

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 2028

By: Steele

4
5
6 AS INTRODUCED

7 An Act relating to children; amending 10 O.S. 2001,
8 Section 15, which relates to support of stepchildren;
9 deleting obsolete language; amending 10 O.S. 2001,
10 Section 21.1, as last amended by Section 1, Chapter
11 94, O.S.L. 2007 (10 O.S. Supp. 2008, Section 21.1),
12 which relates to custody or guardianship; deleting
13 legislative intent; deleting stated conditions for
14 when a court may deny custody to a noncustodial
15 parent; prohibiting certain contributions from being
16 considered in satisfaction of support obligation;
17 providing for custody to be awarded to a parent
18 unless a nonparent proves certain circumstances;
19 deleting duplicative provision; prohibiting
20 modification of custody except in certain
21 circumstances; amending 10 O.S. 2001, Section 22.1,
22 which relates to foster care by grandparents or other
23 relatives; modifying agency designation; amending 10
24 O.S. 2001, Section 22.2, which relates to the
Investing in Stronger Oklahoma Families Act;
modifying agency designation; amending 10 O.S. 2001,
Section 24, which relates to the Oklahoma Indigent
Defense System; modifying statutory references;
amending 10 O.S. 2001, Section 24.1, which relates to
volunteer attorneys for indigent children; deleting
obsolete language; amending 10 O.S. 2001, Section
170.1 which relates to authorization to consent to
medical or dental care; clarifying language; amending
10 O.S. 2001, Section 1211, as amended by Section 3,
Chapter 415, O.S.L. 2004 (10 O.S. Supp. 2008, Section
1211), which relates to juvenile law and issues
training; limiting certain training requirements to
certain persons; modifying certain requirements;
requiring each judicial district to develop rules;
specifying time limit; amending 10 O.S. 2001,
Sections 7001-1.1, 7001-1.2 and 7001-1.3, as last

1 amended by Section 1, Chapter 258, O.S.L. 2006 (10
2 O.S. Supp. 2008, Section 7001-1.3), which relate to
3 the Oklahoma Children's Code; modifying statutory
4 references; modifying legislative intent; modifying
5 definitions; amending 10 O.S. 2001, Sections 7002-
6 1.1, as amended by Section 1, Chapter 69, O.S.L.
7 2005, 7002-1.2, 7002-2.1, 7002-2.2 and 7002-3.1 (10
8 O.S. Supp. 2008, Section 7002-1.1), which relate to
9 jurisdiction; providing additional circumstance in
10 which a court may assume jurisdiction; eliminating
11 certain person from jurisdiction; authorizing a court
12 to assume jurisdiction and take certain action in an
13 emergency; providing for an automatic stay of certain
14 action in certain circumstance; stating that certain
15 orders in a deprived proceeding control over any
16 conflicting order; specifying certain procedure;
17 specifying venue; providing for transfer of venue in
18 certain circumstance; limiting transfer; specifying
19 residence; stating procedure for transfer; giving the
20 court discretion in appointing a guardian ad litem in
21 certain circumstances; authorizing the court to
22 appoint a certain guardian ad litem in certain
23 circumstance; specifying procedure for appointment of
24 guardian ad litem or guardian; deleting certain
persons authorized to bring a civil action in certain
circumstances; amending 10 O.S. 2001, Section 7003-
1.1, which relates to assessment and investigations;
eliminating requirement of certain statement in
certain circumstance; amending 10 O.S. 2001, Sections
7003-2.1, as last amended by Section 5, Chapter 3,
O.S.L. 2003, 7003-2.4, as last amended by Section 2,
Chapter 293, O.S.L. 2008 and 7003-2.5 (10 O.S. Supp.
2008, Sections 7003-2.1 and 7003-2.4), which relate
to protective custody; requiring certain information
to be in certain application; providing for a child
to be taken into custody from a hospital in certain
circumstance; deleting certain legislative intent;
modifying certain determinations to be made in order;
providing for certain alternative placements;
deleting requirement for placement protocol for at-
risk infants; providing immunity from liability for
certain persons transporting a child; providing for
certain presumption; providing for certain
designation in certain circumstance; authorizing the
Department to provide certain notice for emergency
custody hearing; modifying certain content of notice;
deleting provisions relating to the emergency custody

1 hearing; deleting certain required form; deleting
2 certain time limitation; deleting certain notice;
3 deleting certain order; amending 10 O.S. 2001,
4 Sections 7003-3.1, as amended by Section 17, Chapter
5 327, O.S.L. 2002, 7003-3.3, 7003-3.4, 7003-3.5, 7003-
6 3.6, 7003-3.7, as last amended by Section 1, Chapter
7 268, O.S.L. 2007, and 7003-3.8, as amended by Section
8 1, Chapter 473, O.S.L. 2002 (10 O.S. Supp. 2008,
9 Sections 7003-3.1, 7003-3.7 and 7003-3.8), which
10 relate to adjudication; specifying certain relief to
11 be requested in certain petition; deleting certain
12 required statements in petition; deleting certain
13 provisions relating to termination of parental
14 rights; specifying authorized amendments to a
15 petition; specifying certain procedure; providing for
16 a postadjudication petition in certain circumstances;
17 providing limitation; specifying procedures in
18 issuing a summons; modifying certain required
19 content; providing for certain waiver of summons;
20 modifying certain notice proceedings; authorizing
21 court-appointed counsel in certain circumstance;
22 requiring adherence to certain caseload standards;
23 deleting certain time limitation; deleting access to
24 certain information; providing reimbursement for
certain travel; deleting limitation on certain
application; amending 10 O.S. 2001, Sections 7003-
4.1, as amended by Section 4, Chapter 205, O.S.L.
2006, 7003-4.2, 7003-4.3, 7003-4.4, 7003-4.5, 7003-
4.6 and 7003-4.7, as amended by Section 1, Chapter
237, O.S.L. 2002 (10 O.S. Supp. 2008, Sections 7003-
4.1 and 7003-4.7), which relate to adjudicative
hearings; authorizing certain proceedings to be held
via teleconference; eliminating certain condition for
certain testimony; modifying procedures relating to
oral statements; requiring certain procedure for the
taking of testimony of a child when facilities are
available; providing for certain recess; specifying
standard of proof; modifying circumstances in which
reasonable efforts are not required to return child
home; specifying time for permanency hearing;
modifying procedures for filing for termination of
parental rights; amending 10 O.S. 2001, Sections
7003-5.1, as amended by Section 2, Chapter 351,
O.S.L. 2007, 7003-5.2, 7003-5.3, as last amended by
Section 2, Chapter 258, O.S.L. 2006, 7003-5.4, 7003-
5.4a, 7003-5.5, as amended by Section 3, Chapter 258,
O.S.L. 2006, 7003-5.5a, as amended by Section 1,

1 Chapter 452, O.S.L. 2004, 7003-5.6, as last amended
2 by Section 2, Chapter 196, O.S.L. 2007, 7003-5.6a,
3 7003-5.6b, 7003-5.6d, as last amended by Section 3,
4 Chapter 196, O.S.L. 2007, 7003-5.6e, as last amended
5 by Section 4, Chapter 452, O.S.L. 2004, 7003-5.6f and
6 7003-5.6h, as amended by Section 1, Chapter 75,
7 O.S.L. 2005 (10 O.S. Supp. 2008, Sections 7003-5.1,
8 7003-5.3, 7003-5.5, 7003-5.5a, 7003-5.6, 7003-5.6d,
9 7003-5.6e and 7003-5.6h), which relate to
10 dispositional hearings and orders; deleting certain
11 provisions relating to medical care; specifying time
12 frame for individualized service plan; providing for
13 evidentiary hearing in certain circumstance;
14 specifying content of individualized service plan;
15 specifying certain information to be provided to a
16 court; deleting certain requirements for disease
17 screenings; modifying definition; requiring a showing
18 of good cause before delaying dispositional hearing;
19 specifying procedures for hearing; modifying
20 procedures for trial home reunification; specifying
21 content of certain written report; modifying
22 procedures for permanency hearing; providing for
23 memorialization of hearing; specifying plans
24 authorized to be ordered by court; modifying
procedures relating to written agreements with birth
relatives in certain adoptions; specifying steps to
preserve sibling contact; modifying considerations in
certain determination; amending 10 O.S. 2001,
Sections 7003-6.1, 7003-6.2, as last amended by
Section 2, Chapter 268, O.S.L. 2007, Section 7003-
6.2A, as amended by Section 6, Chapter 205, O.S.L.
2006, 7003-6.3 and 7003-6.4 (10 O.S. Supp. 2008,
Section 7003-6.2 and 7003-6.2A), which relate to
modification and appeals of decrees or orders;
providing additional consideration when hearing
appeals; defining certain term; amending 10 O.S.
2001, Section 7003-7.1, as amended by Section 19,
Chapter 327, O.S.L. 2002 (10 O.S. Supp. 2008, Section
7003-7.1), which relates to persons or agencies
receiving custody; specifying applicable persons;
deleting requirement for certain form; modifying
procedures for medical care; amending 10 O.S. 2001,
Sections 7003-8.1, as last amended by Section 1,
Chapter 27, O.S.L. 2008, 7003-8.2, 7003-8.3, 7003-
8.4, 7003-8.5, 7003-8.6, 7003-8.7, as amended by
Section 1, Chapter 198, O.S.L. 2004, and Section 2,
Chapter 198, O.S.L. 2004, as last amended by Section

1, Chapter 99, O.S.L. 2008 (10 O.S. Supp. 2008, Sections 7003-8.1, 7003-8.7 and 7003-8.8), which relate to provisions affecting court proceedings and custody; modifying definition; providing for appointment of special prosecutor in certain circumstance; providing for payment of cost; modifying certain population count for appointment of referees; providing for reasonable compensation to be fixed by judge; specifying procedures for referees; specifying that the Child Support Enforcement Division handle certain matters; amending 10 O.S. 2001, Sections 7004-1.1, 7004-1.3, 7004-1.5, 7004-1.6, 7004-1.7 and Section 7, Chapter 205, O.S.L. 2006, as amended by Section 4, Chapter 159, O.S.L. 2008 (10 O.S. Supp. 2008, Section 7004-1.8), which relate to powers and duties of the Department of Human Services; specifying procedures for travel; providing for the Department to establish eligibility standards for the Kinship Foster Care Program; amending 10 O.S. 2001, Section 7004-2.1, which relates to grants and contracts for community-based services and care for deprived children; clarifying language; amending 10 O.S. 2001, Section 7004-3.1, 7004-3.2, as amended by Section 20, Chapter 327, O.S.L. 2002, 7004-3.4, as amended by Section 6, Chapter 445, O.S.L. 2002 and 7004-3.5 (10 O.S. Supp. 2008, Sections 7004-3.2 and 7004-3.4), which relate to children's shelters and youth services shelter facilities; providing for use of physical force; amending 10 O.S. 2001, Sections 7005-1.1, 7005-1.2, 7005-1.3, as amended by Section 1, Chapter 153, O.S.L. 2005, 7005-1.6, 7005-1.8 and Section 4, Chapter 351, O.S.L. 2007, as amended by Section 3, Chapter 293, O.S.L. 2008 (10 O.S. Supp. 2008, Sections 7005-1.3 and 7005-1.9), which relate to children's records; making the provision of certain forms discretionary; modifying definitions; providing for the production of safety-analysis records; authorizing the establishment of certain fees; specifying certain disclosure is not prohibited; authorizing the redaction of certain names before disclosure of certain records; amending 10 O.S. 2001, Sections 7006-1.1, 7006-1.2 and 7006-1.3, which relate to the termination of parental rights; eliminating notice that termination does not terminate duty to support child; providing for the vacation of an order to terminate parental rights;

1 amending 10 O.S. 2001, Section 7103, Section 15,
2 Chapter 205, O.S.L. 2006, and 10 O.S. 2001, Sections
3 7105, as amended by Section 2, Chapter 184, O.S.L.
4 2005, 7105.1, 7106, as amended by Section 16, Chapter
5 205, O.S.L. 2006, 7107, 7108, as amended by Section
6 1, Chapter 435, O.S.L. 2004, 7109, 7110, as last
7 amended by Section 5, Chapter 258, O.S.L. 2006,
8 7110.1, as amended by Section 3, Chapter 487, O.S.L.
9 2002, 7110.2, as last amended by Section 6, Chapter
10 258, O.S.L. 2006, 7111, 7113 and 7115.1 (10 O.S.
11 Supp. 2008, Sections 7104.1, 7105, 7106, 7108, 7110,
12 7110.1 and 7110.2), which relate to the Oklahoma
13 Child Abuse Reporting and Prevention Act; expanding
14 duty to all persons; expanding scope of persons
15 authorized to conduct certain investigation;
16 eliminating priority basis investigations; providing
17 for the documentation of whether certain persons have
18 assessed services after specific amount of time;
19 requiring certain statement in notice; modifying
20 council designation; modifying seven-day age
21 limitation; amending 10 O.S. 2001, Sections 7202,
22 7204, 7204.1, 7205, 7206, as amended by Section 3,
23 Chapter 159, O.S.L. 2008, 7206.1, 7207, 7208, as
24 amended by Section 7, Chapter 445, O.S.L. 2002, 7209,
as last amended by Section 1, Chapter 159, O.S.L.
2008, 7210, 7211, 7212, 7213, 7214, 7218, 7220 and
7221, as amended by Section 2, Chapter 159, O.S.L.
2008 (10 O.S. Supp. 2008, Sections 7206, 7208, 7209
and 7221), which relate to the Oklahoma Foster Care
and Out-of-Home Placement Act; deleting legislative
intent; deleting provisions relating to delinquent
children; specifying circumstance in which the
preference of a child may be given in determining
placement; providing for foster parent to give
certain oral or written report to the court;
specifying minimum visits by the Department with the
foster child; modifying procedures for certain
assessments; defining terms; providing for certain
authorization for treatment; providing for certain
alternative dispute resolution; specifying procedures
for permanent guardianship; providing procedures for
the transfer and transport of a child; authorizing a
court to order attorney fees for a child to be paid
by the district attorney in certain circumstance;
prohibiting the filing of social records in the court
record; providing for certain Department immunity in
certain circumstances; providing for certain use

1 immunity for in-court testimony; repealing 10 O.S.
2 2001, Section 4, which relates to support and
3 education; repealing 10 O.S. 2001, Section 5.1, which
4 relates to the death of a custodial parent; repealing
5 10 O.S. 2001, Section 6, which relates to the custody
6 of a child born out of wedlock; repealing 10 O.S.
7 2001, Section 6.5, which relates to the use of
8 certain words in reference to children born out of
9 wedlock; repealing 10 O.S. 2001, Section 7, which
10 relates to allowance out of child's property for
11 support and education; repealing 10 O.S. 2001,
12 Section 8, which relates to parent without control
13 over child's property; repealing 10 O.S. 2001,
14 Section 9, which relates to abuse of parental
15 authority; repealing 10 O.S. 2001, Section 10, which
16 relates to cessation of parental authority; repealing
17 10 O.S. 2001, Section 11, which relates to public
18 action for support of deceased parent's child;
19 repealing 10 O.S. 2001, Section 12, which relates to
20 maintenance of poor persons by parents; repealing 10
21 O.S. 2001, Section 14, which relates to compensation
22 for support of child; repealing 10 O.S. 2001, Section
23 16, which relates to services and support after
24 majority; repealing 10 O.S. 2001, Section 17, which
relates to relinquishment of rights by parent;
repealing 10 O.S. 2001, Section 18, which relates to
payment of minor's wages; repealing 10 O.S. 2001,
Section 21.2, which relates to definitions; repealing
10 O.S. 2001, Section 21.3, which relates to right to
custody; repealing 10 O.S. 2001, Section 21.4, which
relates to authority to surrender, assign, relinquish
or otherwise transfer custody; repealing 10 O.S.
2001, Section 21.5, as amended by Section 1, Chapter
286, O.S.L. 2006 (10 O.S. Supp. 2008, Section 21.5),
which relates to permanent custody to adult relative
within the third degree; repealing 10 O.S. 2001,
Section 21.6, which relates to right to authorize
medical care; repealing 10 O.S. 2001, Section 23,
which relates to the National Youth Administration;
repealing Section 1, Chapter 141, O.S.L. 2008 (10
O.S. Supp. 2008, Section 7002-1.3), which relates to
jurisdiction over matters necessary to finalize
permanency plan; repealing 10 O.S. 2001, Section
7003-2.2, which relates to emergency medical
treatment or mental health care; repealing 10 O.S.
2001, Section 7003-2.3, which relates to
authorization of medical or mental health treatment;

1 repealing 10 O.S. 2001, Section 7003-7.2, which
2 relates to children becoming unmanageable; repealing
3 10 O.S. 2001, Section 7004-1.4, which relates to
4 mental health services for children; repealing 10
5 O.S. 2001, Section 7005-1.4, as last amended by
6 Section 3, Chapter 351, O.S.L. 2007 (10 O.S. Supp.
7 2008, Section 7005-1.4), which relates to disclosure
8 of Department of Human Services records without court
9 order; repealing 10 O.S. 2001, Section 7005-1.5,
10 which relates to release of Department of Human
11 Services records to Indian tribes; repealing 10 O.S.
12 2001, Section 7005-1.7, which relates to the federal
13 Child Abuse Prevention and Treatment Act; repealing
14 10 O.S. 2001, Section 7006-1.4, which relates to
15 custody with authority to consent to adoption after
16 termination of parental rights; repealing 10 O.S.
17 2001, Section 7006-1.5, which relates to action to
18 adopt not to be combined with action to terminate
19 parental rights; repealing 10 O.S. 2001, Section
20 7006-1.6, which relates to deprived children in
21 custody; repealing 10 O.S. 2001, Section 7101, which
22 relates to short title for the Oklahoma Child Abuse
23 Reporting and Prevention Act; repealing 10 O.S. 2001,
24 Section 7102, as last amended by Section 5, Chapter
 351, O.S.L. 2007 (10 O.S. Supp. 2008, Section 7102),
 which relates to public policy; repealing 10 O.S.
 2001, Section 7104, as amended by Section 1, Chapter
 53, O.S.L. 2005 (10 O.S. Supp. 2008, Section 7104),
 which relates to report of criminally inflicted
 injuries; providing for codification; providing for
 recodification; and providing an effective date.

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

19 SECTION 1. AMENDATORY 10 O.S. 2001, Section 15, is
20 amended to read as follows:

21 Section 15. A ~~husband~~ stepparent is not ~~bound~~ required to
22 maintain his ~~wife's~~ or her spouse's children ~~by a former husband,~~
23 ~~but if he receives them into his family and supports them, it is~~
24 ~~presumed that he does so as a parent, and where such is the case,~~

1 ~~they are not liable to him for their support, nor he to them for~~
2 ~~their services from a prior relationship.~~

3 SECTION 2. AMENDATORY 10 O.S. 2001, Section 21.1, as
4 last amended by Section 1, Chapter 94, O.S.L. 2007 (10 O.S. Supp.
5 2008, Section 21.1), is amended to read as follows:

6 Section 21.1 A. ~~Except as otherwise provided by this section,~~
7 ~~custody should be awarded or a guardian appointed in the following~~
8 ~~order of preference according to the best interests of the Custody~~
9 ~~or guardianship of a child may be awarded to:~~

- 10 1. A parent or to both parents jointly;
- 11 2. A grandparent;
- 12 3. A person who was indicated by the wishes of a deceased
13 parent;
- 14 4. A relative of either parent;
- 15 5. The person in whose home the child has been living in a
16 wholesome and stable environment including but not limited to a
17 foster parent; or
- 18 6. Any other person deemed by the court to be suitable and able
19 to provide adequate and proper care and guidance for the child.

20 B. ~~It is the intent of the Legislature that every attempt be~~
21 ~~made to place a child with a member of the child's family.~~

22 C. ~~In addition to subsection E of this section, when a parent~~
23 ~~having custody of a child becomes deceased or when custody of a~~
24 ~~child is judicially removed from the parent having custody of the~~

1 ~~child, the court may only deny the noncustodial parent custody of~~
2 ~~the child or guardianship of the child if~~ In applying subsection A
3 of this section, a court shall award custody or guardianship of a
4 child to a parent, unless a nonparent proves by clear and convincing
5 evidence that:

6 1. ~~a. for~~ For a period of at least twelve (12) months out of
7 the last fourteen (14) months immediately preceding the
8 ~~determination~~ commencement of the custody or guardianship ~~action~~
9 proceeding, the ~~noncustodial~~ parent has willfully failed, refused,
10 or neglected to contribute to the ~~child's~~ support of the child:

11 ~~(1)~~ a. in substantial compliance with a support provision or
12 an order entered by a court of competent jurisdiction
13 adjudicating the duty, amount, and manner of support,
14 or

15 ~~(2)~~ b. according to ~~such parent's~~ the financial ability of
16 the parent to contribute to the ~~child's~~ support of the
17 child if no provision for support is ~~provided in a~~
18 ~~decree of divorce~~ entered by a court of competent
19 jurisdiction, or an order of modification subsequent
20 thereto, ~~and~~

21 ~~b.~~ ~~the denial of custody or guardianship is in the best~~
22 ~~interest of the child.~~

23 For purposes of this paragraph, incidental or token financial
24 contributions shall not be considered in establishing whether a

1 parent has satisfied his or her obligation under subparagraphs a and
2 b of this paragraph; or

3 ~~2. The noncustodial parent has abandoned the child as such term~~
4 ~~is defined by Section 7006 1.1 of this title;~~

5 ~~3. The parental rights of the noncustodial parent have been~~
6 ~~terminated;~~

7 ~~4. The noncustodial parent has been convicted of any crime~~
8 ~~against public decency and morality pursuant to Title 21 of the~~
9 ~~Oklahoma Statutes;~~

10 ~~5. The child has been adjudicated deprived pursuant to the~~
11 ~~Oklahoma Children's Code and the noncustodial parent has not~~
12 ~~successfully completed a service or treatment plan if required by~~
13 ~~the court; or~~

14 ~~6. The court finds it would be detrimental to the health or~~
15 ~~safety of the child for the noncustodial parent to have custody or~~
16 ~~be appointed guardian.~~

17 ~~D. The court shall consider the preference of the child in~~
18 ~~awarding custody of the child pursuant to Section 113 of Title 43 of~~
19 ~~the Oklahoma Statutes.~~

20 ~~E. 1. In every case involving the custody of, guardianship of~~
21 ~~or visitation with a child, the court shall determine whether any~~
22 ~~individual seeking custody or who has custody of, guardianship of or~~
23 ~~visitation with a child:~~

1 a. ~~is~~ the child has been left in the physical custody of
2 a nonparent by a parent or parents of the child for
3 one (1) year or more, excluding parents on active duty
4 in the military, and

5 b. the parent or parents have not maintained regular
6 visitation or communication with the child.

7 For purposes of this paragraph, incidental or token visits or
8 communications shall not be considered in determining whether a
9 parent or parents have regularly maintained visitation or
10 communication.

11 C. In applying subsection A of this section, a court shall
12 award custody or guardianship of a child to a parent, unless the
13 court finds that the parent is affirmatively unfit. There shall be
14 a rebuttable presumption that a parent is affirmatively unfit if the
15 parent:

16 1. Is or has been subject to the registration requirements of
17 the Oklahoma Sex Offenders Registration Act or any similar act in
18 any other state;

19 ~~b.~~ has;

20 2. Has been convicted of a crime listed in the Oklahoma Child
21 Abuse Reporting and Prevention Act or in Section 582 of Title 57 of
22 the Oklahoma Statutes;

23 ~~c.~~ is;

1 3. Is an alcohol-dependent person or a drug-dependent person as
2 established by clear and convincing evidence and who can be expected
3 in the near future to inflict or attempt to inflict serious bodily
4 harm to himself or herself or another person as a result of such
5 dependency;

6 ~~d.~~ has;

7 4. Has been convicted of domestic abuse within the past five
8 (5) years;

9 ~~e.~~ is;

10 5. Is residing with a person who is or has been subject to the
11 registration requirements of the Oklahoma Sex Offenders Registration
12 Act or any similar act in any other state;

13 ~~f.~~ is;

14 6. Is residing with a person who has been convicted of a crime
15 listed in the Oklahoma Child Abuse Reporting and Prevention Act or
16 in Section 582 of Title 57 of the Oklahoma Statutes; or

17 ~~g.~~ is

18 7. Is residing with a person who has been convicted of domestic
19 abuse within the past five (5) years.

