

3 Senate Bill No. 339
4 As Amended

5 SENATE BILL NO. 339 - By: Anderson of the Senate and Peters of the
6 House.

7 [children - child placement - courts - determinations -
8 rules -
9 emergency]

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

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

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

18 2. The written notice shall:

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

- 1 c. contain information about the:
- 2 (1) emergency custody hearing process including, but
- 3 not limited to, the date, time and place that the
- 4 child was taken into protective or emergency
- 5 custody,
- 6 (2) nature of the allegation that led to placement of
- 7 the child into protective or emergency custody,
- 8 (3) address and telephone number of the local and
- 9 county law enforcement agencies,
- 10 (4) phone number of the local child welfare office of
- 11 the Department of Human Services, and
- 12 (5) right of the parent, legal guardian or custodian
- 13 to contact an attorney.

14 3. The written notice shall also contain the following or

15 substantially similar language: "FAILURE TO RESPOND TO THIS NOTICE

16 OR TO APPEAR AT THE EMERGENCY CUSTODY HEARING MEANS YOUR CHILD WILL

17 STAY OR BE PLACED IN EMERGENCY CUSTODY. YOUR FAILURE TO RESPOND OR

18 COOPERATE MEANS YOU MAY LOSE CUSTODY OF THIS CHILD OR YOUR RIGHTS AS

19 A PARENT MAY BE TERMINATED."

20 B. 1. Within the next two (2) judicial days following the

21 child being taken into protective or emergency custody, the court

22 shall conduct an emergency custody hearing to determine whether

23 evidence or facts exist that are sufficient to demonstrate to the

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

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

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

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

- 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

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.

1 E. The Department shall, within thirty (30) days of a child's
2 removal, exercise due diligence to identify **adult** relatives. Notice
3 shall be provided by the Department to all grandparents and to such
4 other **adult** relatives as the court directs. The notice shall advise
5 the relatives:

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

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

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

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

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

1 IN THE DISTRICT COURT OF _____ COUNTY

2 STATE OF OKLAHOMA

3 IN THE MATTER OF:

4 _____

5 ALLEGED DEPRIVED CHILD(REN)

6 MEMORANDUM

7 CHILD WELFARE WORKER:

8 ASSISTANT DISTRICT ATTORNEY:

9 ___ INVESTIGATION REVEALED ALLEGATIONS NOT CONFIRMED

10 ___ SERVICES WERE OFFERED AND ACCEPTED

11 ___ PARENT/CARETAKER HAS TAKEN APPROPRIATE STEPS TO

12 PROTECT CHILD FROM HARM

13 ___ OTHER:

14 NOTES:

15 CHILD(REN) RELEASED TO:

16 _____

17 ASSISTANT DISTRICT ATTORNEY

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

22 _____

23 DHS CHILD WELFARE WORKER.

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

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

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

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

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

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:

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;

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,

- 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~~

- 1 i. a discussion of the safety and appropriateness of the
2 child's placement, which placement is intended to be
3 in the least restrictive and most family-like setting
4 available, consistent with the best interests and
5 special needs of the child and in as close proximity
6 as possible to the child's home, and
- 7 j. a plan for ensuring the educational stability of the
8 child while in out-of-home placement, including:
- 9 (1) assurances that the placement of the child
10 considers the appropriateness of the current
11 educational setting and the proximity to the
12 school in which the child was enrolled at the
13 time of placement, and
- 14 (2) where appropriate, an assurance that the
15 Department has coordinated with appropriate local
16 educational agencies to ensure that the child
17 remains in the school in which the child was
18 enrolled at the time of placement, or
- 19 (3) if remaining in the school in which the child was
20 enrolled at the time of placement is not in the
21 best interests of the child, assurances by the
22 Department and the local educational agencies to
23 provide immediate and appropriate enrollment in a

1 new school with all of the educational records of
2 the child provided to the school;

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

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

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

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

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

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

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

1 (3) finalize the adoption or guardianship, kinship
2 guardianship or other permanent placement.

3 b. Such documentation shall include, at a minimum, child-
4 specific recruitment efforts such as the use of state,
5 regional and national adoption exchanges, including
6 electronic exchange systems.

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

11 F. The individual treatment and service plan shall include the
12 following statement:

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

19 G. Whenever a child who is subject to the provisions of this
20 section is committed for inpatient mental health or substance abuse
21 treatment pursuant to the Inpatient Mental Health and Substance
22 Abuse Treatment of Minors Act, the individual treatment and service
23 plan shall be amended as necessary and appropriate, including, but

1 not limited to, identification of the treatment and services to be
2 provided to the child and the child's family upon discharge of the
3 child from inpatient mental health or substance abuse treatment.

