11 amended to read as follows:

12 Section 601.3. The Oklahoma Commission on Children and Youth is
13 hereby authorized and directed to:

14 1. Establish and maintain the Office of Planning and
15 Coordination for Services to Children and Youth;

16 2. Establish and maintain the Office of Juvenile System
17 Oversight; ~~and~~

18 3. Designate community partnership districts for services to
19 children and youth and, within the limitations of available funds,
20 whether appropriated or otherwise available, provide staff,
21 technical assistance and other assistance as necessary and
22 appropriate to the district boards; and

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

4 SECTION 19. NEW LAW A new section of law not to be
5 codified in the Oklahoma Statutes reads as follows:

6 By January 1, 2010, the Department of Human Services shall
7 standardize its formal curriculum for the training of workers on:

8 1. A safety assessment protocol and risk assessment protocol
9 adopted by the Department;

10 2. Core areas of the Department; and

11 3. Job-specific areas and the application of necessary skills
12 to effectively perform the duties of the position.

13 SECTION 20. NEW LAW A new section of law not to be
14 codified in the Oklahoma Statutes reads as follows:

15 It is the intent of the Legislature to provide a consistent
16 means of funding salary increases for Department of Human Services
17 employees based on performance.

18 SECTION 21. NEW LAW A new section of law not to be
19 codified in the Oklahoma Statutes reads as follows:

20 The Department of Human Services shall experiment with
21 recruiting staff with different demographic characteristics to
22 determine which groups are more likely to remain with the agency for
23 longer periods of time.

1 SECTION 22. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

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

5 B. 1. The committee shall consist of nine (9) members with
6 three members to be to be appointed by the Speaker of the House of
7 Representatives, three members to be appointed by the President Pro
8 Tempore of the Senate, and three members to be appointed by the
9 Governor.

10 2. A vacancy on the committee shall be filled by the appointing
11 authority.

12 3. Appointments to the committee shall be made by September 1,
13 2009.

14 4. The committee members shall designate a chair from among the
15 members of the committee.

16 5. The Speaker of House of Representatives shall convene the
17 first meeting of the committee by October 1, 2009.

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

20 7. The committee shall meet at least biannually to review the
21 reports provided by the Department of Human Services as required by
22 subsection E of this section.

1 8. Members of the committee shall receive no compensation for
2 their service, but shall receive travel reimbursement in accordance
3 with the provisions of Section 456 of Title 74 of the Oklahoma
4 Statutes.

5 9. Administrative support for the committee including, but not
6 limited to, personnel necessary to ensure the proper performance of
7 the duties and responsibilities of the committee shall be provided
8 by the staff of the House of Representatives.

9 C. The committee shall:

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

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

15 D. The committee shall issue a report of its findings to the
16 Legislature and Governor no later than December 1, 2011.

17 E. The Department of Human Services shall provide a report to
18 the Children's Services Oversight Committee at least biannually to
19 update the committee on the status of the implementation of the
20 provisions of the audit and of this act.

21 SECTION 23. AMENDATORY 10 O.S. 2001, Section 7110.2, as
22 last amended by Section 6, Chapter 258, O.S.L. 2006 (10 O.S. Supp.
23 2008, Section 7110.2), is amended to read as follows:

1 Section 7110.2. A. 1. The Department of Human Services shall
2 allocate monies available in the Child Abuse Multidisciplinary
3 Account (CAMA).

4 2. Funds shall be allocated to:

- 5 a. one functioning freestanding multidisciplinary child
6 abuse team per county, as provided in Section 7110 of
7 this title,
- 8 b. one hospital team pursuant to subsection E of Section
9 7110 of this title, and
- 10 c. one child advocacy center, accredited by the National
11 Children's Alliance, per district attorney's district.

12 (1) A child advocacy center shall be eligible for
13 Child Abuse Multidisciplinary Account (CAMA)
14 funding upon accreditation by the National
15 Children's Alliance. In addition, the child
16 advocacy center must secure a third-year interim
17 review to determine whether the child advocacy
18 center continues to meet the National Children's
19 Alliance standards in effect at the time of its
20 last accreditation. If a child advocacy center
21 fails the third-year review, the center will
22 remain eligible for CAMA funding, but must have
23 another review conducted in the fourth year. If

1 the child advocacy center fails the fourth-year
2 review, the center shall be ineligible to receive
3 CAMA funding until such time as the center
4 receives reaccreditation from the National
5 Children's Alliance.

6 (2) The accredited center shall remain the center for
7 the district attorney's district as long as
8 eligibility is maintained pursuant to the
9 provisions of Section 7110 of this title. If a
10 center does not remain eligible pursuant to the
11 provisions of Section 7110 of this title,
12 endorsement by the district attorney as the child
13 advocacy center for the district may be sought by
14 any entity beginning with the calendar year after
15 the center is determined to be ineligible. The
16 two centers in district number (4) and district
17 number (13) that were accredited as of the
18 effective date of this act shall continue to
19 receive funding at the nonurban level. Should
20 one of the exempted centers close or no longer
21 meet the criteria for a child advocacy center
22 pursuant to the provisions of Section 7110 of
23 this title, the center shall not be allowed to

1 reopen in that district or to receive CAMA funds.
2 The remaining center shall become the sole child
3 advocacy center for the district attorney's
4 district.

5 3. Funding distribution pursuant to the provisions of this
6 subsection shall be determined:

- 7 a. by multiplying the number of applicants in each
8 category by the corresponding weight as follows:
 - 9 (1) freestanding multidisciplinary child abuse team -
10 1,
 - 11 (2) hospital team - 1,
 - 12 (3) nonurban centers - 4,
 - 13 (4) mid-level nonurban centers - 6, and
 - 14 (5) urban centers - 24,
- 15 b. adding together the weighted results for all
16 categories,
- 17 c. dividing the weighted result for each category by the
18 sum of the weighted results for all categories, and
- 19 d. equally distributing funding to each applicant in the
20 corresponding category based on the amounts obtained
21 by multiplying the total available funding by the
22 calculated percentages.

1 B. 1. Pursuant to the provisions of Section 7110.1 of this
2 title, by January 31, 2003, and by January 31 of each year
3 thereafter, the Department shall disburse monies from the Child
4 Abuse Multidisciplinary Account to eligible multidisciplinary child
5 abuse teams and to eligible child advocacy centers. A child
6 advocacy center must be in compliance with the provisions of Section
7 7110 of this title to be eligible for Child Abuse Multidisciplinary
8 Account funding. The disbursement shall be a single, annual
9 disbursement, for the collection period of the preceding year
10 beginning October 1 through September 30.

11 2. The Department of Human Services, the Child Abuse Training
12 and Coordinating Council and the Children's Advocacy Centers of
13 Oklahoma, Inc., shall meet annually, after September 30, 2002, to
14 review the amount of CAMA funds to be disbursed.

15 C. A team or center may carry over funding for a period of one
16 (1) year after allocation, such one-year period to begin in January
17 and end in December of the same year; provided, however, funds not
18 used within twenty-four (24) months of the original allocation will
19 be deducted from the contract amount for the next contract year. If
20 a team or center is ineligible for funding in an upcoming year,
21 unused funds from the current or previous years shall be returned to
22 the CAMA account for use in subsequent years.

1 D. The Department of Human Services is hereby authorized to
2 receive ~~one half of one percent (0.5%)~~ two and one-half percent
3 (2.5%) in administrative costs from the CAMA account.

4 SECTION 24. This act shall become effective November 1, 2009.

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-31-09 - DO
6 PASS, As Amended and Coauthored.