20 ~~2. There shall be a rebuttable presumption that it is not in~~
21 ~~the best interests of the child to have custody, or guardianship~~
22 ~~granted to:~~

23 ~~a. a person who is or has been subject to the~~

24 ~~registration requirements of the Oklahoma Sex~~

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

~~3 b. a person who has been convicted of a crime listed in
4 the Oklahoma Child Abuse Reporting and Prevention Act
5 or in Section 582 of Title 57 of the Oklahoma
6 Statutes,~~

~~7 c. an alcohol dependent person or a drug dependent person
8 as established by clear and convincing evidence and
9 who can be expected in the near future to inflict or
10 attempt to inflict serious bodily harm to himself or
11 herself or another person as a result of such
12 dependency,~~

~~13 d. a person who has been convicted of domestic abuse
14 within the past five (5) years,~~

~~15 e. a person who is residing with an individual who is or
16 has been subject to the registration requirements of
17 the Oklahoma Sex Offenders Registration Act or any
18 similar act in any other state,~~

~~19 f. a person who is residing with a person who has been
20 previously convicted of a crime listed in the Oklahoma
21 Child Abuse Reporting and Prevention Act or in Section
22 582 of Title 57 of the Oklahoma Statutes, or~~

1 ~~g. a person who is residing with a person who has been~~
2 ~~convicted of domestic abuse within the past five (5)~~
3 ~~years.~~

4 ~~3. Custody of, guardianship of, or any visitation with a child~~
5 ~~shall not be granted to any person if it is established that the~~
6 ~~eustody, guardianship or visitation will likely expose the child to~~
7 ~~a foreseeable risk of material harm.~~

8 ~~F. Except as otherwise provided by the Oklahoma Child~~
9 ~~Supervised Visitation Program, court-ordered supervised visitation~~
10 ~~shall be governed by the Oklahoma Child Supervised Visitation~~
11 ~~Program.~~

12 ~~G. For purposes of this section:~~

13 ~~1. "Alcohol dependent person" has the same meaning as such term~~
14 ~~is defined in Section 3-403 of Title 43A of the Oklahoma Statutes;~~

15 ~~2. "Domestic abuse" has the same meaning as such term is~~
16 ~~defined in Section 60.1 of Title 22 of the Oklahoma Statutes;~~

17 ~~3. "Drug dependent person" has the same meaning as such term is~~
18 ~~defined in Section 3-403 of Title 43A of the Oklahoma Statutes; and~~

19 ~~4. "Supervised visitation" means a program established pursuant~~
20 ~~to Section 110.1a of Title 43 of the Oklahoma Statutes~~

21 D. Subject to subsection E of this section, a custody
22 determination made in accordance with subsections B and C of this
23 section shall not be modified unless the person seeking the
24 modification proves that:

1 1. Since the making of the order sought to be modified, there
2 has been a permanent, material, and substantial change of conditions
3 that directly affects the best interests of the child; and

4 2. That as a result of such change of circumstances, the child
5 would be substantially better off with regard to its temporal,
6 mental, and moral welfare if custody were modified.

7 E. If the custody determination made in accordance with
8 subsections B and C indicates that custody is temporary, the
9 determination may be modified upon a showing that the conditions
10 which led to the custody or guardianship determination no longer
11 exist.

12 SECTION 3. AMENDATORY 10 O.S. 2001, Section 22.1, is
13 amended to read as follows:

14 Section 22.1 A. ~~1.~~ The Oklahoma Legislature recognizes that:

15 ~~a.~~ ~~children~~

16 1. Children who have been abused, who are dependent or
17 neglected, or whose parents, for whatever reason, may be unable or
18 unwilling to provide care for their children, are best served when
19 they can be cared for by grandparents or other suitable relatives
20 instead of placing those children in foster care with the State of
21 Oklahoma~~;~~ and

22 ~~b.~~ ~~while~~

23 2. While grandparents or other relatives are often willing to
24 provide for the care of children who can no longer remain with their

1 parents, there may exist financial obstacles to the provision of
2 such care, or there may be a need for other services to enable the
3 children to remain with their grandparents or other relatives in
4 order to prevent ~~those children's~~ the entry of those children into
5 the foster care system.

6 ~~2.~~ B. It is the intent of the Oklahoma Legislature in enacting
7 this section to:

8 a. ~~recognize~~

9 1. Recognize family relationships in which a grandparent or
10 other relative within the third degree of relationship to the child
11 is the head of a household that includes a child otherwise at risk
12 of foster care placement by the Department of Human Services,

13 ~~b.~~ enhance;

14 2. Enhance family preservation and stability by recognizing
15 that most children in placements with grandparents and other
16 relatives within the third degree of relationship to the child do
17 not need intensive supervision of the placement by the courts or by
18 the Department ~~of Human Services,~~

19 ~~c.~~ provide;

20 3. Provide additional placement options and incentives that
21 will achieve permanency and stability for many children who are
22 otherwise at risk of foster care placement by the Department ~~of~~
23 ~~Human Services~~ because of abuse, abandonment, or neglect, but who
24

1 may successfully be able to reside in the care of relatives within
2 the third degree of relationship to the child⁷; and

3 ~~d. reserve~~

4 4. Reserve the limited casework and supervisory resources of
5 the Department ~~of Human Services~~ and the courts expended to care for
6 children in state custody for those cases in which children do not
7 have the option for safe, stable care within their immediate family.

8 ~~B. C.~~ The Department of Human Services shall establish and
9 operate a relative support program pursuant to eligibility
10 guidelines established in this section and by rules of the
11 Department promulgated thereto which will divert children from the
12 foster care program operated by the Department ~~of Human Services~~.
13 The relative support program shall provide assistance to relatives
14 within the third degree of relationship to a child who are caring
15 for the child on a full-time basis, regardless of whether there is a
16 court order granting custody of the child to the relative.

17 ~~C. D.~~ Grandparents or other such relatives who qualify for and
18 participate in the relative support program are not required to be
19 certified as foster parents or to meet the foster care requirements
20 but shall be capable of providing a physically safe environment and
21 a stable, supportive home for the children under their care.

22 ~~D. E.~~ Upon request by grandparents or other relatives who are
23 caring for a child on a full-time basis, the Department shall
24 complete a needs assessment on such grandparents or other relatives

1 to determine the appropriate services and support needed by the
2 child and the grandparents or other such relatives.

3 ~~E.~~ F. Within available funding specified by this section, the
4 relative support program may provide grandparents or other suitable
5 relatives with:

6 1. Case management services;

7 2. Monthly stipends or other financial assistance, family
8 support and preservation services;

9 3. Flexible funds to enable the grandparents or other relatives
10 to meet unusual or crisis expenditures, including but not limited
11 to, making housing deposits, utility deposits, or to purchase beds,
12 clothing and food;

13 4. Subsidized child care and after school care;

14 5. Respite care;

15 6. Transportation;

16 7. Counseling;

17 8. Support groups;

18 9. Assistance in accessing parental child support payments;

19 10. Aid in accessing food stamps, Social Security and other
20 public benefits;

21 11. Information about legal options for relative caregivers;

22 12. Assistance for establishing a relative guardianship or
23 relative custodianship for the child;

24 13. Available volunteer attorney services;

1 14. Mediation/family group conferencing; and

2 15. Community-based services and state or federal programs
3 available to the child and relatives to support the child's safety,
4 growth and health development.

5 ~~F.~~ G. Children living with grandparents or other relatives
6 within the third degree of relationship to the child who are
7 receiving assistance pursuant to this section shall be eligible for
8 Medicaid coverage.

9 ~~G.~~ H. Subject to availability of funding, and as may be
10 permitted by federal law or regulations governing the Department of
11 Human Services' block grant for Temporary Assistance for Needy
12 Families (TANF), the Department ~~of Human Services~~ is specifically
13 authorized to provide funding assistance from such block grant or
14 other available funds for the development and operation of the
15 relative support program by providing available funds which are not
16 otherwise committed to or necessary for the provision of the
17 Statewide Temporary Assistance Responsibility System. In addition,
18 the Department may use any other state, federal or private funds
19 available to the Department for such purposes to implement the
20 provisions of this section.

21 ~~H.~~ I. 1. In order to qualify for the receipt of any monthly
22 stipend, the grandparent or other relative shall meet any
23 eligibility criteria determined by the Department of Human Services.

1 2. Within limits of available funding, monthly stipends may be
2 paid to grandparents or other relatives with the third degree of
3 relationship to the child who have physical full-time custody of a
4 child who would be unable to serve in that capacity without a
5 monthly stipend because of inadequate financial resources, thus
6 exposing the child to the trauma of potential placement in a shelter
7 or in foster care placement by the Department of Human Services.
8 The statewide average monthly rate for children in the legal custody
9 of grandparents or other relatives who are not certified as foster
10 homes shall not exceed the cost of providing foster care.

11 ~~I.~~ J. Additional assistance may be made available to qualified
12 grandparents or other relatives within the third degree of
13 relationship and children, based upon specific needs of the
14 grandparent or other relative of the child and the specific needs of
15 the child. Such assistance shall also be subject to available
16 funding.

17 ~~J.~~ K. The relative support program established by the
18 Department pursuant to this section may receive referrals from
19 district courts of this state, from social service or child advocate
20 agencies, from any other agency of this state, or other states or
21 federal programs. In addition, the relative support program may be
22 accessed directly by the grandparents or other relatives of the
23 affected children by application made to the Department of Human
24 Services.

1 ~~K.~~ L. The Department of Human Services may provide any services
2 necessary to effectuate the purposes of this section by contract
3 with any person or with any public or private entity.

4 ~~L.~~ M. The provisions of this section shall also be available to
5 a legal guardian of a child who is within the fifth degree of
6 relation to the child.

7 ~~M.~~ N. The Department of Human Services shall, pursuant to the
8 provisions of the Administrative Procedures Act, promulgate any
9 rules necessary to implement the provisions of this section.

10 ~~N.~~ O. As a part of the relative support program, the Department
11 shall develop, publish, and distribute an informational brochure for
12 grandparents and other relatives who provide full-time care for
13 children. The information provided under the program authorized by
14 this section may include, but is not limited to, the following:

15 1. The benefits available to children and grandparents or other
16 relatives pursuant to this section providing full-time care;

17 2. The procedures to access the relative support program;

18 3. A list of support groups and resources located throughout
19 the state;

20 4. Such other information deemed necessary by the Department;
21 and

22 5. The brochure may be distributed through municipal and
23 district courts, hospitals, public health nurses, child protective
24 services, medical professional offices, county health departments,

1 elementary and secondary schools, senior citizens centers, public
2 libraries, local, city, county and state offices and community
3 action agencies selected by the Department.

4 ~~Θ.~~ P. The Department of Human Services shall submit a report of
5 the outcomes associated with the relative support program
6 established pursuant to this section to the Speaker of the Oklahoma
7 House of Representatives and the President Pro Tempore of the State
8 Senate on or before January 15, 2002.

9 SECTION 4. AMENDATORY 10 O.S. 2001, Section 22.2, is
10 amended to read as follows:

11 Section 22.2 A. This section shall be known and may be cited
12 as the "Investing in Stronger Oklahoma Families Act".

13 B. It is the intent of the Oklahoma Legislature in enacting the
14 Investing in Stronger Oklahoma Families Act to provide assistance to
15 guardians of children, adoptive parents and other "created
16 families", to assist such guardians, adoptive parents and families
17 to assume permanent custody of children in need of safe and
18 permanent homes, and to enhance family preservation and the
19 stability of these homes.

20 C. For purposes of implementing the Investing in Stronger
21 Oklahoma Families Act, the Department of Human Services shall
22 collaborate with appropriate local, state and federal agencies and
23 private entities to develop by December 31, 2001, a comprehensive
24 strategic state plan for investing in stronger families.

1 D. The comprehensive strategic state plan shall:

2 1. Set a goal to annually increase the number of programs for
3 "created families" which will increase safe and permanent homes for
4 children who are not in the custody of the Department but unable to
5 reside with their biological parents and encourage and preserve the
6 adoption or guardianship of and other legal custody arrangements for
7 such children;

8 2. Develop and implement a statewide public awareness campaign
9 which will inform preadoptive homes, adoptive homes and other
10 persons desiring to obtain guardianship or other legal custody of a
11 child, of the programs, grants and other assistance available to
12 them;

13 3. Identify public and private resources, both within the
14 agencies subject to the provisions of this section and within the
15 state and within the communities;

16 4. Provide for coordination and collaboration among related
17 efforts and programs;

18 5. Provide for contracts or agreements with public and private
19 entities for utilization of identifiable financial resources from
20 federal, state, local and private resources and coordinate those
21 resources to fund-related services; and

22 6. Apply for grants and matching monies to assist in the
23 implementation of the Investing in Stronger Oklahoma Families Act
24

1 including, but not limited to, funds derived from the "Respect Life
2 - Support Adoption" license plates.

3 E. As part of the development and implementation of the
4 comprehensive strategic plan, the Department shall, as funds are
5 available and using existing available state resources, develop an
6 information database consisting of data on existing programs serving
7 families who have taken on the responsibility of providing children
8 with safe and permanent homes. In developing the information
9 database, the Department shall coordinate with the Children's
10 Coordinated Data System developed by the Oklahoma Commission on
11 Children and Youth.

12 F. The Legislature hereby encourages the establishment of
13 family resource assistance that links federal, state and local
14 resources and programs and that creates collaborative and
15 interorganizational partnerships between state governmental agencies
16 and private and nonprofit entities and attorneys. Such agencies and
17 private and nonprofit entities shall include, but not be limited to:

- 18 1. The Department of Human Services;
- 19 2. The State Department of Education;
- 20 3. The Oklahoma Department of Career and Technology Education;
- 21 4. The Oklahoma Department of Commerce;
- 22 5. The Oklahoma Employment Security Commission;
- 23 6. The Oklahoma Health Care Authority;
- 24 7. The State Department of Health;

- 1 8. The Commission on Children and Youth;
- 2 9. The State Department of Mental Health and Substance Abuse
- 3 Services;
- 4 10. The Oklahoma Department of Corrections;
- 5 11. The Oklahoma State Regents for Higher Education;
- 6 12. Community action agencies;
- 7 13. Local and municipal groups;
- 8 14. Substate planning groups;
- 9 15. Religious and charitable organizations;
- 10 16. Private child placement entities;
- 11 17. Public or private foundations; and
- 12 18. Representatives of the courts and attorneys who practice in
- 13 adoption.

14 G. The Department shall enter into collaborative and
15 interorganizational partnerships as necessary to provide assistance
16 to guardians, adoptive parents and other "created families".

17 H. Within available funding specified by this section, the
18 Department may provide created families with:

- 19 1. Case management services;
- 20 2. Flexible funds to enable the relatives, guardians, adoptive
- 21 parents and other created families to meet unusual or crisis
- 22 expenditures, including but not limited to, making housing deposits,
- 23 utility deposits, or purchasing beds, clothing and food;
- 24 3. Child care and after school care;

- 1 4. Respite care;
- 2 5. Transportation;
- 3 6. Counseling;
- 4 7. Support groups;
- 5 8. Assistance in accessing parental child support payments;
- 6 9. Aid in accessing food stamps, Social Security and other
7 public benefits;
- 8 10. Assistance for establishing a guardianship, adopting or
9 obtaining custody of the child;
- 10 11. Available volunteer attorney services;
- 11 12. Mediation/family group conferencing; and
- 12 13. Community-based services and state or federal programs
13 serving guardians of children, adoptive families and other created
14 families.

15 I. The Department of Human Services may provide any services
16 necessary to effectuate the purposes of this section by contract
17 with any person or with any public or private entity.

18 J. The Department ~~of Human Services~~ shall, pursuant to the
19 provisions of the Administrative Procedures Act, promulgate any
20 rules necessary to implement the provisions of this section.

21 K. For purposes of the Investing in Stronger Oklahoma Families
22 Act, the Department shall, from funds available, develop, publish,
23 and distribute an informational brochure for guardians, adoptive
24 parents and other created families who provide full-time care for

1 children. The information provided under the program authorized by
2 this section may include, but is not limited to, the following:

3 1. The benefits that may be available to children and created
4 families pursuant to this section providing full-time care;

5 2. The procedures to access the created families program;

6 3. A list of support groups and resources located throughout
7 the state; and

8 4. Such other information deemed necessary by the Department.

9 SECTION 5. AMENDATORY 10 O.S. 2001, Section 24, is
10 amended to read as follows:

11 Section 24. A. 1. When it appears to the court that a minor
12 or the minor's parent or legal guardian desires counsel but is
13 indigent and cannot for that reason employ counsel, the court shall
14 appoint counsel.

15 2. In any case in which it appears to the court that there is a
16 conflict of interest between a parent or legal guardian and a child
17 so that one attorney could not properly represent both, the court
18 may appoint counsel, in addition to counsel already employed by a
19 parent or guardian or appointed by the court to represent the minor
20 or parent or legal guardian; provided, that in all counties having
21 county indigent defenders, the county indigent defenders assume the
22 duties of representation in proceedings such as above.

23 3. In no case shall the court appoint counsel to represent a
24 grandparent or other relative of a minor, unless the grandparent or

1 other relative is the duly appointed legal guardian of the minor or
2 the court finds:

3 a. that the grandparent or other relative is functioning
4 as the guardian or relative custodian of the minor
5 pursuant to Section 21.3 or 21.4 xxx of this title, or

6 b. that the appointment of counsel for the grandparent or
7 other relative is in the best interests of the child.

8 4. The provisions of this subsection shall be for proceedings
9 other than those provided pursuant to the Oklahoma Children's Code.

10 B. In all cases of juvenile delinquency proceedings and
11 appeals, adult certification proceedings and appeals, reverse
12 certification proceedings and appeals, youthful offender proceedings
13 and appeals and any other proceedings and appeals pursuant to the
14 Oklahoma Juvenile Code, except mental health proceedings and appeals
15 and in-need-of-supervision proceedings and appeals, other than in
16 counties where the county indigent defenders are appointed, the
17 court shall, where counsel is appointed and assigned, allow and
18 direct to be paid by the Oklahoma Indigent Defense System, a
19 reasonable and just compensation to the attorney or attorneys for
20 such services as they may render. In all other cases pursuant to
21 this title and in juvenile mental health proceedings and appeals and
22 in-need-of-supervision proceedings and appeals, except in counties
23 where county indigent defenders are appointed, the court shall, if
24 counsel is appointed and assigned, allow and direct to be paid from

1 the local court fund, a reasonable and just compensation to the
2 attorney or attorneys for such services as they may render; provided
3 that any attorney appointed pursuant to this subsection shall not be
4 paid a sum in excess of One Hundred Dollars (\$100.00) for services
5 rendered in preliminary proceedings, and such compensation shall not
6 exceed Five Hundred Dollars (\$500.00) for services rendered during
7 trial and not to exceed One Hundred Dollars (\$100.00) for services
8 rendered at each subsequent postdisposition hearing.

9 SECTION 6. AMENDATORY 10 O.S. 2001, Section 24.1, is
10 amended to read as follows:

11 Section 24.1 ~~A.~~ Effective July 1, 1996, ~~except as provided in~~
12 ~~subsection B of this section,~~ the duties and responsibilities for
13 legal representation to indigent children who are subject to any
14 proceeding or appeal provided for in the Oklahoma Children's Code,
15 mental health proceeding and appeal, guardianship proceeding and
16 appeal, private termination of parental rights proceeding and
17 appeal, family law proceeding and appeal addressing custody or
18 visitation and appeal, civil case in which the child is a defendant,
19 criminal proceeding for a crime in which the child was a victim, and
20 in-need-of-supervision proceeding shall no longer be provided by the
21 Indigent Defense System, but shall be provided by volunteer
22 attorneys appointed by the court pursuant to subsection ~~H~~ K of
23 Section 1355.8 of Title 22 of the Oklahoma Statutes.

24

1 ~~B. The Indigent Defense System shall complete all cases~~
2 ~~provided for in subsection A of this section and appeals for all~~
3 ~~such cases for which the System has been appointed prior to July 1,~~
4 ~~1996, as follows:~~

5 ~~1. For providing counsel at the district court level through~~
6 ~~the disposition hearing if a hearing has not been held as of July 1,~~
7 ~~1996, or through the next significant proceeding scheduled on or~~
8 ~~after July 1, 1996, if a disposition hearing has already been held;~~
9 ~~and~~

10 ~~2. For any pending nondelinquency appeal for which the System~~
11 ~~was appointed on or prior to June 30, 1996, until a decision and~~
12 ~~mandate are issued by the appropriate appellate court.~~

13 SECTION 7. AMENDATORY 10 O.S. 2001, Section 170.1, is
14 amended to read as follows:

15 Section 170.1 A. 1. Either parent or the court-appointed
16 legal guardian ~~or the legal custodian appointed by the court~~ of a
17 ~~minor~~ child may authorize, in writing, any adult person into whose
18 care the minor has been entrusted to consent to any:

- 19 a. x-ray examination,
- 20 b. anesthetic,
- 21 c. medical or surgical diagnosis or treatment,
- 22 d. hospital care, or

1 e. immunization, blood tests, examinations, Guidance
2 Services, and Early Intervention Services provided by
3 a city or county Department of Health,
4 to be rendered to said minor under the general or special
5 supervision and upon the advice of a physician and surgeon licensed
6 under the laws of the State of Oklahoma, or to consent to an x-ray
7 examination, anesthetic, dental or surgical diagnosis or treatment
8 and hospital care to be rendered to said minor by a dentist licensed
9 under the laws of the State of Oklahoma.

10 2. If any parent or other person falsely represents in writing
11 that such parent or other person has legal custody or legal
12 guardianship of the minor child, or if any adult falsely represents
13 that the written authorization provided for in this subsection is
14 valid, and a health professional provides health services or care as
15 provided by this section in good faith upon such misrepresentation,
16 the health professional shall incur no liability except for
17 negligence or intentional harm.

18 B. Either parent, if both parents have legal custody, or the
19 parent or person having legal custody or the legal guardian of a
20 minor may authorize, in writing, pursuant to the provisions of
21 Section 1-116.2 of Title 70 of the Oklahoma Statutes a school or
22 county nurse or in the absence of such nurse, a school administrator
23 or designated school employees to administer:

24 1. A nonprescription medicine; and

1 2. A filled prescription medicine as that term is defined by
2 Section 353.1 of Title 59 of the Oklahoma Statutes.

3 SECTION 8. AMENDATORY 10 O.S. 2001, Section 1211, as
4 amended by Section 3, Chapter 415, O.S.L. 2004 (10 O.S. Supp. 2008,
5 Section 1211), is amended to read as follows:

6 Section 1211. A. 1. The Supreme Court is required to
7 establish by rule, education and training requirements for judges,
8 associate judges, special judges, and referees who have juvenile ~~or~~
9 ~~domestic~~ docket responsibility. Rules shall include, but not be
10 limited to, education and training relating to ~~risk factors which~~
11 ~~may identify domestic abuse and potential violence and the~~
12 ~~relationship between alcohol or drug abuse and violence,~~
13 ~~establishing safe visitation and supervised arrangements and~~
14 ~~standards for a child and parties involved in a court ordered~~
15 visitation juvenile law, child abuse and neglect, foster care and
16 out-of-home placement, domestic violence, behavioral health
17 treatment, and other similar topics.

18 2. ~~The Administrative Director of the Courts shall be~~
19 ~~responsible for developing and administering procedures and rules~~
20 ~~for such courses for judicial personnel.~~

21 B. All judges having juvenile ~~or domestic~~ docket responsibility
22 shall attend at least twelve (12) hours of training ~~per~~ in such
23 courses each calendar year pertinent to issues relating to juvenile
24 law, child abuse and neglect, domestic abuse issues and other issues

1 ~~relating to children such as foster care and parental divorce,~~
2 ~~establishing safe visitation and supervised visitation arrangements~~
3 ~~and such other education and training specified by rule pursuant to~~
4 ~~this section. The Administrative Office of the Courts shall monitor~~
5 ~~the attendance of judges having juvenile docket responsibility at~~
6 ~~such training relating to the topics described in paragraph 1 of~~
7 ~~this subsection.~~

8 C. ~~District attorneys and assistant district attorneys~~ 3. The
9 Administrative Director of the Courts shall be responsible for
10 developing and administering procedures and rules for such courses
11 for judicial personnel, including monitoring the attendance of
12 judicial personnel at such training.