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

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

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

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

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

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

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

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

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

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

20 2. If the court grants a delay, the court shall state why the
21 delay is necessary and shall state the minimum amount of time needed
22 to resolve any such reasons for the delay. The court shall schedule

1 the dispositional hearing at the earliest possible time following
2 the delay.

3 B. If the child is removed from the custody of the child's
4 parent, the court or the Department of Human Services, as
5 applicable, shall immediately consider concurrent permanency
6 planning, so that permanency may occur at the earliest opportunity.
7 Consideration should be given so that if reunification fails or is
8 delayed, the placement made is the best available placement to
9 provide permanency for the child.

10 C. The following kinds of orders of disposition may be made in
11 respect to wards of the court pursuant to a deprived child
12 proceeding:

13 1. a. The court may place the child under supervision by the
14 Department of Human Services in the child's own home,
15 or in the custody of a suitable person elsewhere. If
16 a child has been removed from the custodial parent of
17 the child and the court, in the best interests of the
18 child, is unable to release the child to the custodial
19 parent, the court shall give priority for placement of
20 the child with the noncustodial parent of the child
21 unless such placement would not be in the child's best
22 interests. If the court cannot place the child with
23 the noncustodial parent, custody shall be consistent

1 with the provisions of Section 21.1 of this title. If
2 custody of the child cannot be made pursuant to the
3 provisions of Section 21.1 of this title, the reason
4 for such determination shall be documented in the
5 court record. The court may require the parent or
6 other person to comply with such conditions as the
7 court may require and to give security by bond, with
8 surety or sureties approved by the court, for
9 compliance with such order.

10 b. If it is consistent with the welfare of the child, the
11 child shall be returned to the child's parent, legal
12 guardian or custodian. Provided, that if it appears
13 to the court that the conduct of the parent, legal
14 guardian, custodian, or that a stepparent or other
15 adult person living in the home has contributed to
16 such deprivation, the court may issue a written order
17 specifying conduct to be followed by such parent,
18 legal guardian, custodian, stepparent or other adult
19 person living in the home with respect to such child.
20 The conduct specified shall be such as would
21 reasonably prevent the child from becoming or
22 continuing to be deprived.

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

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

9 3. The court may place the child in the custody of a private
10 institution or agency, including any institution established and
11 operated by the county, authorized to care for children or to place
12 them in family homes. In placing a child in a private institution
13 or agency, the court shall select one that is licensed by the
14 Department or any other state department supervising or licensing
15 private institutions and agencies; or, if such institution or agency
16 is in another state, by the analogous department of that state.
17 Whenever the court shall place a child in any institution or agency,
18 it shall transmit with the order of commitment a summary of its
19 information concerning the child, and such institution or agency
20 shall give to the court such information concerning the child as the
21 court may at any time require.

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

1 5. The court may place the child in the custody of the
2 Department.

3 6. If the child has been placed outside the home, and it
4 appears to the court that the parent, legal guardian, custodian,
5 stepparent, or other adult person living in the home has contributed
6 to the deprivation of the child, the court may order that the
7 parent, legal guardian, custodian, stepparent, or other adult living
8 in the home be made subject to any treatment or placement plan
9 prescribed by the Department or other person or agency receiving
10 custody of the child.

11 7. a. The court may order a child's permanent care and
12 custody transferred to another person, subject to
13 residual parental rights and responsibilities and
14 subject to such orders of the court as deemed
15 necessary for the health, safety or welfare of the
16 child pursuant to the provisions of this paragraph,
17 upon the written consent of both parents of the child
18 or upon the consent of one parent only if:
19 (1) the other parent is deceased,
20 (2) the other parent has been determined by a court
21 of law to be incompetent or incapacitated,

- 1 (3) the other parent's whereabouts or identity is
2 unknown. This fact shall be attested to by an
3 affidavit of the consenting parent,
- 4 (4) the other parent who is eighteen (18) years of
5 age or older, has signed a statement consenting
6 to the transfer, executed before a notary public,
- 7 (5) the parental rights of the other parent has been
8 terminated,
- 9 (6) the other parent has been or is found by the
10 court of law to be unfit or unable to exercise
11 parental rights and responsibilities for the
12 child based upon situations enumerated in Section
13 7006-1.1 of this title,
- 14 (7) is or has been subject to the registration
15 requirements of the Oklahoma Sex Offenders
16 Registration Act or any similar act in any other
17 state, or
- 18 (8) has abandoned the child or is determined by the
19 court to be otherwise unfit to assume custody of
20 the child for any other reason.
- 21 b. Prior to the entry of an order transferring the
22 permanent care and custody of a child, the court shall
23 receive an investigation and report regarding the

1 background and home of the prospective custodian.
2 Such investigation and report of the prospective
3 custodian shall be made pursuant to the requirements
4 of the Oklahoma Adoption Code. The Department of
5 Human Services shall only be required by the court to
6 make the home study and report as specified by this
7 paragraph in the following circumstances:

8 (1) the Department has previously conducted a home
9 study on the prospective custodian within the
10 past three (3) years, or

11 (2) the child is in the custody or under the legal
12 supervision of the Department.