13 B. 1. Any district attorney, assistant district attorney,
14 public defender, assistant public defender, attorney employed by or
15 under contract with the Oklahoma Indigent Defense System, court-
16 appointed or retained attorney, or attorney employed by or under
17 contract with a district court whose duties include juvenile docket
18 responsibility ~~for the juvenile court docket~~ shall complete at least
19 six (6) hours of education and training annually in courses ~~in~~
20 juvenile law, child abuse and neglect and other issues relating to
21 children such as foster care and parental divorce relating to the
22 topics described in paragraph 1 of subsection A of this section.
23 These education and training requirements may be accomplished
24 through a collaborative effort between the judiciary and others with

1 juvenile docket responsibilities. ~~The District Attorneys Council~~
2 ~~shall be responsible for developing and administering procedures and~~
3 ~~rules for such courses for district attorneys and assistant district~~
4 ~~attorneys.~~

5 ~~D. Any public defender, or assistant public defender, whose~~
6 ~~duties include responsibility for a juvenile court docket shall~~
7 ~~complete education and training courses in juvenile law, child abuse~~
8 ~~and neglect and other issues relating to children such as foster~~
9 ~~care and parental divorce. The public defender shall be responsible~~
10 ~~for developing and administering procedures and rules for such~~
11 ~~courses.~~

12 ~~E. Any attorney employed by or under contract with the Oklahoma~~
13 ~~Indigent Defense System whose duties include responsibility for a~~
14 ~~juvenile court docket shall complete education and training courses~~
15 ~~in juvenile law, child abuse and neglect and other issues relating~~
16 ~~to children such as foster care and parental divorce. The Executive~~
17 ~~Director of the Oklahoma Indigent Defense System shall be~~
18 ~~responsible for developing and administering procedures and rules~~
19 ~~for such courses.~~

20 ~~F. Any court appointed attorney or retained attorney whose~~
21 ~~duties routinely include responsibility for a juvenile court docket~~
22 ~~shall complete education and training courses in juvenile law, child~~
23 ~~abuse and neglect and other issues relating to children such as~~
24 ~~foster care and parental divorce. The chief judge of the judicial~~

1 ~~district for which a court appointed attorney serves shall be~~
2 ~~responsible for developing and administering procedures and rules~~
3 ~~for such courses.~~

4 ~~G. Any court appointed special advocate (CASA) available for~~
5 ~~appointment pursuant to the Oklahoma Children's Code or the Oklahoma~~
6 ~~Juvenile Code shall complete education and training courses in~~
7 ~~juvenile law, child abuse and neglect and other issues relating to~~
8 ~~children such as foster care and parental divorce, including, but~~
9 ~~not limited to, risk factors which may identify domestic abuse and~~
10 ~~potential violence and the relationship between alcohol or drug~~
11 ~~abuse and violence, safe visitation and supervised visitation~~
12 ~~arrangements and standards for a child and parties. The chief judge~~
13 ~~of the judicial district for which a court appointed special~~
14 ~~advocate serves shall be responsible for developing and~~
15 ~~administering procedures and rules for such courses.~~

16 ~~H. The training and education programs required by this section~~
17 ~~shall be developed and provided by or in cooperation with the Child~~
18 ~~Abuse Training and Coordinating Council.~~

19 2. Each judicial district shall be responsible for developing
20 and administering procedures and rules for such courses for
21 attorneys identified in this subsection whose duties routinely
22 include juvenile court docket responsibilities. The chief judge of
23 each judicial district, or any designee judge with juvenile docket

24

1 responsibilities, shall carry out this mandate within one (1) year
2 of the effective date of this legislation.

3 SECTION 9. AMENDATORY 10 O.S. 2001, Section 7001-1.1, is
4 amended to read as follows:

5 Section 7001-1.1 A. ~~Chapter 70~~ xxx of this title shall be
6 known and may be cited as the "Oklahoma Children's Code".

7 B. All statutes hereinafter enacted and codified in ~~Chapter 70~~
8 xxx of this title shall be considered and deemed part of the
9 Oklahoma Children's Code.

10 C. Chapter, article and part captions are part of the Oklahoma
11 Children's Code, but shall not be deemed to govern, limit or in any
12 manner affect the scope, meaning or intent of the provisions of any
13 article or part of this Code.

14 D. The provisions of this ~~chapter~~ xxx shall not apply to
15 adoption proceedings and actions to terminate parental rights which
16 do not involve a petition for deprived status of the child. Such
17 proceedings and actions shall be governed by the Oklahoma Adoption
18 Code, ~~Chapter 75 of this title~~ xxx.

19 SECTION 10. AMENDATORY 10 O.S. 2001, Section 7001-1.2,
20 is amended to read as follows:

21 Section 7001-1.2 A. ~~It is the intent~~ For the purposes of the
22 Children's Code, the Legislature recognizes that ~~Chapter 70 of this~~
23 ~~title shall be liberally construed, to the end that its purpose may~~
24 ~~be carried out.~~

1 ~~B. The paramount consideration in all proceedings concerning a~~
2 ~~child alleged or found to be deprived is the health and safety and~~
3 ~~the best interests of the child. The purpose of the laws relating~~
4 ~~to children alleged or found to be deprived is to:~~

5 1. ~~Secure for each such child, the permanency, care and~~
6 ~~guidance as will best serve the spiritual, emotional, mental and~~
7 ~~physical health, safety and welfare of the child~~ Parents have a
8 natural, legal, and moral right, as well as a duty, to care for and
9 support their children and such rights are protected by state and
10 federal laws as well as the Constitution. To that end, it is
11 presumed that the best interests of a child are ordinarily served by
12 leaving the child in the custody of the parents, who are expected to
13 have the strongest bond of love and affection and to be best able to
14 provide a child those needed qualities that make a child's life safe
15 and secure. Nevertheless, this presumption may be rebutted where
16 there is evidence of abuse and neglect or threat of harm;

17 2. ~~Provide expeditious and timely judicial and agency~~
18 ~~procedures which protect the health, safety and welfare of the A~~
19 ~~child~~ has a right to be raised by the mother and father of the child
20 as well as a right to be raised free from physical and emotional
21 abuse or neglect. When it is necessary to remove a child from a
22 parent, the child is entitled to a permanent home and to be placed
23 in the least restrictive environment to meet the needs of the child;
24 and

1 3. ~~Preserve, unify and strengthen the child's family ties~~
2 ~~whenever possible in the child's best interests and~~ Because the
3 state has an interest in its present and future citizens as well as
4 a duty to protect those who, because of age, are unable to protect
5 themselves, it is the policy of this state to provide for the
6 protection of children who have been abused or neglected and who may
7 be further threatened by the conduct of persons responsible for the
8 health and, safety, and welfare of the child, such children. To
9 this end, where family circumstances threaten the safety of a child,
10 the state's interest in the welfare of the child takes precedence
11 over the natural right and authority of the parent to the extent
12 that it is necessary to protect the child and assure that the best
13 interests of the child are met.

14 B. It is the intent of the Legislature that the Children's Code
15 provide the foundation and process for state intervention into the
16 parent-child relationship whenever the circumstances of a family
17 threaten the safety of a child and to properly balance the interests
18 of the parties stated herein. To this end, it is the purpose of the
19 laws relating to children alleged or found to be deprived to:

20 1. Intervene in the family only when necessary to protect a
21 child from harm or threatened harm;

22 2. Provide expeditious and timely judicial and agency
23 procedures for the protection of the child;
24

1 3. Preserve, unify, and strengthen the family ties of the child
2 whenever possible when in the best interests of the child to do so;

3 ~~4. Except as otherwise specified by the Oklahoma Children's~~
4 ~~Code, provide that reasonable efforts are made to prevent or~~
5 ~~eliminate the need for removing the child from the home, or to make~~
6 ~~it possible for the child to safely return to the family's home;~~

7 ~~5. Recognize that the right to family integrity, preservation~~
8 ~~or reunification is limited by the right of children the child to be~~
9 ~~protected from abuse and neglect;~~

10 5. Make reasonable efforts to prevent or eliminate the need for
11 the removal of a child from the home and make reasonable efforts to
12 return the child to the home unless otherwise prescribed by the
13 Oklahoma Children's Code;

14 ~~6. Remove the child from the custody of the parents of the~~
15 ~~child when the child's health, safety or welfare is in danger or the~~
16 ~~child's safety cannot be adequately safeguarded without removal;~~

17 ~~7. Recognize that permanency is in the best interests of the~~
18 ~~child;~~

19 ~~8. 7. Ensure that, in the best interests of the child, when~~
20 ~~family rehabilitation and reunification are not possible or are~~
21 ~~determined not to be necessary pursuant to the Oklahoma Children's~~
22 ~~Code, the child will be expeditiously placed with in an adoptive~~
23 ~~family home or ~~in another~~ other permanent living arrangement in a~~
24 timely fashion; and

1 ~~9. 8. Assure adequate and appropriate care and treatment~~ Secure
2 for the each child, with the use of the least restrictive method of
3 ~~treatment or placement consistent with the treatment or placement~~
4 ~~needs of the child~~ the permanency, care, education, and guidance as
5 will best serve the spiritual, emotional, mental and physical
6 health, safety, and welfare of the child.

7 C. Whenever it is necessary for a child to be placed outside
8 the home pursuant to the Oklahoma Children's Code, it is the intent
9 of the Legislature that:

10 1. Each child shall be assured the care, guidance, and
11 supervision in a permanent home or foster home that will serve the
12 best interests of the child including, but not limited to, the
13 development of the moral, emotional, spiritual, mental, social,
14 educational, and physical well-being of the child;

15 2. When a child is placed in foster care, the foster parent
16 shall be allowed to consider the child as part of the family;

17 3. Whenever possible siblings shall be placed together and when
18 it is not possible efforts shall be made to preserve the
19 relationships through visitation and other methods of communication;
20 and

21 4. Permanent placement is achieved as soon as possible.

22 D. A foster parent has a recognizable interest in the familial
23 relationship that the foster parent establishes with a foster child
24 and shall therefore be considered an essential participant with

1 regard to decisions related to the care, supervision, guidance,
2 rearing, and other foster care services to the child.

3 E. It is the intent of the Legislature that the paramount
4 consideration in all proceedings within the Oklahoma Children's Code
5 is the best interests of the child.

6 SECTION 11. AMENDATORY 10 O.S. 2001, Section 7001-1.3,
7 as last amended by Section 1, Chapter 258, O.S.L. 2006 (10 O.S.
8 Supp. 2008, Section 7001-1.3), is amended to read as follows:

9 Section 7001-1.3 ~~A.~~ When used in the Oklahoma Children's Code,
10 unless the context otherwise requires:

11 1. ~~"Abandoned infant" means a child who is twenty-four (24)~~
12 ~~months of age or younger whose parent:~~

13 a. ~~has willfully left the infant alone or in the care of~~
14 ~~another who is not the parent of the infant without~~
15 ~~identifying the infant or furnishing any means or~~
16 ~~methods of identification,~~

17 b. ~~has willfully left the infant alone or in the care of~~
18 ~~another who is not the parent of the infant and~~
19 ~~expressed a willful intent by words, actions, or~~
20 ~~omissions not to return for the infant,~~

21 c. ~~has knowingly placed or knowingly allowed the infant~~
22 ~~be placed in or remain in conditions or surroundings~~
23 ~~that posed or constituted a serious danger to the~~
24

1 ~~health and safety of the infant thereby demonstrating~~
2 ~~wanton disregard for the child's well being,~~

3 ~~d. is a father, or a putative father if the infant was~~
4 ~~born out of wedlock, and:~~

5 ~~(1) if an infant is less than ninety (90) days of~~
6 ~~age, who fails to show that he has exercised~~
7 ~~proper parental rights and responsibilities with~~
8 ~~regard to the infant, including, but not limited~~
9 ~~to, contributing to the support of the mother of~~
10 ~~the infant to the extent of his financial ability~~
11 ~~during her term of pregnancy,~~

12 ~~(2) (a) if an infant is older than ninety (90) days~~
13 ~~but less than fourteen (14) months of age,~~
14 ~~who fails to show that he has exercised~~
15 ~~proper parental rights and responsibilities~~
16 ~~with regard to the infant, including, but~~
17 ~~not limited to, contributing to the support~~
18 ~~of the infant to the extent of his financial~~
19 ~~ability, which may include contributing to~~
20 ~~the support of the mother of the infant to~~
21 ~~the extent of his financial ability during~~
22 ~~her term of pregnancy.~~

23 ~~(b) Failure to contribute to the support of the~~
24 ~~mother during her term of pregnancy,~~

~~pursuant to this subdivision, shall not in
and of itself be grounds for termination of
the parental rights of the father or
putative father, or~~

~~(3) (a) if the infant is fourteen (14) months of age
or older, who fails to show that he has
exercised proper parental rights and
responsibilities with regard to the infant,
including, but not limited to, contributing
to the support of the infant to the extent
of his financial ability.~~

~~(b) Pursuant to this subdivision, failure to
contribute to the support of the mother
during her term of pregnancy shall not in
and of itself be grounds for termination of
the parental rights of the father or
putative father.~~

~~In any case where a father, or a putative father of an
infant born out of wedlock, claims that prior to the
receipt of notice of the hearing provided for in
Section 7006-1.2 of this title he had been
specifically denied knowledge of the infant or denied
the opportunity to exercise parental rights and
responsibilities with regard to the infant, such~~

1 ~~father or putative father shall prove to the~~
2 ~~satisfaction of the court that he made sufficient~~
3 ~~attempts to discover if he had fathered a child or~~
4 ~~made sufficient attempts to exercise parental rights~~
5 ~~and responsibilities with regard to the infant prior~~
6 ~~to the receipt of notice, or~~

7 e. ~~has not established and/or maintained substantial and~~
8 ~~positive relationship with the infant during the six~~
9 ~~(6) months immediately prior to out of home placement~~
10 ~~or the six (6) continuous months while in out of home~~
11 ~~placement, and has not made meaningful efforts to gain~~
12 ~~or regain custody of the infant, despite being given~~
13 ~~the opportunity to do so. For purposes of this~~
14 ~~section, "establish and/or maintain substantial and~~
15 ~~positive relationship" includes but is not limited to:~~

16 ~~(1) frequent and regular contact with the infant~~
17 ~~through frequent and regular visitation or~~
18 ~~frequent and regular communication to or with the~~
19 ~~infant, and~~

20 ~~(2) the exercise of parental rights and~~
21 ~~responsibilities.~~

22 ~~Incidental or token visits, communications or~~
23 ~~contributions shall not be sufficient to establish~~

24

1 ~~and/or maintain a substantial and positive~~
2 ~~relationship with the infant~~ "Abandonment" means:

- 3 a. the willful intent by words, actions, or omissions not
4 to return for a child, or
5 b. the failure to maintain a significant parental
6 relationship with a child through visitation or
7 communication in which incidental or token visits or
8 communication are not considered significant, or
9 c. the failure to respond to notice of deprived
10 proceedings;

11 2. "Abuse" means harm or threatened harm or failure to protect
12 from harm or threatened harm to the health, safety, or welfare of a
13 child by a person responsible for the child's health, safety, or
14 welfare, including but not limited to nonaccidental physical or
15 mental injury, sexual abuse, or sexual exploitation. Provided,
16 however, that nothing contained in this act shall prohibit any
17 parent, teacher, or other person from using ordinary force as a
18 means of discipline including, but not limited to, spanking,
19 switching, or paddling.

- 20 a. "Harm or threatened harm to the health or safety of a
21 child" means any real or threatened physical, mental,
22 or emotional injury or damage to the body or mind that
23 is not accidental including but not limited to sexual
24 abuse, sexual exploitation, neglect, or dependency.

1 b. "Sexual abuse" includes but is not limited to rape,
2 incest, and lewd or indecent acts or proposals made to
3 a child, as defined by law, by a person responsible
4 for the health, safety, or welfare of the child.

5 c. "Sexual exploitation" includes but is not limited to
6 allowing, permitting, or encouraging a child to engage
7 in prostitution, as defined by law, by a person
8 responsible for the health, safety, or welfare of a
9 child, or allowing, permitting, encouraging, or
10 engaging in the lewd, obscene, or pornographic, as
11 defined by law, photographing, filming, or depicting
12 of a child in those acts by a person responsible for
13 the health, safety, and welfare of the child;

14 3. "Adjudication" means a finding by the court that the
15 allegations in a petition alleging that a child is deprived are
16 supported by a preponderance of the evidence;

17 4. "Adjudicatory hearing" means a hearing to determine whether
18 the allegations of a petition pursuant to the provisions of Part 3
19 of Article III of this Code are supported by the evidence and
20 whether a child should be adjudged to be a ward of the court as
21 provided by Section XXX of this title;

22 3. 5. "Assessment" means a systematic process utilized by the
23 Department of Human Services to respond to reports of alleged child
24 abuse or neglect which, according to priority guidelines established

1 ~~by the Department, do not constitute a serious and immediate threat~~
2 ~~to a child's health, safety or welfare. The assessment includes,~~
3 ~~but is not limited to, the following elements:~~

- 4 a. ~~an evaluation of the child's safety, and~~
- 5 b. ~~a determination regarding the family's need for~~
6 ~~services the same as the term "safety assessment and~~
7 ~~analysis" as defined in this section;~~

8 ~~4. 6. "Behavioral health" means mental health, substance abuse,~~
9 ~~or co-occurring mental health and substance abuse diagnoses, and the~~
10 ~~continuum of mental health, substance abuse, or co-occurring mental~~
11 ~~health and substance abuse treatment;~~

12 ~~7. "Child" means any unmarried person under eighteen (18) years~~
13 ~~of age ~~except any person convicted of a crime specified in Section~~~~
14 ~~7306 1.1 of this title or any person who has been certified as an~~
15 ~~adult pursuant to Section 7303 4.3 of this title and convicted of a~~
16 ~~felony;~~

17 ~~5. "Minor in need of treatment" means a child in need of mental~~
18 ~~health or substance abuse treatment as defined by the Inpatient~~
19 ~~Mental Health and Substance Abuse Treatment of Minors Act;~~

20 ~~6. 8. "Child with a disability" means any child who has a~~
21 ~~physical or mental impairment which substantially limits one or more~~
22 ~~of the major life activities of the child, or who is regarded as~~
23 ~~having such an impairment by a competent medical professional;~~

1 ~~7.~~ 9. "Child-placing agency" means a private agency licensed to
2 place children in foster family homes, group homes, adoptive homes,
3 transitional or independent living programs, or family child care
4 homes or other out-of-home placements; and which approves and
5 monitors such placements and facilities in accordance with the
6 licensing requirements established by the Oklahoma Child Care
7 Facilities Licensing Act;

8 ~~8.~~ "~~Chronic abuse or chronic neglect of a child~~" means a
9 ~~pattern of physical or sexual abuse or neglect which is repeated or~~
10 ~~continuing;~~

11 ~~9.~~ 10. "Commission" means the Commission for Human Services;

12 11. "Community-based services" or "community-based programs"
13 means services or programs which maintain community participation or
14 supervision in their planning, operation, and evaluation.
15 Community-based services and programs may include, but are not
16 limited to, emergency shelter, crisis intervention, group work, case
17 supervision, job placement, recruitment and training of volunteers,
18 consultation, medical, educational, home-based services, vocational,
19 social, preventive and psychological guidance, training, counseling,
20 early intervention and diversionary substance abuse treatment,
21 sexual abuse treatment, transitional living, independent living, and
22 other related services and programs;

23 ~~10.~~ 12. "Concurrent permanency planning" means, when indicated,
24 the implementation of two plans for a child entering foster care.

1 One plan focuses on reuniting the parent and child; the other seeks
2 to find a permanent out-of-home placement for the child with both
3 plans being pursued simultaneously;

4 13. "Court-appointed special advocate" or "CASA" means a
5 responsible adult volunteer who has been trained and is supervised
6 by a court-appointed special advocate program recognized by the
7 court, and ~~who has volunteered to be available for appointment when~~
8 appointed by the court ~~to serve,~~ serves as an officer of the court
9 in the capacity as a guardian ad litem, ~~pursuant to the provisions~~
10 ~~of Section 7003 3.7 of this title, to represent the best interests~~
11 ~~of any deprived child or child alleged to be deprived over whom the~~
12 ~~district court exercises jurisdiction, until discharged by the~~
13 ~~court;~~

14 ~~11.~~ 14. "Court-appointed special advocate program" means an
15 organized program, administered by either an independent, not-for-
16 profit corporation, a dependent project of an independent, not-for-
17 profit corporation or a unit of local government, which recruits,
18 screens, trains, assigns, supervises and supports volunteers to be
19 available for appointment by the court as guardians ad litem, ~~to~~
20 ~~represent the best interests of a deprived child or a child alleged~~
21 ~~to be deprived in a case for which a deprived petition has been~~
22 ~~filed;~~

23 ~~12.~~ 15. "Custodian" means an individual other than a parent,
24 legal guardian or Indian custodian, to whom legal custody of the

1 child has been awarded by the court. As used in this title, the
2 term "custodian" shall not mean the Oklahoma Department of Human
3 Services;

4 16. "Day treatment" means a nonresidential program which
5 provides intensive services to a child who resides in the child's
6 own home, the home of a relative, group home, a foster home or
7 residential child care facility. Day treatment programs include,
8 but are not limited to, educational services;

9 ~~13.~~ 17. "Department" means the Oklahoma Department of Human
10 Services;

11 ~~14.~~ 18. "Dependency" means a child who is homeless or without
12 proper care or guardianship through no fault of his or her parent,
13 legal guardian, or custodian;

14 19. "Deprived child" means a child:

- 15 a. who is for any reason destitute, homeless, or
16 abandoned,
17 b. who does not have the proper parental care or
18 guardianship ~~or whose home is an unfit place for the~~
19 ~~child by reason of neglect, abuse, cruelty, or~~
20 ~~depravity on the part of the child's parents, legal~~
21 ~~guardian, or other person responsible for the child's~~
22 ~~health or welfare,~~
23 c. who has been abused, neglected, or is dependent,

24

1 d. whose home is an unfit place for the child by reason
2 of depravity on the part of the parent or legal
3 guardian of the child, or other person responsible for
4 the health or welfare of the child,

5 e. who is a child in need of special care and treatment
6 because of the child's physical or mental condition,
7 and the child's parents, legal guardian, or other
8 custodian is unable or willfully fails to provide such
9 special care and treatment. As used in this
10 paragraph, a child in need of special care and
11 treatment includes, but is not limited to, a child who
12 at birth tests positive for alcohol or a controlled
13 dangerous substance and who, pursuant to a drug or
14 alcohol screen of the child and an assessment of the
15 parent, is determined to be at risk ~~for future~~
16 ~~exposure to such substances~~ of harm or threatened harm
17 to the health or safety of a child,

18 ~~d.~~ f. who is a child with a disability deprived of the
19 nutrition necessary to sustain life or of the medical
20 treatment necessary to remedy or relieve a life-
21 threatening medical condition in order to cause or
22 allow the death of the child if such nutrition or
23 medical treatment is generally provided to similarly
24 situated children without a disability or children

1 with disabilities; provided that no medical treatment
2 shall be necessary if, in the reasonable medical
3 judgment of the attending physician, such treatment
4 would be futile in saving the life of the child,
5 ~~e. g.~~ who ~~is~~, due to improper parental care and
6 guardianship, is absent from school as specified in
7 Section 10-106 of Title 70 of the Oklahoma Statutes,
8 if the child is subject to compulsory school
9 attendance,
10 ~~f. h.~~ whose parent, legal guardian or custodian for good
11 cause desires to be relieved of custody, ~~or~~
12 ~~g. i.~~ who has been born to a parent whose parental rights to
13 another child have been involuntarily terminated by
14 the court and the conditions which led to the making
15 of the finding, which resulted in the termination of
16 the parental rights of the parent to the other child,
17 have not been corrected, or
18 j. whose parent, legal guardian, or custodian has
19 subjected another child to abuse or neglect or has
20 allowed another child to be subjected to abuse or
21 neglect and is currently a respondent in a deprived
22 proceeding.

23 Nothing in the Oklahoma Children's Code shall be construed to
24 mean a child is deprived for the sole reason the parent, legal

1 guardian, or person having custody or control of a child, in good
2 faith, selects and depends upon spiritual means alone through
3 prayer, in accordance with the tenets and practice of a recognized
4 church or religious denomination, for the treatment or cure of
5 disease or remedial care of such child.

6 Nothing contained in this paragraph shall prevent a court from
7 immediately assuming custody of a child and ordering whatever action
8 may be necessary, including medical treatment, to protect the
9 child's health or welfare.

10 ~~The phrase "dependent and neglected" shall be deemed to mean~~
11 ~~deprived;~~

12 ~~15.~~ 20. "Dispositional hearing" means a hearing ~~to determine~~
13 ~~the order of disposition which should be made with respect to a~~
14 ~~child adjudged to be a ward of the~~ by the court as provided by
15 Section XXX of this title;

16 ~~16.~~ 21. "Emergency custody" means the custody of a child prior
17 to adjudication of the child following issuance of an order of the
18 district court pursuant to ~~Section 7003-2.1~~ xxx of this title or
19 following issuance of an order of the district court pursuant to an
20 emergency custody hearing, as specified by ~~Section 7003-2.4~~ xxx of
21 this title;

22 ~~17.~~ 22. "Facility" means a place, an institution, a building or
23 part thereof, a set of buildings, or an area whether or not
24

1 enclosing a building or set of buildings used for the lawful custody
2 and treatment of children;

3 ~~18.~~ 23. "Foster care" or "foster care services" means
4 continuous twenty-four-hour care and supportive services provided
5 for a child in foster placement including, but not limited to, the
6 care, supervision, guidance, and rearing of a foster child by the
7 foster parent;

8 ~~19.~~ "~~Foster child~~" means ~~a child placed in foster placement;~~

9 ~~20.~~ "~~Foster family~~" means ~~all persons living in a foster family~~
10 ~~home, other than a foster child;~~

11 ~~21.~~ 24. "Foster family home" means the private residence of a
12 foster family which provides foster care services to a child. Such
13 term shall include a nonkinship foster family home, a specialized
14 foster home, a therapeutic foster family home, or the home of a
15 relative or other kinship care home;

16 ~~22.~~ "~~Foster parent~~" means ~~any individual maintaining a foster~~
17 ~~family home, who is responsible for the care, supervision, guidance~~
18 ~~and rearing of and other foster care services provided to a foster~~
19 ~~child;~~

20 ~~23.~~ "~~Foster placement~~" means ~~a child placing agency or foster~~
21 ~~family home providing foster care services;~~

22 ~~24.~~ 25. "Foster parent eligibility assessment" includes a
23 criminal background investigation including, but not limited to, a
24 national criminal history records search based upon the submission

1 of fingerprints, home assessments, and any other assessment required
2 by the Department of Human Services, the Office of Juvenile Affairs,
3 or any child-placing agency pursuant to the provisions of the
4 Oklahoma Child Care Facilities Licensing Act;

5 26. "Guardian ad litem" means a person appointed by the court
6 to protect the best interests of a child pursuant to the provisions
7 of Section 7003-3.7 xxx of this title in a particular case before
8 the court having those duties and responsibilities as set forth in
9 that section. The term "guardian ad litem" shall refer to a court-
10 appointed special advocate as well as to any other person appointed
11 pursuant to the provisions of Section xxx of this title to serve as
12 a guardian ad litem;

13 ~~25.~~ 27. "Guardian ad litem of the estate of the child" means a
14 person appointed by the court to protect the property interests of a
15 child pursuant to Section xxx of this title;

16 28. "Group home" means a residential facility housing no more
17 than twelve children with a program which emphasizes family style
18 living in a homelike environment. Such group home may also offer a
19 program within the community to meet the specialized treatment needs
20 of its residents licensed by the Department to provide full-time
21 care and community-based services for more than five (5) but fewer
22 than thirteen (13) children;

23 ~~26.~~ 29. "Harm or threatened harm to the health or safety of a
24 child" means any real or threatened physical, mental, or emotional

1 injury or damage to the body or mind that is not accidental
2 including, but not limited to, sexual abuse, sexual exploitation,
3 neglect, or dependency;

4 30. "Heinous and shocking abuse" includes, but is not limited
5 to, aggravated physical abuse that results in serious bodily,
6 mental, or emotional injury. "Serious bodily injury" means injury
7 that involves:

- 8 a. a substantial risk of death,
- 9 b. extreme physical pain,
- 10 c. protracted disfigurement,
- 11 d. a loss or impairment of the function of a body member,
12 organ, or mental faculty,
- 13 e. an injury to an internal or external organ or the
14 body,
- 15 f. a bone fracture,
- 16 g. sexual abuse or sexual exploitation,
- 17 h. chronic abuse including, but not limited to, physical,
18 emotional, or sexual abuse, or sexual exploitation
19 which is repeated or continuing,
- 20 i. torture that includes, but is not limited to,
21 inflicting, participating in or assisting in
22 inflicting intense physical or emotional pain upon a
23 child repeatedly over a period of time for the purpose
24 of coercing or terrorizing a child or for the purpose

1 of satisfying the craven, cruel, or prurient desires
2 of the perpetrator or another person, or

3 j. any other similar aggravated circumstance;

4 31. "Heinous and shocking neglect" includes, but is not limited
5 to:

6 a. chronic neglect that includes, but is not limited to,
7 a persistent pattern of family functioning in which
8 the caregiver has not met or sustained the basic needs
9 of a child which results in harm to the child,

10 b. neglect that has resulted in a diagnosis of the child
11 as a failure to thrive,

12 c. an act or failure to act by a parent that results in
13 the death or near death of a child or sibling, serious
14 physical or emotional harm, sexual abuse, sexual
15 exploitation, or presents an imminent risk of serious
16 harm to a child, or

17 d. any other similar aggravating circumstance;

18 32. "Independent living program" means a program specifically
19 designed to assist a child to enhance those skills and abilities
20 necessary for successful adult living. An independent living
21 program may include, but shall not be limited to, such features as
22 minimal direct staff supervision, and the provision of supportive
23 services to assist children with activities necessary for finding an
24 appropriate place of residence, completing an education or

1 vocational training, obtaining employment, or obtaining other
2 similar services;

3 ~~27.~~ 33. "Individualized service plan" means a document written
4 pursuant to Section xxx of this title that has the same meaning as
5 "service plan" or "treatment plan" where those terms are used in the
6 Oklahoma Children's Code;

7 34. "Infant" means a child who is twelve (12) months of age or
8 younger;

9 35. "Institution" means a residential facility offering care
10 and treatment for more than twenty residents;

11 ~~28.~~ 36. "Investigation" means ~~an approach utilized by the~~
12 ~~Department to respond to reports of alleged child abuse or neglect~~
13 ~~which, according to priority guidelines established by the~~
14 ~~Department, constitute a serious and immediate threat to a child's~~
15 ~~health or safety. An investigation includes, but is not limited to,~~
16 ~~the following elements:~~

- 17 a. ~~an evaluation of the child's safety,~~
18 b. ~~a determination whether or not child abuse or neglect~~
19 ~~occurred, and~~
20 c. ~~a determination regarding the family's need for~~
21 ~~prevention and intervention related services~~ the same
22 as the term "safety assessment and analysis" as
23 defined in this section;

24

1 ~~29.~~ 37. "Kinship care" means full-time care of a child by a
2 kinship relation;

3 ~~30.~~ 38. "Kinship guardianship" means a ~~judicially created~~
4 ~~relationship between a child and a kinship relation of the child~~
5 ~~established pursuant to the provisions of Section 7003-5.5 of this~~
6 ~~title~~ permanent guardianship as defined in this section;

7 ~~31.~~ 39. "Kinship relation" or "kinship relationship" means
8 relatives, stepparents, or other responsible adults who have a bond
9 or tie with a child and/or to whom has been ascribed a family
10 relationship role with the child's parents or the child; provided,
11 however, in cases where the Indian Child Welfare Act applies, the
12 definitions contained in 25 U.S.C., Section 1903 shall control;

13 ~~32.~~ 40. "Mental health facility" means a mental health or
14 substance abuse treatment facility as defined by the Inpatient
15 Mental Health and Substance Abuse Treatment of Minors Act;

16 ~~33.~~ 41. "Minor" means the same as the term "child" as defined
17 in this section;

18 42. "Multidisciplinary child abuse team" means any team
19 established pursuant to Section ~~7110~~ xxx of this title of three or
20 more persons who are trained in the prevention, identification,
21 investigation, prosecution, and treatment of physical and sexual
22 child abuse and who are qualified to facilitate a broad range of
23 prevention and intervention-related services and services related to
24

1 child abuse. For purposes of this definition, "freestanding" means
2 a team not used by a child advocacy center for its accreditation;

3 ~~34.~~ 43. "Near death" means a child is in serious or critical
4 condition, as certified by a physician, as a result of abuse or
5 neglect;

6 ~~35.~~ 44. "Neglect" means ~~neglect as such term is defined by the~~
7 ~~Oklahoma Child Abuse Reporting and Prevention Act~~ any of the
8 following:

9 a. the failure or omission to provide any of the
10 following:

11 (1) adequate nurturance and affection, food,
12 clothing, shelter, sanitation, hygiene, or
13 appropriate education,

14 (2) medical, dental, or mental health care,

15 (3) supervision or appropriate caretakers, or

16 (4) special care made necessary by the physical or
17 mental condition of the child,

18 b. the failure or omission to protect a child from
19 exposure to any of the following:

20 (1) the use, possession, sale, or manufacture of
21 illegal drugs,

22 (2) illegal activities, or

23 (3) sexual acts or materials that are not age-
24 appropriate, and

1 c. abandonment;

2 ~~36. "Out of home placement" means a placement, other than a~~
3 ~~placement in the home of the parent, legal guardian or custodian~~
4 ~~from whose custody the court has removed the child;~~

5 ~~37. 45. "Permanency hearing" means a hearing by the court to~~
6 ~~determine whether a child is to be returned to the child's home or~~
7 ~~whether other permanent placement will be sought within a specific~~
8 ~~time frame for the child pursuant to Section xxx of this title;~~

9 ~~38. 46. "Permanent custody" means a the court-ordered custody~~
10 ~~of an adjudicated deprived child whose parent's parental rights have~~
11 ~~been terminated when a parent-child relationship no longer exists~~
12 ~~due to termination of parental rights or due to the death of a~~
13 ~~parent or parents;~~

14 ~~39. 47. Permanent guardianship" means a judicially created~~
15 ~~relationship between a child, a kinship relation of the child, or~~
16 ~~other adult established pursuant to the provisions of Section xxx of~~
17 ~~this title;~~

18 48. "Person responsible for a child's health, safety, or
19 welfare" includes a parent; a legal guardian; custodian; a foster
20 parent; a person eighteen (18) years of age or older with whom the
21 child's parent cohabitates or any other adult residing in the home
22 of the child; an agent or employee of a public or private
23 residential home, institution, facility or day treatment program as
24 defined in Section ~~175.20~~ xxx of this title; or an owner, operator,

1 or employee of a child care facility as defined by Section 402 xxx
2 of this title;

3 ~~40.~~ 49. "Protective custody" means custody of a child taken
4 ~~pursuant to Section 7003 2.1 of this title~~ by a law enforcement
5 officer or designated employee of the court without a court order;

6 ~~41.~~ a.

7 50. "Putative father" means ~~the~~ an alleged father ~~of a child.~~

8 ~~(1) born out of wedlock, or~~

9 ~~(2) whose mother was married to another person at the~~
10 ~~time of the birth of such child or within ten~~
11 ~~(10) months prior to the birth of the child.~~

12 ~~b. "Putative father" includes, but is not limited to:~~

13 ~~(1) a man who has acknowledged or claims paternity of~~
14 ~~the child,~~

15 ~~(2) a man named as the father by the mother of the~~
16 ~~child, or~~

17 ~~(3) any man alleged to have engaged in sexual~~
18 ~~intercourse with the mother during a possible~~
19 ~~time of conception~~ as that term is defined in
20 Section 7700-1-2 xxx of this title;

21 ~~42.~~ 51. "Relative" means a grandparent, great-grandparent,
22 brother or sister of whole or half blood, aunt, uncle or any other
23 person related to the child ~~within the third degree of~~
24 consanguinity;

1 ~~43.~~ 52. "Residential child care ~~center~~ facility" means a
2 ~~twenty four hours a day~~ twenty-four-hour residential ~~group care~~
3 facility ~~at which a specified number of children, normally~~
4 ~~unrelated, reside with adults other than their parents~~ where
5 children live together with or are supervised by adults who are not
6 their parents or relatives;

7 ~~44.~~ "Reasonable efforts" means the reasonable exercise of
8 diligence and care, with regard to a child who is in out of home
9 placement, or who is at imminent risk of being harmed, to:

10 a. ~~refer to, arrange for, or develop reasonable~~
11 ~~supportive and rehabilitative services for the family~~
12 ~~of such child that are required both to prevent~~
13 ~~unnecessary placement of the child outside of the~~
14 ~~child's home and to foster, whenever appropriate, the~~
15 ~~safe reunification of such child with the child's~~
16 ~~family, or~~

17 b. ~~place a child who cannot be returned home into a~~
18 ~~permanent placement;~~

19 ~~45.~~ a. "Residual parental rights and responsibilities" means
20 ~~those rights and responsibilities that remain with the~~
21 ~~parent:~~

22 (1) ~~after transfer of legal custody of the child,~~
23 ~~other than in connection with an action for~~
24 ~~termination of parental rights, a relinquishment~~

1 ~~of parental rights, a consent to termination of~~
2 ~~parental rights or an adoption, or~~

3 ~~(2) when a guardianship or kinship guardianship is~~
4 ~~established for the child.~~

5 b. ~~Residual parental rights and responsibilities may be~~
6 ~~limited or restricted as determined by the court, and~~
7 ~~include, but are not limited to:~~

8 ~~(1) the right of visitation,~~

9 ~~(2) the right to consent to adoption,~~

10 ~~(3) the responsibility for support of and costs of~~
11 ~~medical care for the child,~~

12 ~~(4) the right to determine the religious faith of the~~
13 ~~child, and~~

14 ~~(5) the right to consent to termination of parental~~
15 ~~rights and the right to permanently relinquish~~
16 ~~parental rights.~~

17 c. ~~Residual parental rights and responsibilities shall~~
18 ~~not include the right to consent to the marriage of a~~
19 ~~minor pursuant to the provisions of Section 3 of Title~~
20 ~~43 of the Oklahoma Statutes;~~

21 46. ~~"Responsible adult" for purposes of the release of a child~~
22 ~~from protective custody, means a stepparent, foster parent, a~~
23 ~~relative of the child who is eighteen (18) years of age or older, or~~
24 ~~any person having an obligation and authority to care for or~~

1 ~~safeguard the child in another person's absence who is eighteen (18)~~
2 ~~years of age or older;~~

3 47. 53. "Review hearing" means a hearing by the court pursuant
4 to Section xxx of this title;

5 54. "Safety assessment and analysis" means action taken by the
6 Department in response to a report of alleged child abuse or neglect
7 that will include an assessment or investigation based upon degree
8 of risk to a child.

9 a. "Assessment" means a written response to a report of
10 alleged child abuse or neglect where, following a risk
11 analysis, the Department determines there is a low to
12 moderate safety risk or no safety risk to the child
13 and a referral to community services is appropriate.

14 b. "Investigation" means a written response to a report
15 of alleged child abuse or neglect that constitutes a
16 serious and immediate threat to the health or safety
17 of a child which, following a risk analysis, results
18 in one of the following findings:

19 (1) "Substantiated - Court intervention recommended"
20 means a report that is determined by a child
21 protective services worker, after an
22 investigation and based upon some credible
23 evidence, to constitute child abuse or neglect
24 which is of such a nature that the Department

1 finds that the health, safety, or welfare of the
2 child is threatened,

3 (2) "Substantiated - Services recommended" means a
4 report that is determined by a child protective
5 services worker, after an investigation and based
6 upon some credible evidence, to constitute child
7 abuse or neglect which is of such a nature that
8 the Department recommends prevention and
9 intervention-related services for the parents or
10 persons responsible for the care of the child or
11 children, but for which initial court
12 intervention is not required,

13 (3) "Unsubstantiated - Services recommended" means a
14 report in which a child protective services
15 worker, after an investigation, determines there
16 is insufficient evidence to fully determine
17 whether child abuse or neglect has occurred, but
18 one in which the Department determines that the
19 child and the child's family could benefit from
20 receiving child abuse and neglect prevention and
21 intervention-related services, and

22 (4) "Ruled out" means a report in which a child
23 protective services worker, after an
24

1 investigation, determines that no child abuse or
2 neglect has occurred;

3 55. "Secure facility" means a facility which is designed and
4 operated to ensure that all entrances and exits from the facility
5 are subject to the exclusive control of the staff of the facility,
6 whether or not the juvenile being detained has freedom of movement
7 within the perimeter of the facility, or a facility which relies on
8 locked rooms and buildings, fences, or physical restraint in order
9 to control behavior of its residents;

10 ~~48.~~ "Serious bodily injury" means a bodily injury that
11 involves:

- 12 a. ~~substantial risk of death,~~
- 13 b. ~~extreme physical pain,~~
- 14 c. ~~protracted and obvious disfigurement, or~~
- 15 d. ~~protracted loss or impairment of the function of a~~
16 ~~bodily member, organ or mental faculty;~~

17 ~~49.~~ "Serious danger to the health and safety" means that
18 ~~without the intervention of another person or agency, a child would~~
19 ~~likely or in all probability sustain severe or permanent disability~~
20 ~~or injury, illness, or death;~~

21 ~~50.~~ 56. "Sibling" means a biologically or legally related
22 brother or sister of a child;

1 ~~51.~~ 57. "Specialized foster care" means foster care provided to
2 a child in a ~~specialized~~ foster home or agency-contracted home
3 which:

- 4 a. has been certified by the Developmental Disabilities
- 5 Services Division of the Department of Human Services,
- 6 b. is monitored by the Division, and
- 7 c. is funded through the Home- and Community-Based Waiver
- 8 Services Program administered by the Division;

9 ~~52.~~ 58. "Temporary custody" means court-ordered custody of an
10 adjudicated deprived child;

11 ~~53.~~ 59. "Therapeutic foster family home" means a foster family
12 home which provides specific treatment services, pursuant to a
13 therapeutic foster care contract, which are designed to remedy
14 social and behavioral problems of a foster child residing in the
15 home;

16 ~~54.~~ ~~"Torture" means to inflict:~~

- 17 ~~a. intense emotional or psychological anguish to or~~
- 18 ~~suffering by a child, or~~
- 19 ~~b. physical pain for the purpose of coercing or~~
- 20 ~~terrorizing a child;~~

21 ~~55.~~ ~~"Training school" means an institution maintained by the~~
22 ~~state exclusively for the care, education, training, treatment, and~~
23 ~~rehabilitation of juvenile delinquents;~~

1 ~~56.~~ 60. "Transitional living program" means a residential
2 program that may be attached to an existing facility or operated
3 solely for the purpose of assisting children to develop the skills
4 and abilities necessary for successful adult living. The program
5 may include, but shall not be limited to, reduced staff supervision,
6 vocational training, educational services, employment and employment
7 training, and other appropriate independent living skills training
8 as a part of the transitional living program;

9 ~~57.~~ 61. "Treatment and service plan" means a document written
10 pursuant to Section ~~7003-5.3~~ xxx of this title; and

11 ~~58.~~ 62. "Voluntary foster care placement" means the temporary
12 placement of a child by the parent, legal guardian or custodian of
13 the child in foster care pursuant to a signed placement agreement
14 between the Department or a child-placing agency and the child's
15 parent, legal guardian or custodian.

16 ~~B. Unless the context otherwise requires, the terms defined in~~
17 ~~the Oklahoma Child Abuse Reporting and Prevention Act and the~~
18 ~~Oklahoma Foster Care and Out of Home Placement Act shall have the~~
19 ~~same meaning when used in the Oklahoma Children's Code.~~

20 SECTION 12. AMENDATORY 10 O.S. 2001, Section 7002-1.1,
21 as amended by Section 1, Chapter 69, O.S.L. 2005 (10 O.S. Supp.
22 2008, Section 7002-1.1), is amended to read as follows:

23 Section 7002-1.1 A. 1. Upon the filing of a petition, ~~or upon~~
24 the assumption of a child's custody, or issuance of an emergency

1 custody order pursuant to the provisions of Article ~~III~~ IV xxx of
2 the Oklahoma Children's Code, the district court ~~with juvenile or~~
3 ~~domestic docket responsibility in the county in which an alleged~~
4 ~~deprived child:~~

- 5 a. ~~resides,~~
- 6 b. ~~is found,~~
- 7 c. ~~where the alleged acts of deprivation occurred, or~~
- 8 d. ~~where a parent or sibling has a deprived proceeding~~
9 ~~pending,~~

10 shall ~~have~~ obtain jurisdiction ~~of~~ over any child who is or is
11 alleged to be deprived, ~~shall have jurisdiction of the.~~

12 Jurisdiction shall also be obtained over any parent, legal guardian,
13 or custodian or stepparent of such child, regardless of where such
14 parent, legal guardian, custodian, or stepparent is found, and shall
15 have jurisdiction of and any other ~~adult~~ person living in the home
16 of such child who appears in court or has been properly served with
17 a summons pursuant to Section xxx of this title.

18 2. When jurisdiction has been obtained over a child who is or
19 is alleged to be a deprived child~~;~~:

- 20 a. such jurisdiction may be retained until the child
21 becomes eighteen (18) years of age,
- 22 b. the court may issue any temporary order or grant any
23 interlocutory relief authorized by this Code in an
24 emergency, regardless of whether another district

1 court within the county or state has prior or current
2 jurisdiction to determine the custody, support, or
3 visitation of the child,

4 c. all other action then pending or thereafter commenced
5 within the county or state that concerns the custody,
6 support, or visitation of the child shall be
7 automatically stayed unless after notice to the
8 parties in the deprived action, the written consent of
9 such court is obtained and filed in the other
10 proceeding; provided, a child's delinquency action
11 may, in the discretion of the court, proceed pursuant
12 to the Oklahoma Juvenile Code,

13 d. all orders entered in the deprived proceeding
14 concerning the custody, support, or visitation of a
15 child shall control over conflicting orders entered in
16 other actions until such time as the jurisdiction of
17 the court in the deprived proceeding terminates, and

18 e. the judge presiding over a deprived action shall have
19 the authority to make a final determination in the
20 matter and preside over any separate action necessary
21 to finalize a child's court-approved permanency plan
22 including an adoption, guardianship, or other custody
23 proceeding.

1 ~~3. For the convenience of the parties and in the interest of~~
2 ~~justice, a proceeding under this chapter may be transferred to the~~
3 ~~district court in any other county.~~

4 ~~4. When it is in the best interests of the child, the court~~
5 ~~shall transfer a proceeding under this chapter to the district court~~
6 ~~in another county.~~

7 ~~B. The district court in which a petition is filed which~~
8 ~~alleges that a child is deprived or which assumes custody pursuant~~
9 ~~to Article III of this Code may issue any temporary order or grant~~
10 ~~any interlocutory relief authorized by this chapter in an emergency,~~
11 ~~regardless of whether another district court within the state has~~
12 ~~jurisdiction of the child or has jurisdiction to determine the~~
13 ~~custody or support of the child.~~

14 ~~C. If the district court presiding over a deprived action filed~~
15 ~~pursuant to subsection B of this section sustains the petition or~~
16 ~~assumes custody pursuant to Article III of this Code, that district~~
17 ~~court shall have the jurisdiction to make a final determination on~~
18 ~~the matter or to transfer the proceedings to a court having prior~~
19 ~~jurisdiction over the child. If the judges to whom the cases have~~
20 ~~been assigned are unable to agree on the procedure that should be~~
21 ~~followed, the determination of whether the proceeding should be~~
22 ~~consolidated and, if consolidated, which judge shall try the issues~~
23 ~~shall be determined as follows:~~

1 ~~1. If the other proceeding is pending in the same judicial~~
2 ~~district in which the deprived petition is filed or custody is~~
3 ~~assumed, the determination shall be made by the presiding judge of~~
4 ~~that judicial district;~~

5 ~~2. If the other proceeding is pending in a different judicial~~
6 ~~district but within the same judicial administrative district in~~
7 ~~which the deprived petition is filed or custody is assumed, the~~
8 ~~determination shall be made by the presiding judge of that judicial~~
9 ~~administrative district;~~

10 ~~3. If the other proceeding is pending in a judicial district~~
11 ~~not within the same judicial administrative district in which the~~
12 ~~deprived petition is filed or custody is assumed, the determination~~
13 ~~shall be made by the presiding judge of the judicial district where~~
14 ~~the other proceeding is pending~~

15 1. Venue of any action involving a child alleged to be deprived
16 may be in the county where:

17 a. the child is found,

18 b. the child resides,

19 c. the alleged acts of deprivation occurred, or

20 d. a parent or sibling has a deprived action pending.

21 2. A deprived action shall not be dismissed if filed in the
22 wrong venue, but shall be transferred to the proper venue upon
23 discovery of the proper venue, unless venue is waived.
24

1 3. Except as provided for in this subsection, a deprived action
2 commenced in a county outside of the residence of the child may be
3 transferred to the county of the child's residence at any stage in
4 the proceedings after the petition has been filed. The receiving
5 court shall continue with the proceedings as though the original
6 petition had been filed in that court.

7 a. When a petition or motion to terminate parental rights
8 has been filed, the case shall not be transferred
9 until the sending court has concluded the termination
10 proceeding.

11 b. Absent good cause to the contrary, a deprived action
12 shall be transferred to the county where other
13 proceedings are pending concerning custody of the
14 child or the child's siblings.

15 c. Prior to adjudication pursuant to Section xxx of this
16 title, a case may be transferred to a venue where the
17 evidence or witnesses are located when the interests
18 of justice or convenience of the parties so require.
19 Following adjudication, the receiving court may
20 transfer the case back to the county of the child's
21 legal residence as provided in this section.

22 4. For purposes of this section, the residence of the child
23 shall be the residence of the person who has the legal right to
24

1 physical custody of the child according to a prior court order or by
2 operation of law.

3 a. If there is no order determining the custody of the
4 child, the custodian of the child shall be:

5 (1) both parents where they reside together,

6 (2) the primary or actual physical custodial parent
7 where parents do not reside together, or

8 (3) the mother where paternity has or has not been
9 established.

10 b. The residence of a newborn child shall be deemed to be
11 the county where the child's mother legally resided at
12 the time of the child's birth.

13 c. When the child is in the permanent custody of a public
14 or private child care agency, the residence of the
15 child shall be the county in which the child resides
16 at the time when legal proceedings are initiated.

17 d. For purposes of transfer, the residence of the child
18 may be with the person that the court approves for
19 permanent placement.

20 5. The court may request the transfer of the case to another
21 county where the child resides.

22 a. Prior to transferring a case to another venue, the
23 court shall contact the judge in the other venue to
24

1 confirm that the judge in the other venue will accept
2 the transfer.

3 b. Upon written confirmation that transfer of venue is
4 accepted, the transferring judge shall enter the
5 transfer order, and certified copies of all documents
6 of record with the clerk of the transferring court
7 shall be transmitted to the receiving court along with
8 the names and addresses of all parties entitled to
9 notice of any further proceedings.

10 c. Upon transfer of the case, the receiving court shall
11 set a hearing date for the parties that is not more
12 than thirty (30) days following the date upon which
13 the change of venue has occurred.