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

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

17 (2) the child marries or is legally emancipated, or

18 (3) the parent who consented to the transfer of the
19 permanent care and custody of the child petitions
20 the court for the recovery of the child and the
21 court finds after evidentiary hearing:

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

1 require the person to whom custody is transferred
2 to submit any records or reports the court deems
3 necessary for purposes of such review. Such
4 order shall not require the Department to
5 supervise the placement during such period,

6 (2) shall not require periodic reviews by the court
7 thereafter if the parties agree with the assent
8 of the court that such reviews are not necessary
9 to serve the best interests of the child, and

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

16 8. a. When reunification of the family is not recommended or
17 possible, as determined by the court, the court may
18 order a child's permanent care and custody transferred
19 to a kinship guardian subject to residual parental
20 rights and responsibilities and subject to such orders
21 of the court as deemed necessary for the health,
22 safety or welfare of the child. Kinship guardianship

1 shall include, but not be limited to, the following
2 parental responsibilities with respect to a child:

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

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

10 c. The petition for kinship guardianship shall allege
11 that:

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

1 tie between the child and the kinship foster
2 parent, and
3 (6) it would be in the best interests of the child
4 for the petition to be granted.

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

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

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

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

22 h. Upon the entry of an order providing for the transfer
23 of the permanent care and custody of a child to a

1 kinship guardian, the order shall remain in full force
2 and effect until:
3 (1) the child reaches the age of eighteen (18) years,
4 (2) the child is married or legally emancipated,
5 (3) the court finds after evidentiary hearing:
6 (a) the child has been abused or neglected while
7 in the care and custody of the kinship
8 guardian, 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, an attorney for the child,
13 or the kinship guardian petitions the court for
14 modification of the order transferring permanent
15 care and custody to a kinship guardian and the
16 court finds after evidentiary hearing that it is
17 in the best interests of the child for the order
18 to be modified and the custody of the child be
19 given to another person, pursuant to the Oklahoma
20 Guardianship and Conservatorship Act or the
21 Oklahoma Children's Code,

- 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

1 effect subject to the provisions of this
2 subparagraph.

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

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

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

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

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

1 b. reasonable efforts to reunite the family are not
2 feasible, and reasonable efforts are being made to
3 secure an alternate permanent placement for the child.

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

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

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

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

1 2. Prior to final disposition, the court shall require that it
2 be shown by the appropriate school district that a child found to be
3 truant has been evaluated for literacy, learning disabilities,
4 mental retardation, and hearing and visual impairments and other
5 impediments which could constitute an educational handicap. The
6 results of such tests shall be made available to the court for use
7 by the court in determining the disposition of the case.

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

13 4. A deprived adjudication based solely upon repeated absence
14 from school shall not constitute a ground for termination of
15 parental rights.

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

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

- 1 1. Place siblings, who have been removed, together in the same
2 foster care, guardianship or adoptive placement; and
- 3 2. Provide for frequent visitation or other ongoing interaction
4 in the case of siblings who have been removed and who are not placed
5 together.

6 J. 1. If reasonable efforts are required for the return of the
7 child to the child's home, the court shall allow the parent of the
8 child not less than three (3) months to correct conditions which led
9 to the adjudication of the child as a deprived child prior to
10 terminating the parental rights of the parent pursuant to the
11 provisions of Section 7006-1.1 of this title.

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

14 3. If the court terminates the rights of a parent and places
15 the child with an individual or agency, the court may invest in such
16 individual or agency authority to consent to the adoption of the
17 child. Provided, that where the court places the child with the
18 Department, it shall vest the Department with authority to place the
19 child and, upon notice to the court that an adoption petition has
20 been filed concerning such child, invest the Department with
21 authority to consent to the adoption of the child, and the
22 jurisdiction of the committing court shall terminate upon final
23 decree of adoption.