14 SECTION 13. AMENDATORY 10 O.S. 2001, Section 7002-1.2,
15 is amended to read as follows:

16 Section 7002-1.2 A. 1. If the evidence in a ~~juvenile action,~~
17 ~~or an action for a divorce, for alimony without a divorce, for an~~
18 ~~annulment, for custody of a child, for the appointment of a guardian~~
19 ~~of the person of a child, for habeas corpus, or in subsequent~~
20 ~~proceedings in such actions,~~ court proceeding concerning child
21 custody or visitation indicates that a child ~~is or~~ may be deprived,
22 the referring a victim of abuse or neglect, the court shall ~~notify~~
23 ~~the appropriate county office of the Department of Human Services~~
24 ~~that the child may be a victim of abuse or neglect~~ refer the

1 allegations to the Department of Human Services for an assessment or
2 investigation.

3 2. The ~~county office~~ Department shall conduct an assessment or
4 investigation concerning such report in accordance with priority
5 guidelines established by the Department ~~of Human Services.~~

6 3. The Department shall submit ~~all reports regarding the a~~
7 report of its assessment or investigation to the office of the
8 district attorney and ~~send~~ provide a copy of its reports to ~~such the~~
9 referring court within thirty (30) days of such notice, and notify
10 parties to the proceeding of the submission of the report to the
11 court.

12 4. The district attorney shall advise the referring court
13 within three (3) days of the receipt of the ~~Department's~~ findings of
14 the Department whether a deprived petition will be filed by that
15 office. If no deprived petition is filed, the referring court may
16 take appropriate action regarding the custody or visitation of the
17 child, ~~or appointment of a guardian for the child.~~

18 B. Nothing in this section shall:

19 a. preclude the referring court from entering an order to
20 have the child taken into emergency custody if
21 evidence presented to the referring court indicates a
22 child is in surroundings that are such as to endanger
23 the welfare of the child. If a child is ~~taken~~ placed
24 into emergency custody by such an order, the

1 provisions of Article ~~III~~ xxx of the Oklahoma
2 Children's Code shall apply, or

3 b. preclude any court presiding over any proceeding from
4 referring allegations of child abuse or neglect to the
5 Department for assessment or investigation.

6 C. If, in any proceeding ~~listed in subsection A of this section~~
7 concerning child custody or visitation, the evidence indicates that
8 a child has been subject to abuse or neglect, the court shall
9 appoint an attorney to represent the child for that proceeding and
10 any related proceedings and, ~~as provided by Section 7003-3.7 of this~~
11 ~~title, the court shall~~ may appoint a guardian ad litem for the child
12 as permitted by law.

13 SECTION 14. AMENDATORY 10 O.S. 2001, Section 7002-2.1,
14 is amended to read as follows:

15 Section 7002-2.1 A. It shall be the responsibility of the
16 Department of Human Services to provide care for deprived children
17 who are committed to the custody of the Department.

18 B. The Department shall provide for the care of such children
19 pursuant to ~~Article IV of this~~ the Oklahoma Children's Code.

20 SECTION 15. AMENDATORY 10 O.S. 2001, Section 7002-2.2,
21 is amended to read as follows:

22 Section 7002-2.2 ~~Whenever parental rights of a child have been~~
23 ~~terminated and the child is committed to the Department, the~~
24 ~~Director shall serve as the legal guardian of the estate of the~~

1 ~~child, until another guardian is legally appointed,~~ A. The court
2 shall appoint a guardian ad litem of the estate of the child when
3 necessary for the purpose of preserving the child's property rights,
4 securing for the child any benefits to which ~~he~~ the child may be
5 entitled under social security programs, insurance, claims against
6 third parties, and otherwise, and receiving and administering such
7 funds or property for the care and education of the child.

8 1. When the child is in the emergency or temporary custody of
9 the Department of Human Services, the court may appoint an attorney
10 or a parent as guardian ad litem of the estate of the child.

11 2. When a child is in the permanent legal custody of the
12 Department, the Director shall serve as the legal guardian of the
13 estate of the child until an attorney guardian ad litem is
14 appointed.

15 B. A copy of the order appointing a guardian ad litem shall be
16 provided to the Department.

17 C. When the appointment of a guardian ad litem is necessary,
18 the appointment may be made in the deprived case; provided, the
19 actions of the guardian ad litem shall be subject to the approval of
20 the court with jurisdiction to adjudicate the property interests of
21 the child.

22 SECTION 16. AMENDATORY 10 O.S. 2001, Section 7002-3.1,
23 is amended to read as follows:

24

1 Section 7002-3.1 A. ~~The Attorney General, the district~~
2 ~~attorney of the appropriate district and any other law enforcement~~
3 ~~official having jurisdiction shall have the authority to bring civil~~
4 ~~actions against any person, officer or department, board, commission~~
5 ~~or other entity, to enforce the provisions of the Oklahoma~~
6 ~~Children's Code, or to enforce any of the laws of this state~~
7 ~~protecting or applying in any way to a child removed from the~~
8 ~~e custody of the lawful parent of the child by a disposition order of~~
9 ~~the court.~~

10 B.—1. A petition or motion for termination of parental rights
11 may be filed independently by either the district attorney or the
12 attorney of a child alleged to be or adjudicated deprived.

13 2. B. A petition or motion for termination of parental rights
14 shall be filed by the district attorney for those petitions or
15 motions required to be filed pursuant to the provisions of Section
16 ~~15~~ 7003-4.7 xxx of this ~~act~~ title.

17 3. C. If a child's attorney files a petition or motion for the
18 termination of the parental rights of the parents of the child, the
19 district attorney shall join in the petition or motion for those
20 petitions or motions required to be filed by the district attorney
21 pursuant to the provisions of Section ~~15~~ 7003-4.7 xxx of this ~~act~~
22 title, unless an exception to filing exists.

23 SECTION 17. AMENDATORY 10 O.S. 2001, Section 7003-1.1,
24 is amended to read as follows:

1 Section 7003-1.1 A. 1. Upon ~~notification or~~ receipt of a
2 report that a child may be ~~deprived or whenever the county office~~
3 ~~determines that there are reasonable grounds to believe that a child~~
4 ~~may be deprived~~ abused or neglected, the Department of Human
5 Services shall conduct an assessment or investigation in accordance
6 with priority guidelines established by the Department.

7 2. ~~Notification or receipt of a report that a child may be a~~
8 ~~victim of abuse or neglect, and any investigation or assessment made~~
9 ~~as a result of such notification or report, shall be subject to and~~
10 ~~conducted pursuant to the provisions of the Oklahoma Child Abuse~~
11 ~~Reporting and Prevention Act.~~

12 3. The Department shall forward a report of its investigation
13 and findings to the any district attorney's office which may have
14 jurisdiction to file a petition pursuant to Section xxx of the
15 Oklahoma Children's Code.

16 B. 1. If, ~~after~~ upon receipt of a report alleging abuse or
17 neglect or during the assessment or investigation, the Department
18 determines that:

19 a. ~~an the~~ alleged ~~abuse or neglect of a child was~~
20 ~~perpetrated by~~ perpetrator is someone other than a
21 person responsible for the child's health, safety, or
22 welfare, and

23 ~~b.~~ ~~an the~~ alleged abuse or neglect of a the child does
24 not appear to be attributable to failure on the part

1 of a person responsible for the child's health,
2 safety, or welfare to provide protection for the
3 child,
4 the Department shall immediately ~~verbally notify an~~ make a referral,
5 either verbally or in writing, to the appropriate local law
6 enforcement agency for the purpose of conducting a possible criminal
7 investigation. ~~The verbal notification to the local law enforcement~~
8 ~~agency shall be followed by a written referral transmitted no later~~
9 ~~than the close of the next business day.~~

10 2. ~~The Department shall determine whether the alleged~~
11 ~~perpetrator is a parent of any child or is otherwise a person~~
12 ~~responsible for the child's health, safety or welfare. If the~~
13 ~~alleged perpetrator is determined to be a parent of a child or is~~
14 ~~otherwise a person responsible for the child's health, safety or~~
15 ~~welfare, such determination shall constitute reasonable grounds to~~
16 ~~conduct an assessment or investigation regarding such child pursuant~~
17 ~~to subsection A of this section.~~

18 3. ~~After making the referral to the law enforcement agency, the~~
19 ~~Department shall not be responsible for further investigation of the~~
20 ~~case unless:~~

- 21 a. ~~notice is received from the law enforcement agency as~~
22 ~~provided by subsection C of this section,~~
- 23 b. ~~the alleged perpetrator is a person responsible for~~
24 ~~the child's health, safety or welfare, or~~

1 ~~e. the appropriate law enforcement agency requests the~~
2 ~~Department, in writing, to participate in the~~
3 ~~investigation. If funds and personnel are available,~~
4 ~~as determined by the Director of Human Services, the~~
5 ~~Department may assist in the investigation of physical~~
6 ~~or sexual abuse of a child perpetrated by a person~~
7 ~~other than the parent or person responsible for the~~
8 ~~health, safety or welfare of the child.~~

9 ~~4. The Commission for Human Services shall promulgate rules for~~
10 ~~the implementation of the provisions of this subsection. Such rules~~
11 ~~shall include, but not be limited to, provision for adequate and~~
12 ~~appropriate assessment or investigation by the Department prior to~~
13 ~~notification of a local law enforcement agency~~

14 After making the referral to the law enforcement agency, the
15 Department shall not be responsible for further investigation
16 unless:

- 17 a. the Department has reason to believe the alleged
18 perpetrator is a parent of another child, not the
19 subject of the criminal investigation, or is otherwise
20 a person responsible for the health, safety, or
21 welfare of another child,
- 22 b. notice is received from a law enforcement agency that
23 it has determined the alleged perpetrator is a parent
24 of or a person responsible for the health, safety, or

1 welfare of another child not the subject of the
2 criminal investigation, or

3 c. the appropriate law enforcement agency requests the
4 Department, in writing, to participate in the
5 investigation. If funds and personnel are available,
6 as determined by the Director of the Department or a
7 designee, the Department may assist law enforcement in
8 interviewing children alleged to be victims of
9 physical or sexual abuse.

10 C. 1. Any law enforcement agency receiving a referral as
11 provided in this section shall provide the Department ~~of Human~~
12 ~~Services' local child welfare office~~ with a copy of the report of
13 ~~its~~ any investigation resulting from a referral from the Department
14 ~~or shall provide a written statement as to why a criminal~~
15 ~~investigation was not conducted.~~

16 2. ~~a.~~ Whenever, in the course of any criminal investigation, a
17 law enforcement agency determines that there is cause to believe
18 that a child may be ~~or is alleged to be~~ abused, or neglected ~~or~~
19 ~~deprived~~ by reason of the acts, ~~or~~ omissions, or failures on the
20 part of a person responsible for the health, safety, or welfare of
21 the child ~~or the failure on the part of a person responsible for the~~
22 ~~child's health, safety or welfare to provide protection for the~~
23 ~~child,~~ the law enforcement agency shall immediately ~~verbally~~ contact
24

1 the ~~local child welfare office~~ Department for the purpose of an
2 investigation ~~by that office.~~

3 b. ~~The verbal notification to the local child welfare~~
4 ~~office shall be followed by a written referral to the~~
5 ~~Department of Human Services no later than the close~~
6 ~~of the next business day.~~

7 SECTION 18. AMENDATORY 10 O.S. 2001, Section 7003-2.1,
8 as last amended by Section 5, Chapter 3, O.S.L. 2003 (10 O.S. Supp.
9 2008, Section 7003-2.1), is amended to read as follows:

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

13 1. By a peace officer or employee of the court, without a court
14 order if ~~the child's surroundings are such as to endanger the~~
15 ~~welfare of the child or if continuation of the child in the child's~~
16 ~~home is contrary to the health, safety or welfare of the child~~ the
17 officer or employee has reasonable suspicion that:

18 a. the child is in need of immediate protection due to
19 abuse or neglect, or

20 b. the circumstances or surroundings of the child are
21 such that continuation in the child's home or in the
22 care or custody of the parent, legal guardian, or
23 custodian would present an imminent danger to the
24 child; or

1 2. By an order of the district court issued upon the
2 application of the office of the district attorney. ~~The court shall~~
3 ~~include in the order a specific determination that continuation of~~
4 ~~the child in the child's home is contrary to the health, safety or~~
5 ~~welfare of the child.~~ The application presented by the district
6 attorney may be supported by a sworn affidavit which may be based
7 upon information and belief. The application shall state facts
8 sufficient to demonstrate to the court that a continuation of the
9 child in the home or with the caretaker of the child is contrary to
10 the child's welfare and there is reasonable suspicion ~~to believe~~
11 that:

- 12 a. the child is in need of immediate protection due to
13 abandonment, abuse, or neglect, or ~~is in~~
- 14 b. the circumstances or surroundings that of the child
15 are such as ~~to endanger the welfare of that~~
16 continuation in the child's home or in the care or
17 custody of the parent, legal guardian, or custodian
18 would present an imminent danger to the child.

19 The application and order may be verbal and upon being advised by
20 the district attorney of the verbal order, law enforcement shall act
21 on such order. If verbal, the district attorney shall submit a
22 written application ~~shall be submitted~~ and proposed order to the
23 district court within one (1) judicial day from the issuance of the
24

1 verbal order. Upon approval, the application and order shall be
2 filed with the court clerk.

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

9 ~~(1) the~~

10 1. The child is located in an educational a hospital, school,
11 or day 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) 2. It is believed that~~ assumption of the child's custody
16 from the facility can occur without ~~a breach of the peace, otherwise~~
17 risk to the child or the employee of the Department.

18 Otherwise, the child order shall be executed and the child taken
19 into custody by a peace officer or employee of the court.

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

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

~~3. C.~~ By order of the district court when the child is in need of medical or ~~mental~~ behavioral health treatment in order to protect the ~~child's~~ health, safety, or welfare of the child and the child's parent, legal guardian, or custodian ~~or other person having custody or control of the child~~ is unwilling or unavailable to consent to such medical or ~~mental~~ behavioral health treatment or other action ~~pursuant to this article. The,~~ the court shall specifically include in the emergency order authorization for such medical or ~~mental~~ behavioral health evaluation or treatment as it deems necessary. ~~The court shall include in the order a specific determination that continuation of the child in the child's home is contrary to the health, safety or welfare of the child; and~~

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

~~B.~~ D. The court shall not enter an emergency custody order removing a child from the child's home unless the court makes a determination:

1. That continuation in the child's home is contrary to the welfare of the child or that immediate placement is in the best interests of the child; and

2. Whether reasonable efforts have been made to prevent the removal of the child from the child's home; or

1 3. An absence of efforts to prevent the removal of the child
2 from the child's home is reasonable because the removal is due to an
3 emergency and is for the purpose of providing for the welfare of the
4 child.

5 E. Whenever a child is taken into custody pursuant to
6 ~~subsection A of this section:~~

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

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

1 ~~needs of the child, provided that the placement of an infant who~~
2 ~~appears to be or has been determined to have a medical condition or~~
3 ~~illness that falls within the placement protocol for at risk infants~~
4 ~~established pursuant to subsection D of this section shall be taken~~
5 ~~to a location as provided in the placement protocol;~~

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

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

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

24

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

3 ~~C.~~ F. 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 assumption of such custody. Such order or rule shall be consistent
7 with the provisions of subsection ~~B~~ E 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 the facility is willing to provide care, ~~provided~~
11 ~~that the placement of an infant who appears to be or has been~~
12 ~~determined to have a medical condition or illness that falls within~~
13 ~~the placement protocol for at risk infants established pursuant to~~
14 ~~subsection D of this section shall be taken to a location as~~
15 ~~provided in the placement protocol; and~~

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

24

1 ~~D. 1. The Department of Human Services shall establish by rule~~
2 ~~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. G.~~ 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 H. Any peace officer, employee of the court, court-appointed
7 special advocate, employee of the Department, and any other person
8 acting under the direction of the court, who in good faith
9 transports any child, shall be immune from civil or criminal
10 liability that may result by reason of such act. For purposes of
11 any proceedings, civil or criminal, the good faith of any such
12 person shall be presumed.

13 I. A parent or person responsible for the child who is arrested
14 on a charge or warrant other than child abuse or neglect or an act
15 of child endangerment may designate another person to take physical
16 custody of the child. Upon this request, the peace officer may
17 release the child to the physical custody of the designated person.

18 SECTION 19. AMENDATORY 10 O.S. 2001, Section 7003-2.4,
19 as last amended by Section 2, Chapter 293, O.S.L. 2008 (10 O.S.
20 Supp. 2008, Section 7003-2.4), is amended to read as follows:

21 Section 7003-2.4 A. ~~1.~~ The peace officer ~~or an~~, employee of
22 the court, or the employee of the Department of Human Services
23 responsible for assuming physical custody of a child shall provide
24 the parent, legal guardian, or physical custodian of a the child

1 with immediate written notice of the protective or emergency custody
2 of the child whenever if personally present, or if not present as
3 soon as possible.

4 ~~2. B.~~ The written notice shall:

5 a. inform the parents, legal guardian, or custodian ~~that~~
6 ~~the child has been removed from the home,~~

7 b. ~~inform the parent, legal guardian, or custodian of the~~
8 ~~child that~~ of the following:

9 1. That an emergency custody hearing to determine custody of
10 the child will occur within two (2) judicial days from the date the
11 child was removed from the home taken into custody, and

12 ~~e. contain information about the:~~

13 ~~(1) 2. The date, time, and place for the emergency custody~~
14 ~~hearing process including, but not limited to, the date, time and~~
15 ~~place that the child was taken into protective or emergency~~
16 ~~custody;~~

17 ~~(2) 3. The nature of the allegation that led to placement of~~
18 ~~the child into protective or emergency custody;~~

19 ~~(3) 4. The address and telephone number of the local and county~~
20 ~~applicable law enforcement agencies,~~

21 ~~(4) phone number of the local child welfare office of~~
22 ~~the Department of Human Services, agency and the~~
23 ~~Department; and~~

24

1 ~~(5) 5. The right of the parent, legal guardian or custodian to~~
2 ~~contact an attorney.~~

3 ~~3. C.~~ The written notice shall also contain the following ~~or~~
4 ~~substantially similar~~ language: "FAILURE TO RESPOND TO THIS NOTICE
5 OR TO APPEAR AT THE EMERGENCY CUSTODY HEARING MEANS YOUR CHILD WILL
6 ~~STAY OR BE PLACED~~ REMAIN IN EMERGENCY CUSTODY. YOUR FAILURE TO
7 RESPOND OR COOPERATE MEANS YOU MAY LOSE CUSTODY OF THIS CHILD OR
8 YOUR RIGHTS AS A PARENT MAY BE TERMINATED."

9 ~~B. 1. Within the next two (2) judicial days following the~~
10 ~~child being taken into protective or emergency custody, the court~~
11 ~~shall conduct an emergency custody hearing to determine whether~~
12 ~~evidence or facts exist that are sufficient to demonstrate to the~~
13 ~~court there is reason to believe the child is in need of protection~~
14 ~~due to abuse or neglect, or is in surroundings that are such as to~~
15 ~~endanger the health, safety or welfare of the child.~~

16 ~~2. At the emergency custody hearing, the court shall advise the~~
17 ~~parent, legal guardian or custodian of the child in writing of the~~
18 ~~procedure which will be followed with regard to determining custody~~
19 ~~of the child, including, but not limited to:~~

- 20 ~~a. any right of the parent or legal guardian or custodian~~
- 21 ~~to testify and present evidence at court hearings,~~
- 22 ~~b. the right to be represented by an attorney at court~~
- 23 ~~hearings as authorized by law,~~

1 ~~c. the consequences of failure to attend any hearings~~
2 ~~which may be held, and~~

3 ~~d. the right to appeal and the procedure for appealing~~
4 ~~the finding of a court on custody issues as authorized~~
5 ~~by law.~~

6 3. ~~a. At the emergency custody hearing, the court shall:~~

7 ~~(1) release the child to the child's parent, legal~~
8 ~~guardian or custodian or other responsible adult~~

9 ~~without conditions or under such conditions as~~
10 ~~the court finds reasonably necessary to ensure~~
11 ~~the health, safety or welfare of the child, or~~

12 ~~(2) continue the child in or place the child into~~
13 ~~emergency custody if continuation of the child in~~
14 ~~the child's home is contrary to the health,~~
15 ~~safety or welfare of the child,~~

16 ~~(3) obtain information from the parent, legal~~
17 ~~guardian or custodian necessary to identify and~~
18 ~~locate kinship placement resources. If such~~
19 ~~information indicates that within one (1) year of~~
20 ~~the emergency custody hearing the child had~~
21 ~~resided with a grandparent for six (6) months,~~
22 ~~and that such grandparent was the primary~~
23 ~~caregiver and provided primary financial support~~
24 ~~for the child during such time, the court shall~~

1 ~~provide notice and an opportunity to be heard at~~
2 ~~future hearings to such grandparent, and~~
3 ~~(4) require the Department to provide to any~~
4 ~~custodian or other person caring for the child~~
5 ~~information on Department of Human Services~~
6 ~~programs and services available to the child and~~
7 ~~provide written notice of any further proceedings~~
8 ~~to any foster or preadoptive parents or relatives~~
9 ~~providing care for a child.~~

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

23 ~~C. If it is determined by agreement of the office of the~~
24 ~~district attorney and the Department of Human Services that a child~~

1 ~~may be safely returned home prior to an emergency custody hearing,~~
2 ~~the following form or a substantially similar form shall be~~
3 ~~completed by the office of the district attorney and the Department~~
4 ~~and filed of record.~~

5 ~~IN THE DISTRICT COURT OF _____ COUNTY~~

6 ~~STATE OF OKLAHOMA~~

7 ~~IN THE MATTER OF:~~

8 _____

9 ~~ALLEGED DEPRIVED CHILD (REN)~~

10 ~~MEMORANDUM~~

11 ~~CHILD WELFARE WORKER:~~

12 ~~ASSISTANT DISTRICT ATTORNEY:~~

13 ~~___ INVESTIGATION REVEALED ALLEGATIONS NOT CONFIRMED~~

14 ~~___ SERVICES WERE OFFERED AND ACCEPTED~~

15 ~~___ PARENT/CARETAKER HAS TAKEN APPROPRIATE STEPS TO~~

16 ~~___ PROTECT CHILD FROM HARM~~

17 ~~___ OTHER:~~

18 ~~NOTES:~~

19 ~~CHILD (REN) RELEASED TO:~~

20 _____

21 ~~ASSISTANT DISTRICT ATTORNEY~~

22 ~~I work for the Department of Human Services and am requesting that~~

23 ~~the District Attorney's Office release the above mentioned~~

1 ~~child(ren) from temporary emergency custody and that a Petition not~~
2 ~~be filed for court intervention.~~

3 _____
4 _____

4 ~~DHS CHILD WELFARE WORKER.~~

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

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

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

23 ~~The emergency custody order shall not be extended beyond sixty~~
24 ~~(60) days absent a showing that such further extension is necessary~~

1 ~~to ensure the health, safety or welfare of the child and is in the~~
2 ~~best interests of the child.~~

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

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

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

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

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

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

21 ~~c. as to whether or not an absence of efforts to prevent~~
22 ~~the removal of the child from the child's home is~~
23 ~~reasonable because the removal is due to an alleged~~

24

1 ~~emergency and is for the purpose of providing for the~~
2 ~~health, safety or welfare of the child, or~~

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

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

12 SECTION 20. AMENDATORY 10 O.S. 2001, Section 7003-2.5,
13 is amended to read as follows:

14 Section 7003-2.5 No peace officer, employee of the court,
15 employee of the Department of Human Services, or person acting
16 ~~pursuant to a court order authorizing~~ consenting or not consenting
17 to medical treatment or mental behavioral health evaluation or
18 treatment in accordance with the provisions of this title ~~for any~~
19 ~~child found in need of such medical treatment or mental health~~
20 ~~evaluation or treatment~~ shall have any liability, civil or criminal,
21 for such ~~authorization~~ action. No physician or health care provider
22 acting pursuant to consent or pursuant to court order authorizing
23 treatment shall have any liability, civil or criminal, for acting
24 pursuant to consent or authorization.

1 SECTION 21. AMENDATORY 10 O.S. 2001, Section 7003-3.1,
2 as amended by Section 17, Chapter 327, O.S.L. 2002 (10 O.S. Supp.
3 2008, Section 7003-3.1), is amended to read as follows:

4 Section 7003-3.1 A. 1. A petition in a ~~deprived child~~
5 proceeding alleging a child to be deprived may be filed by the
6 district attorney to determine if further action is necessary. The
7 proceeding shall be entitled "In the matter of _____, an
8 alleged deprived child".

9 2. The petition shall be verified and may be upon information
10 and belief. The petition shall set forth:

- 11 a. with particularity, facts which bring the child within
12 the purview of this article,
- 13 b. the name, ~~age~~ date of birth, and residence of the
14 child,
- 15 c. the names and residences of the child's parents,
- 16 d. the name and residence of the child's legal guardian,
17 if there is one,
- 18 e. the name and residence of the person or persons having
19 custody or control of the child,
- 20 f. the name and residence of the nearest known relative,
21 if no parent, legal guardian or custodian of the child
22 can be found, and

23

24

1 g. the relief requested ~~and an endorsement of witnesses~~
2 ~~intended to be called by the petitioner~~ including, but
3 not limited to, or where applicable:

4 (1) an adjudication that the child is deprived,

5 (2) a termination of parental rights,

6 (3) the entry of an order for child support, and

7 (4) a judicial determination of the child's
8 paternity.

9 3. ~~If a termination of parental rights is desired, it must be~~
10 ~~stated in the petition and summons, and if an order for the payment~~
11 ~~of funds for the care and maintenance of the child is desired, it~~
12 ~~must be stated in the petition and summons.~~

13 4. ~~If any of the facts herein required are not known by the~~
14 ~~petitioner, the petition shall so state, along with the reasons why~~
15 ~~such facts are not known to petitioner.~~

16 B. 1. ~~A petition for termination of parental rights may be~~
17 ~~filed by the district attorney or the child's attorney.~~

18 2. ~~A petition for termination of parental rights shall be filed~~
19 ~~by the district attorney for those petitions required to be filed~~
20 ~~pursuant to the provisions of Section 7003 4.7 of this title.~~

21 3. ~~If the child's attorney files a petition for the termination~~
22 ~~of the parental rights of the parents of the child, the district~~
23 ~~attorney shall join in the petition or motion for those petitions or~~

1 ~~motions required to be filed by the district attorney pursuant to~~
2 ~~the provisions of Section 7003 4.7 of this title.~~

3 ~~C.~~ A petition alleging a child to be a minor in need of
4 treatment shall be filed by a district attorney pursuant to the
5 Inpatient Mental Health and Substance Abuse Treatment of Minors Act
6 as provided for in Title 43A of the Oklahoma Statutes.

7 ~~D.~~ C. A copy of the petition ~~in a deprived child proceeding~~
8 alleging a child to be deprived shall be attached to and delivered
9 with the summons.

10 ~~E.~~ ~~1.~~ D. Any petition filed by the district attorney shall be
11 signed by the district attorney or authorized assistant.

12 ~~2.~~ ~~A petition for termination of parental rights filed by the~~
13 ~~child's attorney shall be signed by the child's attorney and the~~
14 ~~district attorney if joined as a party to the petition pursuant to~~
15 ~~the provisions of subsection B of this section.~~

16 SECTION 22. AMENDATORY 10 O.S. 2001, Section 7003-3.3,
17 is amended to read as follows:

18 Section 7003-3.3 A. No pleading subsequent to the petition ~~for~~
19 ~~a deprived child proceeding~~ alleging a child to be deprived is
20 required, and the filing of any motion or pleading shall not delay
21 the holding of the adjudicatory hearing.

22 B. ~~A petition may be amended by order of the court at any time~~
23 ~~before an order of adjudication has been made, provided that the~~
24 ~~court shall grant the parties such additional time~~ The court shall

1 liberally allow the petition to be amended at any time to add,
2 modify, or supplement factual allegations that form the basis for
3 the cause of action up until seven (7) days prior to the
4 adjudicatory hearing. The court may grant leave to amend the
5 petition upon a showing of good cause after that date and prior to
6 the adjudicatory hearing. The court may allow amendment of the
7 petition to conform with the evidence at any time prior to the
8 adjudicatory ruling of the court. In all cases in which the court
9 has granted leave to amend based on new evidence or new allegations,
10 the court shall permit the respondent a reasonable and adequate
11 opportunity to prepare as may be required to insure a full and fair
12 hearing. A petition shall be deemed to have been amended to conform
13 to the proof where the proof does not change the substance of the
14 act, omission or circumstance alleged. However, the The court shall
15 not amend the adjudicatory category prayed for in the petition.

16 C. In any case in which the allegations contained within the
17 original petition have been sustained and a child is found to be a
18 deprived child, if the state subsequently alleges new facts, or
19 different conditions are discovered to be sufficient, if sustained,
20 to support a finding that the child is a deprived child, then the
21 state may file a subsequent petition entitled "Postadjudication
22 Petition". This section shall not apply if the jurisdiction of the
23 juvenile court has been terminated prior to the new allegations.

24

1 D. All procedures and hearings required for an original
2 petition are applicable to a postadjudication petition filed under
3 this section. The postadjudication petition shall be filed in the
4 same case as the original petition.

5 SECTION 23. AMENDATORY 10 O.S. 2001, Section 7003-3.4,
6 is amended to read as follows:

7 Section 7003-3.4 A. 1. ~~After a petition for a deprived child~~
8 ~~proceeding has been filed, unless the parties provided for in this~~
9 ~~section voluntarily appear, a summons shall be issued~~ Upon the
10 filing of the petition, the court shall schedule a hearing and shall
11 issue a summons requiring the parents, legal guardian, custodian,
12 the child if the child is twelve (12) or more years of age, and any
13 other persons the court determines to be proper or necessary parties
14 to the proceedings to appear personally before the court at the
15 date, time, and place stated in the summons. The court may endorse
16 upon the summons an order directing the parent, guardian, custodian,
17 or other person having the physical custody or control of the child
18 to bring the child to the hearing.

19 2. The summons shall ~~recite briefly the nature of the~~
20 ~~proceeding with the phrase "as described more fully in the attached~~
21 ~~petition" and shall require the person or persons who have the~~
22 ~~eustody or control of the child to appear personally and bring the~~
23 ~~child before the court at a time and place stated~~ be attached to a
24 copy of the petition and shall advise the parties of the right to

1 counsel, including the right of the child's parent or legal guardian
2 to court-appointed counsel if indigent.

3 3. The summons shall state the relief requested, ~~and shall set~~
4 ~~forth the right of the child, parents and other interested parties~~
5 ~~to have an attorney present at the hearing on the petition~~ including
6 notice that child support may be ordered or modified and that the
7 child's paternity, if at issue, may be established.

8 4. The summons shall also contain, in type at least as large as
9 the balance of the document, the following or substantially similar
10 language: "FAILURE TO RESPOND TO THIS SUMMONS OR TO APPEAR AT THIS
11 HEARING CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD (OR
12 THESE CHILDREN) AS DEPRIVED CHILDREN AND MAY ULTIMATELY RESULT IN
13 LOSS OF CUSTODY OF THIS CHILD OR THE TERMINATION OF PARENTAL RIGHTS
14 TO THIS CHILD."

15 B. 1. ~~The summons shall be served on the person who has legal~~
16 ~~custody of the child. If the child has reached the age of twelve~~
17 ~~(12) years, a copy shall be served on the child~~ A party other than
18 the child may waive service of summons in writing or by voluntary
19 appearance at the hearing. A child's counsel may waive service of
20 summons on the child's behalf.

21 2. ~~If the person who has legal custody of the child is other~~
22 ~~than a parent, legal guardian or custodian of the child, a copy of~~
23 ~~the summons shall be served on the parent, legal guardian or~~
24 ~~custodian, or all, as hereinafter provided. A copy of the summons~~

1 ~~shall be served on a custodial parent, guardian or next friend. If~~
2 ~~no parent or guardian can be found, a summons shall be served on~~
3 ~~such other person or persons as the court shall designate.~~

4 C. ~~Summons may be issued requiring the appearance of any other~~
5 ~~person whose presence is necessary.~~

6 D. If it subsequently appears that a person who should have
7 been served was not served and has not entered an appearance, the
8 court shall immediately order the issuance of a summons which shall
9 be served on ~~such~~ the person.

10 E. ~~If after a petition has been filed, it appears that the~~
11 ~~child is in such condition or in such surroundings that the child's~~
12 ~~welfare requires that custody of the child be immediately assumed by~~
13 ~~the court, the judge may immediately issue an order authorizing the~~
14 ~~taking of the child into emergency custody.~~

15 SECTION 24. AMENDATORY 10 O.S. 2001, Section 7003-3.5,
16 is amended to read as follows:

17 Section 7003-3.5 A. 1. Service of summons shall be made by
18 personal delivery, by mail, or by publication as provided for
19 ~~service in civil actions, or service may be made by certified mail~~
20 ~~to such person's last known address, requesting a return receipt~~
21 ~~from the addressee only~~ pursuant to Section 2004 of Title 12 of the
22 Oklahoma Statutes or any successor statute.

23 2. ~~If the address of the person to be summoned is not known, or~~
24 ~~if the mailed summons is returned, the court may order that notice~~

1 ~~of the hearing be published once in a newspaper of general~~
2 ~~circulation in the county, and a copy of the summons shall be mailed~~
3 ~~by regular first class mail to the last known address of the parent,~~
4 ~~legal guardian or custodian~~ The court shall not hold the
5 adjudication hearing until at least forty-eight (48) hours after the
6 service of summons.

7 3. If the parent or legal guardian is not served within the
8 state, the court shall not hold the hearing until at least five (5)
9 days after the date of mailing the summons.

10 4. The state shall conduct a distinct and meaningful search of
11 all reasonably available sources to locate and notify the parents
12 and legal guardians of proceedings being held pursuant to the
13 Oklahoma Children's Code; provided, that a hearing shall not be
14 delayed if a parent or legal guardian cannot be located.

15 B. 1. ~~The court shall not hold the hearing until at least~~
16 ~~forty eight (48) hours after the service of the summons, except with~~
17 ~~the consent of the parent, legal guardian or custodian~~ Before
18 service by publication is authorized, the state shall file an
19 affidavit with the court stating that after a distinct and
20 meaningful search of all reasonably available sources, the child's
21 parent or legal guardian could not be identified or located, as
22 applicable, and describing the diligent efforts made to identify,
23 locate, and serve the party. The affidavit shall be sufficient
24

1 evidence of the diligence exercised by the state to identify or
2 locate a party who is the subject of the publication notice.

3 ~~2. If the parent is not served within the state, the court~~
4 ~~shall not hold the hearing until at least five (5) days after the~~
5 ~~date of mailing the summons, except with the consent of the parent,~~
6 ~~legal guardian or custodian~~ Upon complying with this subsection, the
7 state may obtain an order from the court authorizing service to be
8 made upon the party by publication. A copy of the petition and
9 summons shall also be mailed by regular first-class mail to the
10 party at his or her last known place of residence. Service by
11 publication is complete on the date of the last publication in
12 accordance with paragraph 3 of this subsection.

13 3. The publication notice may be directed to all persons known,
14 alleged, presumed, or claiming to be the father, mother, or legal
15 guardian of the child. If the name of a party is unknown, the
16 notice shall be directed to the unknown father, mother, or legal
17 guardian, as applicable, and such notice, when published pursuant to
18 this subsection, shall apply to and be binding upon those persons
19 whose names are unknown. The notice shall contain the name of the
20 court and the case number, the initials of the child who is the
21 subject of the proceedings, the date and location of the birth of
22 the child, the name of the child's mother, if known, the time and
23 date of the hearing, and the purpose of the hearing. The notice

1 shall also contain, in type at least as large as the balance of the
2 document, the following or substantially similar language:

3 "FAILURE TO APPEAR AT THIS HEARING CONSTITUTES CONSENT TO THE
4 ADJUDICATION OF THIS CHILD AS A DEPRIVED CHILD AND MAY ULTIMATELY
5 RESULT IN LOSS OF CUSTODY OF THIS CHILD OR THE TERMINATION OF
6 PARENTAL RIGHTS TO THIS CHILD."

7 An affidavit showing publication of the notice shall be filed
8 with the court clerk. The publication of notice shall be deemed
9 equivalent to personal service upon all persons, known or unknown,
10 who have been designated in the notice.

11 4. Service by publication shall be made by publishing a notice
12 once a week for three (3) consecutive weeks, with the first
13 publication of notice occurring at least twenty-five (25) days prior
14 to the date fixed for the hearing. Service shall be made in a
15 newspaper authorized by law to publish legal notices which is
16 published in the county where the petition is filed. If no
17 newspaper authorized by law to publish legal notices is published in
18 the county, the notice shall be published in some such newspaper of
19 general circulation which is published in an adjoining county.

20 ~~C. 1. If notice is published, the court shall not hold the~~
21 ~~hearing until at least ten (10) days after the date of publication.~~

22 ~~2. If one or more persons must be served by publication, the~~
23 ~~court may delay the date of the hearing, with reasonable notice to~~
24 ~~the other persons who have been served or are properly and legally~~

1 ~~notified, to any date that the court determines to be reasonable and~~
2 ~~may proceed with the action.~~

3 ~~3. An order determining that a child is deprived shall not~~
4 ~~become final until thirty (30) days after the date of the~~
5 ~~publication of the notice~~ Notice by publication may proceed
6 simultaneously with efforts to serve notice by personal delivery or
7 by mail upon a determination by the court that there is reason to
8 believe service by personal delivery or by mail will not be
9 successful.

10 D. Costs of publication shall be paid by the court fund and
11 assessed as costs against the child's parents and legal guardian as
12 applicable.

13 SECTION 25. AMENDATORY 10 O.S. 2001, Section 7003-3.6,
14 is amended to read as follows:

15 Section 7003-3.6 A. Failure of a person summoned as provided
16 in this part to respond or appear without reasonable cause
17 constitutes the person's consent to a ~~deprived child~~ an adjudication
18 of the child to be deprived.

19 B. If any person summoned as provided in this part fails to
20 respond or appear without reasonable cause, such person may be held
21 in contempt of court.

22 C. In case the summons cannot be served, or the parties served
23 fail to obey the same, or in any case when it shall be made to
24 appear to the judge that the service will be ineffectual or that the

1 health, safety, or welfare of the child requires that the child
2 should be brought into the custody of the court, a warrant may be
3 issued against the parent, legal guardian, ~~or~~ custodian of the
4 child, or ~~against~~ the child.

5 SECTION 26. AMENDATORY 10 O.S. 2001, Section 7003-3.7,
6 as last amended by Section 1, Chapter 268, O.S.L. 2007 (10 O.S.
7 Supp. 2008, Section 7003-3.7), is amended to read as follows:

8 Section 7003-3.7 A. 1.

9 a. If ~~the parents,~~ a parent or legal guardian ~~or~~
10 ~~custodian~~ of the child requests an attorney and is
11 found to be ~~without sufficient financial means~~
12 indigent, counsel ~~shall~~ may be appointed by the court
13 at the emergency custody hearing and shall be
14 appointed if a petition has been filed alleging that
15 the child is a deprived child ~~or if termination of~~
16 ~~parental rights is a possible remedy~~; provided, that
17 the court may appoint counsel without such request, if
18 it deems representation by counsel necessary to
19 protect the interest of the ~~parents~~ parent, legal
20 guardian, or custodian.

21 b. The court shall not be required to appoint an attorney
22 for any person other than ~~for the parents~~ a parent, or
23 legal guardian ~~or custodian~~ of the child pursuant to
24 the provisions of this paragraph.

1 c. The court shall ensure that court-appointed counsel
2 for a parent shall maintain a caseload consistent with
3 standards recommended by the American Bar Association.

4 2. a. ~~Whenever~~ The court may appoint an attorney or a
5 guardian ad litem for the child when an emergency
6 custody hearing is held; provided, that when a
7 petition is filed ~~pursuant to the provisions of this~~
8 ~~part~~ alleging the child to be deprived, the court
9 shall appoint a separate attorney for the child, who
10 shall not be a district attorney, regardless of any
11 attempted waiver by the parent, legal guardian or
12 custodian of the child of the right of the child to be
13 represented by counsel. ~~The parent, legal guardian or~~
14 ~~custodian shall not select the child's attorney.~~ The
15 child's attorney shall be independent of and not
16 selected by the district attorney, the child's parent,
17 legal guardian, or custodian. If financially capable,
18 the parent, legal guardian or custodian shall
19 reimburse the Court Fund for the services of a court-
20 appointed attorney for the child.

21 b. The court shall ensure that a court-appointed attorney
22 for the child shall maintain a caseload consistent
23 with standards recommended by the National Association
24 of Counsel for Children. The attorney appointed for

1 the child shall make arrangements to meet with the
2 child as soon as possible after receiving notification
3 of the appointment. Except for good cause shown, the
4 attorney shall meet with the child ~~not less than~~
5 ~~twenty-four (24) hours~~ prior to any hearing in such
6 proceeding. The attorney may speak with the child
7 over the telephone if a personal visit is not possible
8 due to exigent circumstances. If a meaningful
9 attorney-client relationship between the child and the
10 attorney is prohibited due to age or disability of the
11 child, the attorney shall contact the custodian or
12 caretaker of the child prior to the hearing.

13 c. ~~The attorney shall be given access to all reports,~~
14 ~~records and other information relevant to the case and~~
15 ~~to any reports of examination of the child's parents,~~
16 ~~legal guardian or custodian made pursuant to this~~
17 ~~section.~~ The attorney shall represent the child and
18 any expressed interests of the child. The attorney
19 shall make such further inquiry as the attorney deems
20 necessary to ascertain the facts, to interview
21 witnesses, examine and cross-examine witnesses, make
22 recommendations to the court and participate further
23 in the proceedings to the degree appropriate for
24 adequately representing the interests of the child.

1 3. The attorney shall be allowed a reasonable fee for such
2 services as determined by the court, ~~as authorized by law.~~

3 4. When an attorney is required to travel to more than one
4 district court location in order to represent a child or children
5 whom the attorney has been court-appointed to represent, the court
6 may in its discretion allow the attorney a reasonable reimbursement
7 for mileage.

8 5. The court shall ensure that the child is represented by
9 independent counsel throughout the pendency of the deprived action.

10 ~~B. 1. Whenever a petition is filed alleging that a child is a~~
11 ~~deprived child, the court may appoint a guardian ad litem for the~~
12 ~~child at any time subsequent to the filing of the petition or for~~
13 ~~any other action related to the child.~~

14 ~~2.—The~~ After a petition is filed, the court shall appoint a
15 guardian ad litem upon the request of the child, or the attorney of
16 the child, and may appoint a guardian ad litem sua sponte or upon
17 the request of the Department of Human Services, a licensed child-
18 placing agency, or ~~any other~~ another party to the action.

19 ~~3.~~ 2. A guardian ad litem shall not be a district attorney, an
20 employee of the office of the district attorney, the child's
21 attorney, an employee of the court, an employee of a juvenile
22 bureau, or an employee of any public agency having duties or
23 responsibilities towards the child.

1 ~~4.~~ 3. The guardian ad litem shall be appointed to objectively
2 advocate on behalf of the child and act as an officer of the court
3 to investigate all matters concerning the best interests of the
4 child. In addition to other duties required by the court and as
5 specified by the court, a guardian ad litem shall have the following
6 responsibilities:

7 a. review documents, reports, records and other
8 information relevant to the case, meet with and
9 observe the child in appropriate settings, and
10 interview parents, foster parents, health care
11 providers, child protective services workers and any
12 other person with knowledge relevant to the case,

13 b. advocate for the child's best interests by
14 participating in the case, attending any hearings in
15 the matter and advocating for appropriate services for
16 the child when necessary,

17 c. ~~maintain the confidentiality of information related to~~
18 ~~a case as required by Article 7 of the Oklahoma~~
19 ~~Children's Code,~~

20 ~~d.~~ monitor the child's best interests throughout any
21 judicial proceeding, and

22 ~~e.~~ d. present written reports on the child's best interests
23 that include conclusions and recommendations and the
24 facts upon which they are based.

1 ~~5.~~ 4. The guardian ad litem shall be given access to the court
2 files and agency files and access to all documents, reports, records
3 and other information relevant to the case and to any records and
4 reports of examination of the child's parent or other custodian,
5 made pursuant to the laws relating to child abuse and neglect
6 including reports generated by service providers.

7 ~~6.~~ 5. On or before December 31, 2007, the Administrative
8 Director of the Courts shall develop a standard operating manual for
9 guardians ad litem which shall include, but not be limited to, legal
10 obligations and responsibilities, information concerning child
11 abuse, child development, domestic abuse, sexual abuse, and parent
12 and child behavioral health and management including best practices.
13 After publication of the manual, all guardians ad litem shall
14 certify to the court in which he or she is appointed as a guardian
15 ad litem that the manual has been read and all provisions contained
16 therein are understood. The guardian ad litem shall also certify
17 that he or she agrees to follow the best practices described within
18 the standard operating manual. The Administrative Director of the
19 Courts shall provide public access to the standard operating manual
20 and shall periodically review and revise the manual as deemed
21 necessary.

22 C. 1. Whenever a court-appointed special advocate program is
23 available to the court to serve as a guardian ad litem, priority
24 ~~shall~~ may be given to appointment of the court-appointed special

1 advocate to serve as guardian ad litem for the child regardless of
2 whether a guardian ad litem has been requested pursuant to the
3 provisions of this subsection.

4 ~~2. A court appointed special advocate program shall be made~~
5 ~~available to each judicial district.~~

6 ~~3.~~ For purposes of the Oklahoma Children's Code, ~~the terms~~ a
7 "court-appointed special advocate" and a "guardian ad litem" shall
8 have the same function except as otherwise provided by law. In like
9 manner, a court-appointed special advocate, except as specifically
10 otherwise provided by law or by the court, shall have the same
11 power, duties, and responsibilities as assigned to a guardian ad
12 litem by law and shall have such other qualifications, duties, and
13 responsibilities as may be prescribed by rule by the Supreme Court.

14 ~~4.~~ 3. A court-appointed special advocate shall serve without
15 compensation.

16 ~~5. No court appointed special advocate shall be assigned a case~~
17 ~~before:~~

18 a. ~~completing a training program in compliance with~~
19 ~~nationally documented Court Appointed Special Advocate~~
20 ~~standards. Documentation of training shall be~~
21 ~~submitted annually by local court appointed special~~
22 ~~advocate programs to the Oklahoma Court Appointed~~
23 ~~Special Advocate Association, and~~

24

1 ~~b. being approved by the local court appointed special~~
2 ~~advocate program, which will include appropriate~~
3 ~~criminal background checks as provided in paragraph 6~~
4 ~~of this subsection.~~

5 ~~6. a. Each local court appointed special advocate program~~
6 ~~shall require a criminal history records search~~
7 ~~conducted by the Oklahoma State Bureau of~~
8 ~~Investigation, and any other background check~~
9 ~~requirements as set forth in Oklahoma Court Appointed~~
10 ~~Special Advocate Association state standards for local~~
11 ~~programs, for any person making application to become~~
12 ~~a court appointed special advocate volunteer or to be~~
13 ~~employed by the local court appointed special advocate~~
14 ~~program.~~

15 ~~b. If the prospective court appointed special advocate~~
16 ~~volunteer or employee of the local court appointed~~
17 ~~special advocate program has lived in Oklahoma for~~
18 ~~less than one (1) year, a criminal history records~~
19 ~~search shall also be obtained from the criminal~~
20 ~~history state repository of the previous state of~~
21 ~~residence.~~

22 ~~c. The Oklahoma Court Appointed Special Advocate~~
23 ~~Association shall pay the fee for the criminal history~~
24 ~~records search provided in this paragraph.~~

1 D. 1. Any person participating in a judicial proceeding as a
2 court-appointed special advocate shall be presumed prima facie to be
3 acting in good faith and in so doing shall be immune from any civil
4 liability that otherwise might be incurred or imposed.

5 2. Any person serving in a management position of a court-
6 appointed special advocate organization, including a member of the
7 Board of Directors acting in good faith, shall be immune from any
8 civil liability or any vicarious liability for the negligence of any
9 court-appointed special advocate organization advocates, managers,
10 or directors.

11 ~~E. The provisions of this section shall not apply to adoption~~
12 ~~proceedings and actions to terminate parental rights which do not~~
13 ~~involve a petition for deprived status of the child. Such~~
14 ~~proceedings and actions shall be governed by the Oklahoma Adoption~~
15 ~~Code.~~

16 SECTION 27. AMENDATORY 10 O.S. 2001, Section 7003-3.8,
17 as amended by Section 1, Chapter 473, O.S.L. 2002 (10 O.S. Supp.
18 2008, Section 7003-3.8), is amended to read as follows:

19 Section 7003-3.8 A parent entitled to service of summons, the
20 state, or a child shall have the right to demand a trial by jury
21 ~~only in the following circumstances:~~

22 ~~1. When the initial petition to determine if a child is~~
23 ~~deprived also contains a request for termination of parental rights;~~
24 ~~or~~

1 ~~2. When, following a hearing in which the child is adjudicated~~
2 ~~deprived, a request for termination of parental rights is filed by~~
3 ~~the state or the child.~~

4 ~~The demand for a jury trial shall be granted unless waived, or~~
5 ~~the court on its own motion may call a jury to try any such case.~~
6 ~~Such jury shall consist of six (6) persons~~ the court when a petition
7 alleging a child to be deprived has been filed.

8 SECTION 28. AMENDATORY 10 O.S. 2001, Section 7003-4.1,
9 as amended by Section 4, Chapter 205, O.S.L. 2006 (10 O.S. Supp.
10 2008, Section 7003-4.1), is amended to read as follows:

11 Section 7003-4.1 A. ~~All cases of deprived children~~ initiated
12 by the filing of a petition alleging that a child is deprived shall
13 be heard separately from the trial of other cases against adults.
14 The adjudicative hearings and hearings for termination of parental
15 rights shall be conducted according to the rules of evidence.

16 1. a. Except as otherwise provided by this paragraph, all
17 deprived proceedings shall be private unless
18 specifically ordered by the judge to be conducted in
19 public, but persons having a direct interest in the
20 case shall be admitted, except as otherwise determined
21 by the court.

22 b. To the extent that deprived proceedings involve
23 discussion of confidential information from any child
24 abuse or neglect report and record, or any information

1 obtained from the Department of Human Services
2 concerning a child or family who is receiving Title
3 IV-B child welfare services, Title IV-E foster care or
4 adoption assistance, the confidentiality requirements
5 of those programs apply. Accordingly, such
6 information shall not be discussed in open court. To
7 the extent that confidential information is relevant
8 to the proceedings, it must be discussed in the
9 court's chambers or some other restricted setting, and
10 the pertinent sections of the transcript shall be kept
11 confidential.