1 ~~J.~~ K. 1. When the juvenile court assumes jurisdiction over a
2 child pursuant to Article III of this Code, an order concerning
3 child support or the legal custody of the child that has been
4 previously entered in any other administrative or district court
5 proceeding shall be subject to modification by the juvenile court
6 during the pendency of the deprived action. When the juvenile court
7 terminates its jurisdiction over the child in the deprived action,
8 the most recent order which determines child support or awards legal
9 custody of the child to a parent or other person shall remain in
10 full force and effect and shall control over any prior custody or
11 child support order entered in an administrative or district court
12 action.

13 2. The surviving custody or child support order from the
14 deprived action may be docketed and filed in the prior existing or
15 pending administrative or district court action; provided, however,
16 if there is no administrative or district court action then in
17 existence, the surviving order may be used as the sole basis for
18 opening a new administrative or district court action in the same
19 county where the deprived action was pending or in the county where
20 the legal custodian of the child resides. When applicable, the
21 clerk of the juvenile court shall transmit the surviving order to
22 the clerk of the district court of the county where the order is to
23 be filed along with the names and last-known addresses of the

1 parents of the child. The clerk of the district court shall
2 immediately upon receipt open a file without a filing fee, assign a
3 new case number and, when applicable, file the order and send by
4 first-class mail a copy of the order with the new or prior existing
5 case number back to the juvenile court and to the parents of the
6 child at their last-known address. The order shall not be
7 confidential and may be enforced or modified after being docketed
8 and filed in the prior existing or new administrative or district
9 court action.

10 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7003-5.6, as
11 last amended by Section 2, Chapter 196, O.S.L. 2007 (10 O.S. Supp.
12 2008, Section 7003-5.6), is amended to read as follows:

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

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

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

6 3. The court otherwise terminates jurisdiction.

7 B. The provisions of this section shall also apply to a child
8 who has been removed from the home of the parent or parents, legal
9 guardian or custodian of the child after the child has been returned
10 to that home.

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

15 D. In addition to the parties, adequate prior written notice of
16 review hearings shall be provided by the Department pursuant to
17 rules promulgated by the Commission for Human Services to the
18 current foster parents, preadoptive parent, or relative providing
19 care for the child. A right to be heard at such hearings shall be
20 provided by the court to the current foster parent of a child, the
21 child's guardian ad litem, and to any preadoptive parent or relative
22 providing care for the child. Such notice and right to be heard
23 shall not be construed as requiring any foster parent, preadoptive

1 parent or relative to be made a party to such deprived proceedings
2 if not currently a party to the action.

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

8 F. At each review hearing the court shall:

9 1. Determine whether:

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

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

14 (1) have complied with, performed, and completed the
15 terms and conditions of the individual treatment
16 and service plan which are essential and
17 fundamental to the health, safety or welfare of
18 the child as determined by the court,

19 (2) have corrected those conditions which caused the
20 child to be adjudicated and which the court
21 determines to be essential and fundamental to the
22 health, safety or welfare of the child,

- 1 (3) have made marked progress towards reunification
2 with the child, and
- 3 (4) have maintained a close and positive relationship
4 with the child,
- 5 b. the child should continue in out-of-home placement for
6 a specified period. The court shall project a likely
7 date by which the child may be:
- 8 (1) returned to and safely maintained in the home,
9 (2) placed with a willing and suitable guardian or
10 custodian, or
- 11 (3) placed for adoption, or other permanent
12 arrangement,
- 13 c. the rights of the parent of the child should be
14 terminated and the child placed for adoption, placed
15 with a guardian or custodian, or provided with another
16 permanent arrangement, or
- 17 d. the child, because of exceptional circumstances,
18 should remain in long-term out-of-home placement as a
19 permanent plan or with a goal of independent living;
- 20 2. Consider in-state and out-of-state placement options for the
21 child;
- 22 3. Make a determination as to whether:

1 a. reasonable efforts have been made to provide for the
2 safe return of the child to the child's own home. In
3 determining reasonable efforts, the child's health,
4 safety or welfare shall be the paramount concern. If
5 the court determines or has previously determined that
6 reasonable efforts are not required, pursuant to the
7 provisions of Section 7003-4.6 of this title, or that
8 continuation of reasonable efforts to reunite the
9 child with the child's family is inconsistent with the
10 permanency plan for the child, the court shall
11 determine if reasonable efforts are being made to
12 place the child in a timely manner in accordance with
13 the permanency plan and to complete steps necessary to
14 finalize permanent placement for the child, ~~and~~
15 b. where appropriate, when the child is sixteen (16)
16 years of age or older, services are being provided
17 that will assist the child in making the transition
18 from foster care to independent living, and shall also
19 inquire, or cause inquiry to be made of the child,
20 regarding any proposed independent living plan,
21 c. in accordance with the safety or well-being of any
22 child, reasonable efforts have been made to:

1 (1) place siblings, who have been removed, together
2 in the same foster care, guardianship or adoptive
3 placement, and

4 (2) provide for frequent visitation or other ongoing
5 interaction in the case of siblings who have been
6 removed and who are not placed together, and

7 d. during the ninety-day period immediately prior to the
8 date on which the child in the Department's custody
9 will attain eighteen (18) years of age, the
10 Department, and, as appropriate, other representatives
11 of the child, is providing the child with assistance
12 and support in developing an appropriate transition
13 plan that is personalized at the direction of the
14 child, that includes specific options on housing,
15 health insurance, education, local opportunities for
16 mentors and continuing support services and workforce
17 supports and employment services, and that is as
18 detailed as the child may elect;

19 4. Determine the safety of the child and consider fully all
20 relevant prior and current information including, but not limited
21 to, the report or reports submitted pursuant to Sections 7208 and
22 7003-5.6a of this title;

1 5. Inquire as to the nature and extent of services being
2 provided the child and parent or parents of the child and shall
3 direct that additional services be provided if necessary to ensure
4 the safety of the child and to protect the child from further
5 physical, mental, or emotional harm, or to correct the conditions
6 that led to the adjudication; and

7 6. Order such modification to the existing individual treatment
8 and service plan as the court determines to be in the best interests
9 of the child and necessary for the correction of the conditions that
10 led to the adjudication of the child.

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

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

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

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

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

- 1 a. the adjudication date, or
2 b. the date that is sixty (60) days after the date on
3 which the child is removed from the home.

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

11 C. In addition to the parties, adequate prior written notice of
12 permanency hearings shall be provided by the Department pursuant to
13 rules promulgated by the Commission for Human Services to the
14 current foster parents and to any preadoptive parent or relative
15 providing care for the child. A right to be heard at such hearing
16 shall be provided by the court to the current foster parents of a
17 child, the child's guardian ad litem, and to any preadoptive parent
18 or relative providing care for the child. Such notice and right to
19 be heard shall not be construed as requiring any foster parent,
20 preadoptive parent or relative to be made a party to such action.

21 D. At the hearing, the court shall determine the most suitable
22 permanency plan based on the child's need for a permanent placement
23 as indicated by the recommended permanency plan or other evidence

1 submitted and shall also, in an age-appropriate manner, inquire or
2 cause inquiry to be made of the child regarding the proposed
3 permanency plan and if the child is age sixteen (16) or older, the
4 independent living plan. The court shall determine whether:

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

12 a. the parent, legal guardian or custodian has made
13 marked progress towards reunification with the child,
14 and has maintained a close and positive relationship
15 with the child, and

16 b. the parties have complied with, performed and
17 completed those terms and conditions of the court-
18 ordered individual treatment and service plan and have
19 corrected those conditions which caused the child to
20 be adjudicated which are essential and fundamental to
21 the health, safety and welfare of the child;

22 2. A plan for the guardianship or kinship guardianship of the
23 child should be approved;

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

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

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

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

13 a. place siblings, who have been removed, together in the
14 same foster care, guardianship or adoptive placement,
15 and

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

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

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

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

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

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

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

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

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

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

20 6. Assist the staff of all child-placing agencies, foster
21 parents and foster families by advising them on methods and
22 procedures relating to child care, parental substitute authority,
23 behavioral management techniques, and improvement of services;

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

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

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

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

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

22 12. Provide for collection, through assignment, attachment,
23 garnishment, liens, or other legal process, of the cost for out-of-

1 home placement services provided through the state agency from the
2 parents, guardian, or other person responsible for the care and
3 support of a child in the custody of the state agency;

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

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

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

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

22 17. Assure that each child who has attained the minimum age for
23 compulsory school attendance and is eligible for a foster care

1 payment under Title IV-E of the Social Security Act (42 U.S.C. 670
2 et seq.) is:

- 3 a. enrolled in an institution which provides elementary
4 or secondary education as determined under the law of
5 the state or other jurisdiction in which the
6 institution is located,
- 7 b. instructed in elementary or secondary education at
8 home as authorized by laws governing home schooling or
9 other jurisdiction in which the home is located,
- 10 c. in an independent study elementary or secondary
11 education program in accordance with the law of the
12 state or other jurisdiction in which the program is
13 located which is administered by the local school or
14 school district, or
- 15 d. incapable of attending school on a full-time basis due
16 to a documented medical condition supported by regular
17 updates; and

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

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

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 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-3-09 - DO PASS,
8 As Amended and Coauthored.