12 2. Stenographic notes or other transcript of the hearings shall
13 be kept as in other cases, but they shall not be open to inspection
14 except by order of the court or as otherwise provided by law.

15 3. Uniform orders shall be used by the court in all deprived
16 proceedings. The forms shall be prescribed and published by the
17 Administrative Office of the Courts. The Supreme Court Juvenile
18 Justice Oversight and Advisory Committee, the District Attorneys
19 Council, and the Department ~~of Human Services~~ shall assist in the
20 development of the orders. In addition to the findings and
21 determinations required to be made by the court pursuant to the
22 Oklahoma Children's Code, the forms shall include a section which
23 will require the court to memorialize the recommendations of the
24

1 parties and participants made at the hearing as it relates to
2 custody or placement of the child or children.

3 4. If authorized by the court, any proceeding held pursuant to
4 the Oklahoma Children's Code may be conducted via teleconference
5 communication; provided, that when a parent or child appears for a
6 proceeding via teleconference, the attorney representing that parent
7 or child shall personally appear at the hearing. For purposes of
8 this paragraph, "teleconference communication" means participation
9 in the hearing by interactive telecommunication by the absent party,
10 those parties present in court, the attorneys and others deemed to
11 be necessary participants to the proceeding including, but not
12 limited to, foster parents and facility staff where a child may be
13 receiving care or treatment.

14 B. A child ~~who is determined to be competent to testify~~ shall
15 not refuse to be a witness in a hearing to determine whether or not
16 the child is deprived, ~~unless the privilege against self-~~
17 ~~incrimination is invoked.~~ The testimony of the child may be given
18 as provided by this part or as otherwise authorized by law for the
19 protection of child witnesses.

20 C. A decision determining a child to be deprived must be based
21 on sworn testimony and the child must have the opportunity for
22 cross-examination unless the facts are stipulated.

23 SECTION 29. AMENDATORY 10 O.S. 2001, Section 7003-4.2,
24 is amended to read as follows:

1 Section 7003-4.2 A. This section shall apply only to a
2 proceeding ~~affecting the parent child, guardian child or family~~
3 ~~relationship~~ brought within the purview of the Oklahoma Children's
4 Code in which a child twelve (12) years of age or younger is alleged
5 to ~~have been abused~~ be deprived, and shall apply only to the
6 statement of that child or ~~either~~ another child witness.

7 B. The recording of an oral statement of the child made before
8 the proceedings begin is admissible into evidence if:

9 1. The court determines in a hearing conducted outside the
10 presence of the jury that the time, content and totality of
11 circumstances surrounding the taking of the statement provide
12 sufficient indicia of reliability so as to render it inherently
13 trustworthy. In determining trustworthiness, the court may
14 consider, among other things, the following factors: the spontaneity
15 and consistent repetition of the statement, the mental state of the
16 declarant, whether the terminology used is unexpected of a child of
17 similar age or of an incapacitated person, and whether a lack of
18 motive to fabricate exists; and the child either:

19 a. testifies or is available to testify at the
20 proceedings in open court or through an alternative
21 method pursuant to the provisions of the Uniform Child
22 Witness Testimony by Alternative Methods Act or
23 Section 2611.2 of Title 12 of the Oklahoma Statutes,
24 or

1 b. is unavailable as a witness as defined in Section 2804
2 of Title 12 of the Oklahoma Statutes. When the child
3 is unavailable, such statement may be admitted only if
4 there is corroborative evidence of the act;

5 2. No attorney for any party is present when the statement is
6 made. However, if appropriate facilities are utilized that allow
7 observation of the child without the child's knowledge or awareness
8 in any way, any such attorney may be present as an observer, but not
9 as a participant, and no such attorney shall have any right to
10 intervene, object, or otherwise make his or her presence known to
11 the child before, after, or during the making of the child's
12 statement;

13 3. The recording is both visual and aural and is recorded on
14 film or videotape or by other electronic means;

15 4. The recording equipment is capable of making an accurate
16 recording, the operator of the equipment is competent, and the
17 recording is accurate and has not been altered;

18 5. The statement is not made in response to questioning
19 calculated to lead the child to make a particular statement or is
20 otherwise clearly shown to be the child's statement and not made
21 solely as a result of a leading or suggestive question;

22 6. Every voice on the recording is identified;

23
24

1 7. The person conducting the interview of the child in the
2 recording is present at the proceeding and is available to testify
3 or be cross-examined by any party;

4 8. Each party to the proceeding is afforded an opportunity to
5 view the recording before the recording is offered into evidence;
6 and

7 9. A copy of a written transcript of the recording transcribed
8 by a licensed or certified court reporter is ~~provided~~ available to
9 the parties.

10 A statement may not be admitted under this subsection unless the
11 proponent of the statement makes known to the parties an intention
12 to offer the statement and the particulars of the statement at least
13 ten (10) days in advance of the proceedings to provide the parties
14 with an opportunity to prepare to answer the statement.

15 SECTION 30. AMENDATORY 10 O.S. 2001, Section 7003-4.3,
16 is amended to read as follows:

17 Section 7003-4.3 A. This section shall apply only to a
18 proceeding ~~affecting the parent child, guardian child or family~~
19 ~~relationship~~ brought under the Oklahoma Children's Code in which a
20 child ~~twelve (12) years of age or younger~~ at the time of the
21 testimony is alleged to ~~have been abused~~ be deprived, and shall
22 apply only to the testimony of that child or other child witness.

23 B. ~~The~~ 1. When appropriate facilities are reasonably
24 available, the court ~~may~~ shall, on the motion of a party to the

1 proceeding, order that the testimony of the child be taken in a room
2 other than the courtroom and be televised by closed-circuit
3 equipment in the courtroom ~~to be viewed~~ for review by:

- 4 a. the court,
- 5 b. the finder of fact, and
- 6 c. the parties to the proceeding.

7 2. Only an attorney for each party, an attorney ad litem for
8 the child or other person whose presence would contribute to the
9 welfare and well-being of the child, and persons necessary to
10 operate the equipment may be present in the room with the child
11 during the testimony of the child.

12 3. Only the attorneys for the parties may question the child.
13 The persons operating the equipment shall be confined to an adjacent
14 room or behind a screen or mirror that permits them to see and hear
15 the child during the testimony of the child, but does not permit the
16 child to see or hear them.

17 C. 1. The court ~~may~~ shall, on the motion of a party to the
18 proceeding, order that the testimony of the child be taken outside
19 the courtroom and be recorded for showing in the courtroom before:

- 20 a. the court,
- 21 b. the finder of fact, and
- 22 c. the parties to the proceeding.

23
24

1 2. Only those persons permitted to be present at the taking of
2 testimony under subsection B of this section may be present during
3 the taking of the child's testimony.

4 3. Only the attorneys for the parties may question the child,
5 and the persons operating the equipment shall be confined from the
6 child's sight and hearing. The court shall ensure that:

7 ~~1. The~~

8 a. the recording is both visual and aural and is recorded
9 on film or videotape or by other electronic means~~;~~

10 ~~2. The,~~

11 b. the recording equipment is capable of making an
12 accurate recording, the operator of the equipment is
13 competent, and the recording is accurate and has not
14 been altered~~;~~

15 ~~3. Every,~~

16 c. every voice on the recording is identified~~;~~ and

17 ~~4. Each~~

18 d. each party to the proceeding is afforded an
19 opportunity to view the recording before it is shown
20 in the courtroom, and a copy of a written transcript
21 transcribed by a licensed or certified court reporter
22 is provided to the parties.

23

24

1 D. If the testimony of a child is taken as provided by
2 ~~subsections~~ subsection B or C of this section, the child shall not
3 be compelled to testify in court during the proceeding.

4 E. If the testimony of a child is taken as provided in
5 subsection B or C of this section, the attorney for any parent
6 shall, on request, be permitted a recess of sufficient length to
7 allow the attorney to consult with his or her client prior to
8 conclusion of the testimony.

9 SECTION 31. AMENDATORY 10 O.S. 2001, Section 7003-4.4,
10 is amended to read as follows:

11 Section 7003-4.4 If the court finds that the factual
12 allegations of the petition are not supported by a preponderance of
13 the evidence, the court shall order the petition dismissed and shall
14 order the child discharged from any custody. The child's parents,
15 guardian or other legal custodian shall also be discharged from any
16 restriction or other previous temporary order.

17 SECTION 32. AMENDATORY 10 O.S. 2001, Section 7003-4.5,
18 is amended to read as follows:

19 Section 7003-4.5 A. If the court finds that ~~the~~ the:

20 1. The factual allegations of in a petition filed by the state
21 alleging that a child to be is deprived are supported by a
22 preponderance of the evidence;

23 2. Such allegations are sufficient to support a finding that
24 the child is deprived; and finds that it

1 3. It is in the best interests of the child ~~and the public~~ that
2 the child be declared to be a deprived child and made a ward of the
3 court,
4 then the court shall sustain the petition, and shall make an order
5 of adjudication finding the child to be deprived and shall adjudge
6 the child as a ward of the court.

7 B. The order of adjudication shall include a statement that
8 advises the parent that failure to appear at any subsequent hearing
9 or comply with any requirements of the court may ~~ultimately~~ result
10 ~~in the loss of custody of the child or~~ the termination of parental
11 rights to the child.

12 C. When a child has been adjudicated deprived, the court shall
13 enter a dispositional order pursuant to the provisions of Section
14 ~~7003.5-5~~ xxx of this title.

15 D. When a child has been adjudicated deprived, the parent or
16 other legal custodian shall register with the court clerk within two
17 (2) days of the adjudication and provide a valid, current address or
18 other place where the parent or other legal custodian may be served
19 with a summons. In the event that the address or place where the
20 parent or legal custodian may be served a summons changes during the
21 course of the litigation, the parent or other legal custodian shall
22 have the obligation of filing a change of address form with the
23 clerk. In the event that an amended petition or motion is filed,
24 the address listed on the form of the court clerk shall constitute

1 the last known address of the parent or other legal custodian unless
2 the state has actual knowledge of the parent or other legal
3 custodian's location.

4 SECTION 33. AMENDATORY 10 O.S. 2001, Section 7003-4.6,
5 is amended to read as follows:

6 Section 7003-4.6 A. ~~The court, on its own motion or upon~~
7 ~~motion of a party, may determine that reasonable efforts to provide~~
8 ~~for the return of a child to the child's home or to preserve the~~
9 ~~family of the child shall not be required prior to or following the~~
10 ~~adjudicatory hearing if the court determines based upon competent~~ At
11 any time prior to or following the adjudicatory hearing the court,
12 on its own motion or upon the motion of a party, may find that
13 reasonable efforts to prevent the removal of a child from home or to
14 reunify the child and family are not required if the court
15 determines, based upon a preponderance of the evidence, that:

16 1. ~~The parent, or legal guardian or custodian has inflicted~~
17 ~~chronic abuse, chronic neglect or torture on the child, a sibling of~~
18 ~~the child or another child within the household where the child~~
19 ~~resides~~ of the child, who is an infant age twelve (12) months or
20 younger, has abandoned the child;

21 2. ~~The child or a sibling of the child~~ child's parent or legal
22 guardian has:

23 a. ~~has been previously adjudicated deprived pursuant to~~
24 ~~the Oklahoma Children's Code or laws from other states~~

1 ~~or territories as a result of sexual abuse or severe~~
2 ~~physical abuse~~ committed murder or manslaughter of any
3 child,

4 b. ~~following adjudication, has been removed from the~~
5 ~~custody of the parent, legal guardian or custodian~~
6 aided or abetted, attempted, conspired, or solicited
7 to commit the murder or manslaughter of any child,

8 c. ~~has been returned to the custody of the parent, legal~~
9 ~~guardian or custodian from whom the child had~~
10 ~~originally been taken~~ committed a felony assault upon
11 any child that resulted in the child receiving serious
12 bodily injury, and or

13 d. ~~has been removed from the custody of the parents,~~
14 ~~legal guardian or custodian of the child, pursuant to~~
15 ~~the provisions of the Oklahoma Children's Code, due to~~
16 ~~sexual abuse or severe physical abuse~~ subjected any
17 child to aggravated circumstances including, but not
18 limited to, heinous and shocking abuse or heinous and
19 shocking neglect; or

20 3. ~~The child is an abandoned infant,~~

21 4. ~~The parent, legal guardian or custodian of the child has~~
22 ~~been convicted of the murder of any child or aided or abetted,~~
23 ~~attempted, conspired or solicited the commission of murder of any~~
24 ~~child,~~

1 ~~5. The parent, legal guardian or custodian of the child has~~
2 ~~been convicted of voluntary manslaughter of another child of the~~
3 ~~parent, legal guardian or custodian or aided or abetted, attempted,~~
4 ~~conspired in or solicited the commission of voluntary manslaughter~~
5 ~~of another child of the parent, legal guardian or custodian or~~
6 ~~another child within the household where the child resided;~~

7 ~~6. The child has been adjudicated a deprived child, pursuant to~~
8 ~~the provisions of the Oklahoma Children's Code, as a result of a~~
9 ~~single incident of sexual abuse, severe neglect or a felonious~~
10 ~~assault resulting in serious bodily injury to the child, a sibling~~
11 ~~of the child, or a child within the household where the child~~
12 ~~resides, by the parent, legal guardian or custodian of the child;~~

13 ~~7. The child was conceived as a result of rape or an act~~
14 ~~committed outside of this state which if committed in this state~~
15 ~~would constitute rape. This paragraph shall only apply to the~~
16 ~~parent who committed the rape or act and whose child has been placed~~
17 ~~out of the home;~~

18 ~~8. The parents have deserted a child without good cause or~~
19 ~~excuse and such desertion continues for a period of at least six (6)~~
20 ~~months immediately prior to the filing of the petition adjudicating~~
21 ~~the child deprived or petition to terminate parental rights;~~

22 ~~9. The parent of the child willfully abandoned the child~~
23 ~~without regard to length of abandonment, and the court finds that~~
24

1 ~~the abandonment itself constituted a serious danger to the health~~
2 ~~and safety of the child;~~

3 ~~10. A child has resided out of the child's home under court~~
4 ~~order for a cumulative period of more than one (1) year within a~~
5 ~~three year period following a deprived child adjudication;~~

6 ~~11. a. The court ordered a permanent plan of adoption,~~
7 ~~guardianship, or other permanent out of home placement~~
8 ~~for any siblings of the child because the parent~~
9 ~~failed to correct the conditions which led to initial~~
10 ~~court intervention with the sibling after the sibling~~
11 ~~had been removed from that parent, or~~

12 ~~b. The parental rights of a parent over any sibling of~~
13 ~~the child had been permanently severed and, according~~
14 ~~to the findings of the court, the parent had not~~
15 ~~subsequently made a reasonable effort to correct the~~
16 ~~problems that led to removal of the sibling of that~~
17 ~~child from that parent;~~

18 ~~12. The parent, legal guardian or custodian who is or has been~~
19 ~~subject to the registration requirements of the Oklahoma Sex~~
20 ~~Offenders Registration Act or any similar act in any other state or~~
21 ~~who has been convicted of a sexual felony offense pursuant to~~
22 ~~Section 1024.2, 1031, 1040.52, 1040.53, 1081, 1085, 1086, 1117,~~
23 ~~1118, 1119, 1192 or 1192.1 of Title 21 of the Oklahoma Statutes; or~~

1 ~~13. The parent, legal guardian or custodian of the child has a~~
2 ~~history of extensive, abusive and chronic use of drugs or alcohol~~
3 ~~and has resisted treatment for this problem during a three-year~~
4 ~~period immediately prior to the filing of the deprived petition~~
5 ~~which brought that child to the court's attention~~ The parental
6 rights of a parent to the child's sibling have been terminated
7 involuntarily.

8 B. ~~Upon~~ The court shall conduct a permanency hearing within
9 thirty (30) days of a determination by the court that any of the
10 conditions specified in subsection A of this section exist,~~the~~
11 ~~court shall conduct a permanency hearing within thirty (30) days of~~
12 ~~the determination by the court pursuant to the provisions of Section~~
13 ~~7003-5.6d of this title.~~ Reasonable efforts shall be made to place
14 the child in a timely manner in accordance with the permanency plan.

15 C. ~~Except when a petition for the termination of parental~~
16 ~~rights is required to be filed pursuant to the provisions of Section~~
17 ~~7003-4.7 of this title, the district attorney, the child's attorney,~~
18 ~~or both may file a petition for termination of parental rights.~~

19 SECTION 34. AMENDATORY 10 O.S. 2001, Section 7003-4.7,
20 as amended by Section 1, Chapter 237, O.S.L. 2002 (10 O.S. Supp.
21 2008, Section 7003-4.7), is amended to read as follows:

22 Section 7003-4.7 A. The district attorney shall file a
23 petition or motion for termination of the parent-child relationship
24 and parental rights with respect to a child or shall join in the

1 petition or motion, if filed by the child's attorney, in any of the
2 following circumstances:

3 1. Prior to the end of the fifteenth month when a child has
4 been placed in foster care by the Department of Human Services for
5 fifteen (15) of the most recent twenty-two (22) months. For
6 purposes of this paragraph, a child shall be considered to have
7 entered foster care on the earlier of:

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

11 ~~2. Prior to the end of the fifteenth month when a child has~~
12 ~~been placed in foster care by the Department of Juvenile Justice or~~
13 ~~in a child care institution, as defined in Section 472(c)(2) of the~~
14 ~~Social Security Act, by the Department of Juvenile Justice for~~
15 ~~fifteen (15) of the most recent twenty-two (22) months. For~~
16 ~~purposes of this paragraph, a child shall be considered to have~~
17 ~~entered foster care on the earlier of:~~

- 18 ~~a. the date of disposition as a delinquent, or~~
- 19 ~~b. the date that is sixty (60) days after the date on~~
20 ~~which the child is removed from the home;~~

21 ~~3.~~ No later than sixty (60) days after a child has been
22 judicially determined to be an abandoned infant;

23
24

1 ~~4.~~ 3. No later than sixty (60) days after a court has
2 determined that reasonable efforts to reunite are not required due
3 to a felony conviction of a parent who has:

4 a. committed the murder of any child or has aided or
5 abetted, attempted, conspired in, or solicited the
6 commission of the murder of any child,

7 b. committed voluntary manslaughter of another child of
8 the parent, or has aided or abetted, attempted,
9 conspired in, or solicited the commission of voluntary
10 manslaughter of ~~another~~ any child ~~of the parent~~, or

11 c. committed a felony assault that has resulted in
12 serious bodily injury to the child or to ~~another~~ any
13 child ~~of the parent~~.

14 B. If any of the following conditions exist, the district
15 attorney is not required to file a petition as provided in
16 subsection A of this section for a deprived child:

17 1. At the option of the Department ~~of Human Services~~ or by
18 order of the court, the child is properly being cared for by a
19 relative;

20 2. The Department ~~of Human Services~~ has documented ~~in the~~
21 ~~child's case plan that is provided or available to the court a~~
22 compelling reason for determining that filing ~~the~~ a petition to
23 terminate parental rights would not ~~be in~~ serve the best interests
24

1 of the child that may include consideration of any of the following
2 circumstances:

3 a. the parents or legal guardians have maintained a
4 relationship with the child and the child would
5 benefit from continuing this relationship,

6 b. the child, who is twelve (12) years or older, objects
7 to the termination of the parent-child legal
8 relationship,

9 c. the child's foster parents are unable to adopt the
10 child because of exceptional circumstances which do
11 not include an unwillingness to accept legal
12 responsibility for the child but are willing and
13 capable of providing the child with a stable and
14 permanent environment, and the removal of the child
15 from the physical custody of the foster parents would
16 be seriously detrimental to the emotional well-being
17 of the child because the child has substantial
18 psychological ties to the foster parents,

19 d. the child is not capable of achieving stability if
20 placed in a family setting, or

21 e. the child is an unaccompanied, refugee minor and the
22 situation regarding the child involves international
23 legal issues or compelling foreign policy issues; or

24

1 3. The state has not provided to the family of the child,
2 consistent with the time period in the state case plan, such
3 services ~~as~~ that the state deems necessary for the safe return of
4 the child to the child's home, if reasonable efforts are required to
5 be made with respect to the child.

6 ~~C. If any of the following conditions exist, the district
7 attorney is not required to file a petition as provided in
8 subsection A of this section for a delinquent child:~~

9 ~~1. At the option of the Department of Juvenile Justice or by
10 order of the court, the child is properly being cared for by a
11 relative; or~~

12 ~~2. The Department of Juvenile Justice has documented in the
13 child's case plan that is provided or available to the court a
14 compelling reason for determining that filing the petition would not
15 be in the best interests of the child.~~

16 SECTION 35. AMENDATORY 10 O.S. 2001, Section 7003-5.1,
17 as amended by Section 2, Chapter 351, O.S.L. 2007 (10 O.S. Supp.
18 2008, Section 7003-5.1), is amended to read as follows:

19 Section 7003-5.1 A. After making an order of adjudication for
20 a deprived child, the court shall hold a dispositional hearing, at
21 which all evidence helpful in determining the proper disposition
22 best serving the interest of the deprived child, including but not
23 limited to oral and written reports, may be admitted and may be

24

1 | relied upon to the extent of its probative value, even though not
2 | competent for the purposes of the adjudicatory hearing.

3 | B. Before making an order of disposition, the court shall
4 | advise the district attorney, the parents, guardian, custodian, or
5 | responsible relative, and their counsel, of the factual contents and
6 | the conclusion of reports prepared for the use of the court and
7 | considered by it, and afford fair opportunity, if requested, to
8 | controvert them. The court shall provide parents, guardians, and
9 | legal custodians full and timely access to all reports that are
10 | considered by the court in any custody or visitation proceeding.

11 | C. An order of disposition shall include a specific finding and
12 | order of the court relative to the liability and accountability of
13 | the parents for the care and maintenance of the child as authorized
14 | by [Part 7 xxx of this article], except where custody is placed with
15 | both parents.

16 | D. On its own motion or that of the district attorney, or of
17 | the parent, guardian, custodian, responsible relative or counsel,
18 | the court may adjourn the hearing for a reasonable period to receive
19 | reports or other evidence and, in such event, shall make an
20 | appropriate order for temporary custody of the child, or the child's
21 | release from temporary custody subject to supervision by the court,
22 | during the period of the continuance.

23 | SECTION 36. AMENDATORY 10 O.S. 2001, Section 7003-5.2,
24 | is amended to read as follows:

1 Section 7003-5.2 A. After a petition ~~under the provisions of~~
2 ~~this part~~ has been filed, the court may order the child to be
3 examined and evaluated by a physician or other appropriate
4 professional to aid the court in making the proper disposition
5 concerning the child. The court may order a ~~mental~~ behavioral
6 health evaluation of a child as provided by the Inpatient Mental
7 Health and Substance Abuse Treatment of Children Minors Act.

8 B. ~~Whenever a child concerning whom a petition has been filed~~
9 ~~appears to be in need of nursing, medical or surgical care, the~~
10 ~~court may order the parent or other person responsible for the care~~
11 ~~and support of the child to provide such care in a hospital or~~
12 ~~otherwise. If the parent or other person fails to provide such~~
13 ~~care, the court may, after due notice, enter an order therefor, and~~
14 ~~the expense thereof, when approved by the court, shall be a charge~~
15 ~~upon the county, but the court may adjudge that the person having~~
16 ~~the duty under the law to support the child pay part or all of the~~
17 ~~expenses of such care. In an emergency the court may, when health~~
18 ~~or condition of the child may require it, cause the child to be~~
19 ~~placed in a public hospital or institution for treatment or special~~
20 ~~care, or in a private hospital or institution which will receive the~~
21 ~~child for like purpose, and consent to emergency treatment or~~
22 ~~surgery.~~

23 C. After adjudication and at the request of a judge in any
24 juvenile proceeding, the Department of Human Services shall

1 investigate the home conditions and environment of the child and the
2 financial ability, occupation and earning capacity of the parent,
3 legal guardian or custodian of the child. Upon request by the court
4 of another state, the Department may conduct a similar
5 investigation.

6 SECTION 37. AMENDATORY 10 O.S. 2001, Section 7003-5.3,
7 as last amended by Section 2, Chapter 258, O.S.L. 2006 (10 O.S.
8 Supp. 2008, Section 7003-5.3), is amended to read as follows:

9 Section 7003-5.3 A. ~~An individual treatment and~~ The Department
10 of Human Services or licensed child-placing agency shall prepare and
11 maintain a written individualized service plan shall be filed with
12 ~~the court within thirty (30) days after a~~ for any child that has
13 been adjudicated to be a deprived child.

14 B. The plan shall be ~~filed~~ furnished to the court within thirty
15 (30) days after the adjudication of the child and shall be made
16 available to counsel for the parties and any applicable tribe by the
17 Department ~~of Human Services~~ or the licensed child-placing agency
18 ~~responsible~~ having custody of the child or responsibility for the
19 supervision of the case, ~~or by the Department or the agency or~~
20 ~~licensed child placing agency having custody of the child if the~~
21 ~~child has been removed from the custody of its lawful parent or~~
22 ~~parents.~~

23 C. 1. The ~~treatment and~~ individualized service plan shall be
24 based upon a comprehensive assessment and evaluation of the child

1 and family and shall be developed with the participation of the
2 parent, legal guardian, or legal custodian of the child, the
3 attorney for the child, the guardian ad litem for the child, if any,
4 the child's tribe, and the child, if appropriate. The child's
5 health and safety shall be the paramount concern in the development
6 of the plan. The plan shall be:

7 ~~1. Developed with the participation or input of the parent,~~
8 ~~legal guardian, or custodian of the child, the attorney of the child~~
9 ~~and the guardian ad litem of the child, if any, and, if appropriate,~~
10 ~~the child,~~

11 2. Individualized If any part of the plan is disputed or not
12 approved by the court, an evidentiary hearing may be held and at its
13 conclusion, the court shall determine the content of the
14 individualized service plan in accord with the evidence presented
15 and the best interests of the child.

16 3. When approved by the court, each individualized service plan
17 shall be incorporated and made a part of the dispositional order of
18 the court.

19 4. The plan shall be signed by:

20 a. the parent or parents or legal guardian of the child,

21 b. the attorney for the parent or parents or legal
22 guardian of the child,

23 c. the child's attorney,

24

- 1 d. the child's guardian ad litem, which may be a court-
2 appointed special advocate,
3 e. a representative of the child's tribe,
4 f. the child, if possible, and
5 g. the Department or other responsible agency.

6 D. 1. Every service plan prepared shall be individualized and
7 specific to each child and the family of the child. ~~The plan shall~~
8 ~~contain specific time frames;~~

9 ~~3. Written~~ 2. The individualized service plan shall be written
10 in simple and clear English. If English is not the principal
11 language of the child's parent, legal guardian, or custodian, and
12 such person is unable to read or comprehend the English language, to
13 the extent possible the plan shall be written in ~~such person's~~ the
14 principal language, of the person.

15 ~~4. Subject to modification~~ 3. The individualized service plan
16 may be modified based on changing circumstances consistent with the
17 correction of the conditions that led to the adjudication of the
18 ~~child, and~~ or other conditions inconsistent with the health, safety,
19 or welfare of the child.

20 ~~5. Reasonable, accurate, and in compliance~~ 4. The
21 individualized service plan shall be measurable, realistic and
22 consistent with the requirements of other court orders.

23 ~~D. E.~~ E. The individual treatment and individualized service plan
24 shall include, but not be limited to:

1 1. A history of the child and family, including identification
2 of the problems or conditions leading to the deprived child
3 adjudication. ~~The statement of the conditions leading to the~~
4 ~~adjudication shall include a statement of the methods to be used to~~
5 ~~correct those conditions or to achieve permanent placement of the~~
6 ~~child and the changes the parent or parents must make in order for~~
7 the child to safely remain in or return to the home;

8 2. Identification of the ~~specific services to be provided to~~
9 ~~the child including, but not limited to, educational, vocational~~
10 ~~educational, medical, drug or alcohol abuse treatment, or counseling~~
11 ~~or other treatment services, and identification of the time-limited~~
12 reunification services to be provided to the parent, legal guardian,
13 or legal custodian, stepparent, other adult person living in the
14 home, or other family members, ~~to remediate or alleviate the~~
15 ~~conditions that led to the adjudication, including services needed~~
16 ~~to assist the family to provide safe and proper care of the child or~~
17 ~~to prevent further harm to the child;~~

18 3. Identification of the specific services to be provided to
19 the child including, but not limited to, educational, vocational
20 educational, medical, drug or alcohol abuse treatment, or counseling
21 or other treatment services. The most recent available health and
22 educational records of the child shall be provided to the court upon
23 the court's request including:
24

- a. the names and addresses of the child's health and educational providers,
- b. the child's grade-level performance,
- c. the child's school record,
- d. a record of the child's immunizations,
- e. the child's known medical problems, including any known communicable diseases,
- f. the child's medications, and
- g. any other relevant health and education information;

4. A schedule of the frequency of services ~~or treatment~~ and the means by which delivery of the services ~~or treatment~~ will be assured or, as necessary, the proposed means by which support services or other assistance will be provided to enable the parent or the child to obtain the services ~~or treatment~~;

~~4.~~ 5. The name of the social worker assigned to the case;

~~5.~~ 6. A projected date for the completion of the individualized service plan;

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

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

1 9. If the child is placed outside the home, the individualized
2 service plan shall further provide:

3 a. the sequence and time frame for services to be
4 provided during and after any such to the parent,
5 child, and if the child is placed in foster care, the
6 foster parent, to facilitate the child's return home
7 or to another permanent placement,

8 b. ~~the reasons for such placement and a statement as to~~
9 ~~the unavailability or inappropriateness of local~~
10 ~~placement, or other good cause, for any~~ a description
11 of the child's placement which is not in as close
12 ~~proximity as possible to the home~~ and explanation
13 about whether the placement is the least restrictive,
14 most family-like setting available and in as close
15 proximity as possible to the home of the parent or
16 parents or legal guardian of the child when the case
17 plan is reunification, and how the placement is
18 consistent with the best interests and special needs
19 of the child,

20 c. ~~the~~ a description of any services to be provided to or
21 resources that were requested by the child to ensure
22 ~~safe and proper care while in such,~~ the child's parent
23 or legal guardian since the date of the child's
24 ~~placement and the projected date of discharge~~ whether

1 those services or resources were provided and if not,
2 the basis for the denial of the services or resources,

3 d. ~~the services necessary to assist the child to~~
4 ~~reintegrate with the child's family or other~~
5 ~~community-based placement and a description of acts by~~
6 ~~and conduct that is expected of the parent or parents,~~
7 ~~legal guardian, custodian, or stepparent or other~~
8 ~~adult person living in the home that would alleviate~~
9 ~~the conditions that resulted in the removal of the~~
10 ~~child before efforts to be made by the child's parent~~
11 ~~and the Department to enable the child ~~can be returned~~~~
12 ~~to a safe return to his or her home,~~

13 e. ~~if the child is sixteen (16) years of age or older,~~
14 ~~the services necessary to make the transition from~~
15 ~~foster care or other community placement to a~~
16 ~~description of the independent living plan for a child~~
17 ~~age sixteen (16) or older that includes how the~~
18 ~~following objectives will be met:~~

19 (1) education, vocational, or employment planning,

20 (2) health care planning and medical coverage,

21 (3) transportation including, where appropriate,
22 assisting the child in obtaining a driver
23 license,

24 (4) money management,

- (5) planning for housing,
- (6) social and recreational skills, and
- (7) establishing and maintaining connections with the
child's family and community,

f. ~~a description of the type of safe and proper~~ for a
child in placement in which the child is to be placed
due solely or in part to the child's behavioral health
or medical health issues, diagnostic and assessment
information, specific services relating to meeting the
applicable behavioral health and medical care needs of
the child, and desired treatment outcomes,

g. ~~a description of the initial support obligation to the~~
~~child, as~~ a plan and schedule for regular and frequent
visitation for the child and the child's parent or
parents or legal guardian and siblings, unless the
court has determined by the court,

h. ~~a description of any visitation rights and obligations~~
~~of the parent or parents, legal guardian, or custodian~~
~~during the period the child is in care, and~~

i. ~~a discussion of the safety and appropriateness of the~~
~~child's placement, which placement is intended to be~~
~~in the least restrictive and most family like setting~~
~~available, consistent with the best interests and~~
~~special needs of the child and in as close proximity~~

1 ~~as possible to the child's home~~ that visitation, even
2 if supervised, would be harmful to the child, and
3 h. a plan for ensuring the educational stability of the
4 child while in out-of-home placement including:
5 (1) assurances that the placement of the child
6 considers the appropriateness of the current
7 educational setting and the proximity to the
8 school in which the child was enrolled at the
9 time of placement, and
10 (2) where appropriate, an assurance that the
11 Department has coordinated with appropriate local
12 educational agencies to ensure that the child
13 remains in the school in which the child was
14 enrolled at the time of placement, or
15 (3) if remaining in the school in which the child was
16 enrolled at the time of placement is not in the
17 best interests of the child, assurances by the
18 Department and local educational agencies to
19 provide immediate and appropriate enrollment in a
20 new school, with all of the educational records
21 of the child provided to the school;

22 ~~6. Performance criteria that will measure the progress of the~~
23 ~~child and family toward completion of the treatment and service plan~~
24

1 ~~including, but not limited to, time frames for achieving objectives~~
2 ~~and addressing the identified problems;~~

3 ~~7. A projected date for the completion of the treatment and~~
4 ~~service plan;~~

5 ~~8. The name and business address of the attorney representing~~
6 ~~the child;~~

7 ~~9. 10. The permanency goal plan for the child and, the reason~~
8 ~~for selection of that goal; and~~

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

13 ~~(1) find an adoptive family or other permanent living~~
14 ~~arrangement for the child;~~

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

19 ~~(3) finalize the adoption or guardianship, kinship~~
20 ~~guardianship or other permanent placement.~~

21 ~~b. Such documentation shall include, at a minimum, child-~~
22 ~~specific recruitment efforts such as the use of state,~~
23 ~~regional and national adoption exchanges, including~~
24 ~~electronic exchange systems plan and a description of~~

1 the steps being taken by the Department to finalize
2 the plan. If the permanency plan is adoption or legal
3 guardianship, the Department shall describe, at a
4 minimum, child-specific recruitment efforts such as
5 relative searches conducted and the use of state,
6 regional, and national adoption exchanges to
7 facilitate the orderly and timely placement of the
8 child, whether in or outside of the state.

9 ~~E.~~ F. Each ~~treatment~~ individualized service plan shall
10 specifically provide for the safety of the child, in accordance with
11 state and federal law, and clearly define what actions or
12 precautions will, or may, be necessary to provide for the safety and
13 protection of the child.

14 ~~F.~~ G. The ~~individual treatment and~~ individualized service plan
15 shall include the following statement:

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

22 ~~G.~~ H. Whenever a child who is subject to the provisions of this
23 section is committed for inpatient ~~mental~~ behavioral health or
24 substance abuse treatment pursuant to the Inpatient Mental Health

1 and Substance Abuse Treatment of Minors Act, the ~~individual~~
2 ~~treatment and~~ individualized service plan shall be amended as
3 necessary and appropriate, including, but not limited to,
4 identification of the treatment and services to be provided to the
5 child and the child's family upon discharge of the child from
6 inpatient ~~mental~~ behavioral health or substance abuse treatment.

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

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

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

1 ~~deprived, complete a treatment program approved by the Alcohol and~~
2 ~~Drug Abuse Prevention, Training, Treatment and Rehabilitation~~
3 ~~Authority prior to the return of the child to the safe home, and~~

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

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

14 ~~J. The services delineated in the individual treatment and~~
15 ~~service plan shall be designed to improve the conditions in the~~
16 ~~family home and aid in maintaining the child in a safe home, to~~
17 ~~facilitate the return of the child to the family home, or to~~
18 ~~facilitate the permanent placement of the child. The plan shall~~
19 ~~focus on clearly defined objectives and shall provide the most~~
20 ~~efficient path to quick reunification or permanent placement. To~~
21 ~~the extent possible, the plan shall contain outcome-based evaluation~~
22 ~~criteria that measure success in the reunification or permanent~~
23 ~~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 38. AMENDATORY 10 O.S. 2001, Section 7003-5.4,
11 is amended to read as follows:

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

- 15 1. Demographic information;
- 16 2. Strengths, needs and general behavior of the child;
- 17 3. Circumstances which necessitated placement;
- 18 4. Type of custody and previous placement;
- 19 5. Pertinent family information including, but not limited to,
20 the names of family members who are and who are not, by court order,
21 allowed to visit the child and the child's relationship to the
22 family which may affect placement;

1 6. Known and important life experiences and relationships which
2 may significantly affect the child's feelings, behavior, attitudes
3 or adjustment;

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

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

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

13 a. allergies,

14 b. immunizations,

15 c. childhood diseases,

16 d. physical handicaps,

17 e. psycho-social information, and

18 f. the name of the child's last doctor, if known.

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

24 1. Any medical or psychological conditions;

1 2. Diseases, illnesses, accidents, allergies, and congenital
2 defects;

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

5 4. Immunization history.

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

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

24

1 ~~examinations or tests and the release of such test results for a~~
2 ~~child, regardless of age, in the Department's permanent custody.~~

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

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

11 SECTION 39. AMENDATORY 10 O.S. 2001, Section 7003-5.4a,
12 is amended to read as follows:

13 Section 7003-5.4a A. 1. ~~a.~~ The Department of Human Services
14 shall notify the court ~~having jurisdiction,~~ the appropriate
15 postadjudication review board, the appropriate district attorney,
16 the child's attorney, and ~~court appointed special advocate~~ the
17 guardian ad litem of the child, if any, whenever a child in the
18 custody of the Department is moved from one location to another.

19 ~~b.~~ 2. The Department shall notify the foster family prior to
20 movement of the child pursuant to the provisions of Section ~~7208~~ xxx
21 of this title.

22 ~~c.~~ 3. The Department shall inform the ~~court~~ guardian ad litem,
23 if any, and the child's attorney of the specific location of the
24 child.

1 ~~2. If the movement was due to an emergency situation, the B.~~
2 The notification required by this subsection section shall be made
3 by the Department within one (1) business day after such a
4 reasonable time after the Department is made aware of the need for
5 movement, but in no event less than two (2) judicial days prior to
6 movement unless an emergency exists. As used in this ~~subsection~~
7 section, "emergency situation" means movement of a child that is:

8 a. requested

9 1. Pursuant to an order of the court including, but not limited
10 to, an order authorizing placement of a child with a parent or
11 sibling;

12 2. Requested by the child-placing agency or foster parent of
13 the child, if the request is made at a time when the business
14 offices of the parties to be notified are closed, and the request is
15 for immediate removal of the child without delay or notice as
16 provided by this section;

17 b. for

18 3. For emergency medical or mental health treatment,

19 c. for;

20 4. For substantial noncompliance by a foster parent or child-
21 placing agency with applicable placement standards and agreements
22 such that the health, safety or welfare of the child is endangered,
23 in imminent danger; or

24 d. due

1 5. Due to a pending investigation of an allegation of abuse or
2 neglect of a child by a foster parent or child-placing agency or
3 other person residing in the foster family home.

4 ~~B. 1. C. The Department shall not move any deprived child from
5 one placement to another if the child has already been moved once
6 since the last court hearing without first obtaining the approval of
7 the court following a hearing into the reasons and necessity for
8 moving the child.~~

9 ~~2. However, the Department may move any child due to an
10 emergency court, on its own motion, may hold, or any party receiving
11 notice pursuant to subsection A of this section, in which case a
12 shall be granted, an informal hearing shall be conducted concerning
13 the reasons and necessity for moving the child, if requested in
14 writing, within ~~ten (10)~~ five (5) days following the ~~moving of the~~
15 ~~child~~ receipt of notice.~~

16 ~~3. Court approval shall not be required for movement to or from
17 a children's shelter due to an emergency, including a placement
18 failure, a placement disruption, or similar cause.~~

19 SECTION 40. AMENDATORY 10 O.S. 2001, Section 7003-5.5,
20 as amended by Section 3, Chapter 258, O.S.L. 2006 (10 O.S. Supp.
21 2008, Section 7003-5.5), is amended to read as follows:

22 Section 7003-5.5 A. 1. When a child has been adjudicated
23 deprived pursuant to the provisions of Section ~~7003-4.5~~ xxx of this
24 title, ~~the court~~ a dispositional hearing may ~~enter a dispositional~~

1 ~~order~~ be held on the same day as the adjudication hearing, but in
2 ~~any event the court shall hold a dispositional hearing and enter~~
3 ~~such order within~~ the hearing shall be held and an order entered no
4 later than forty (40) calendar days of such adjudication unless the
5 ~~court finds on the record that the best interests of the child will~~
6 ~~be served by granting a~~ thereafter. The dispositional hearing shall
7 not be delayed absent a showing of good cause and a finding by the
8 court that the best interests of the child will be served by
9 granting the delay. The court shall set forth the reasons why a
10 delay is necessary and shall schedule the hearing at the earliest
11 possible time following the delay.

12 2. ~~If the court grants a delay, the court shall state why the~~
13 ~~delay is necessary and shall state the minimum amount of time needed~~
14 ~~to resolve any such reasons for the delay. The court shall schedule~~
15 ~~the dispositional hearing at the earliest possible time following~~
16 ~~the delay~~ During the hearing all evidence, including oral and
17 written reports, relevant to the determination of the disposition
18 best serving the health, safety, and welfare of the child may be
19 received by the court and may be relied upon to the extent of its
20 probative value even though not otherwise competent in the hearing
21 on the petition. The parties shall be afforded a reasonable
22 opportunity to examine the written reports prepared for the court's
23 consideration prior to the dispositional hearing and to controvert
24 them. The hearing may be informal and hearsay may be relied upon.

1 3. Any order concerning child support, visitation, or the legal
2 custody of the child entered in any other administrative or district
3 court proceeding shall be subject to modification by the juvenile
4 court during the pendency of the deprived action.

5 4. The court shall determine and order the individualized
6 service plan for the parties.

7 5. At the conclusion of the dispositional hearing, the court
8 shall schedule the dates and times for periodic review and
9 permanency hearings.

10 B. 1. If the child is removed from the custody of the child's
11 parent, the court or the Department of Human Services, as
12 applicable, shall immediately consider concurrent permanency
13 planning, and, when appropriate, develop a concurrent plan so that
14 permanency may occur at the earliest opportunity. Consideration
15 should be given so that if reunification fails or is delayed, the
16 placement made is the best available placement to provide permanency
17 for the child.

18 2. The court shall further:

19 a. establish an initial permanency plan for the child,
20 and

21 b. determine if aggravated circumstances exist pursuant
22 to Section xxx of this title and whether reunification
23 services are appropriate for the child and the child's
24 family.

1 3. When reunification with a parent or legal guardian is the
2 permanency plan and concurrent planning is indicated, the court
3 shall determine if efforts are being made to place the child in
4 accord with the concurrent permanency plan, including whether
5 appropriate in-state and out-of-state permanency placement options
6 have been identified and pursued.

7 4. Every effort shall be made to place the child with a
8 suitable relative of the child.

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

12 ~~1. a. The court may place the child under supervision by the~~
13 ~~Department of Human Services in the child's own home,~~
14 ~~or in the custody of a suitable person elsewhere. If~~
15 ~~a child has been removed from the custodial parent of~~
16 ~~the child and the court, in the best interests of the~~
17 ~~child, is unable to release the child to the custodial~~
18 ~~parent, the court shall give priority for placement of~~
19 ~~the child with the noncustodial parent of the child~~
20 ~~unless such placement would not be in the child's best~~
21 ~~interests. If the court cannot place the child with~~
22 ~~the noncustodial parent, custody shall be consistent~~
23 ~~with the provisions of Section 21.1 of this title. If~~
24 ~~custody of the child cannot be made pursuant to the~~

1 ~~provisions of Section 21.1 of this title, the reason~~
2 ~~for such determination shall be documented in the~~
3 ~~court record. The court may require the parent or~~
4 ~~other person to comply with such conditions as the~~
5 ~~court may require and to give security by bond, with~~
6 ~~surety or sureties approved by the court, for~~
7 ~~compliance with such order.~~

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

21 c. ~~The order placing the child under supervision by the~~
22 ~~Department in the child's own home shall remain in~~
23 ~~effect for a period of not more than one (1) year, to~~
24

1 ~~be specified by the court, and the order may be~~
2 ~~extended or renewed by the court.~~

3 ~~2. The court may place the child in the custody of a suitable~~
4 ~~individual subject to the conditions and restrictions specified in~~
5 ~~Section 7003-8.1 of this title.~~

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

19 ~~4. The court may order the child to receive counseling or other~~
20 ~~community based services as necessary.~~

21 ~~5. The court may place the child in the custody of the~~
22 ~~Department.~~

23 ~~6. If the child has been placed outside the home, and it~~
24 ~~appears to the court that the parent, legal guardian, custodian,~~

1 ~~stepparent, or other adult person living in the home has contributed~~
2 ~~to the deprivation of the child, the court may order that the~~
3 ~~parent, legal guardian, custodian, stepparent, or other adult living~~
4 ~~in the home be made subject to any treatment or placement plan~~
5 ~~prescribed by the Department or other person or agency receiving~~
6 ~~custody of the child.~~

7 7. a. ~~The court may order a child's permanent care and~~
8 ~~custody transferred to another person, subject to~~
9 ~~residual parental rights and responsibilities and~~
10 ~~subject to such orders of the court as deemed~~
11 ~~necessary for the health, safety or welfare of the~~
12 ~~child pursuant to the provisions of this paragraph,~~
13 ~~upon the written consent of both parents of the child~~
14 ~~or upon the consent of one parent only if:~~

- 15 ~~(1) the other parent is deceased,~~
16 ~~(2) the other parent has been determined by a court~~
17 ~~of law to be incompetent or incapacitated,~~
18 ~~(3) the other parent's whereabouts or identity is~~
19 ~~unknown. This fact shall be attested to by an~~
20 ~~affidavit of the consenting parent,~~
21 ~~(4) the other parent who is eighteen (18) years of~~
22 ~~age or older, has signed a statement consenting~~
23 ~~to the transfer, executed before a notary public,~~

1 ~~(5) the parental rights of the other parent has been~~
2 ~~terminated,~~

3 ~~(6) the other parent has been or is found by the~~
4 ~~court of law to be unfit or unable to exercise~~
5 ~~parental rights and responsibilities for the~~
6 ~~child based upon situations enumerated in Section~~
7 ~~7006-1.1 of this title,~~

8 ~~(7) is or has been subject to the registration~~
9 ~~requirements of the Oklahoma Sex Offenders~~
10 ~~Registration Act or any similar act in any other~~
11 ~~state, or~~

12 ~~(8) has abandoned the child or is determined by the~~
13 ~~court to be otherwise unfit to assume custody of~~
14 ~~the child for any other reason.~~

15 ~~b. Prior to the entry of an order transferring the~~
16 ~~permanent care and custody of a child, the court shall~~
17 ~~receive an investigation and report regarding the~~
18 ~~background and home of the prospective custodian.~~
19 ~~Such investigation and report of the prospective~~
20 ~~custodian shall be made pursuant to the requirements~~
21 ~~of the Oklahoma Adoption Code. The Department of~~
22 ~~Human Services shall only be required by the court to~~
23 ~~make the home study and report as specified by this~~
24 ~~paragraph in the following circumstances:~~

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

4 ~~(2) the child is in the custody or under the legal~~
5 ~~supervision of the Department.~~

6 e. ~~Upon the entry of an order providing for the transfer~~
7 ~~of the permanent care and custody of a child, the~~
8 ~~order shall remain in full force and effect until:~~

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

10 ~~(2) the child marries or is legally emancipated, or~~

11 ~~(3) the parent who consented to the transfer of the~~
12 ~~permanent care and custody of the child petitions~~
13 ~~the court for the recovery of the child and the~~
14 ~~court finds after evidentiary hearing:~~

15 ~~(a) the child has been abused or neglected while~~
16 ~~in the care and custody of the custodian,~~
17 ~~and~~

18 ~~(b) it is in the best interests of the child~~
19 ~~that custody of the child be returned to the~~
20 ~~parents,~~

21 ~~(4) the district attorney, attorney for the child, or~~
22 ~~custodian petitions the court for modification of~~
23 ~~the order transferring permanent care and custody~~
24 ~~and the court finds after evidentiary hearing~~

1 ~~that it is in the best interests of the child for~~
2 ~~the order to be modified and the custody of the~~
3 ~~child be given to another person, pursuant to the~~
4 ~~Oklahoma Guardianship and Conservatorship Act or~~
5 ~~the Oklahoma Children's Code,~~

6 ~~(5) the order terminates because of the death or~~
7 ~~incapacity of the custodian or the death of the~~
8 ~~child, or~~

9 ~~(6) the child is adopted.~~

10 ~~d. An order providing for the transfer of the permanent~~
11 ~~care and custody of a child:~~

12 ~~(1) shall require that the placement be reviewed~~
13 ~~within one (1) year after transfer and may~~
14 ~~require the person to whom custody is transferred~~
15 ~~to submit any records or reports the court deems~~
16 ~~necessary for purposes of such review. Such~~
17 ~~order shall not require the Department to~~
18 ~~supervise the placement during such period,~~

19 ~~(2) shall not require periodic reviews by the court~~
20 ~~thereafter if the parties agree with the assent~~
21 ~~of the court that such reviews are not necessary~~
22 ~~to serve the best interests of the child, and~~

23 ~~(3) unless periodic reviews are required pursuant to~~
24 ~~this subparagraph, the court may close the case,~~

1 ~~provided the order transferring the permanent~~
2 ~~care and custody of the child shall remain in~~
3 ~~full force and effect subject to the provisions~~
4 ~~of subparagraph b of this paragraph.~~

5 8. a. ~~When reunification of the family is not recommended or~~
6 ~~possible, as determined by the court, the court may~~
7 ~~order a child's permanent care and custody transferred~~
8 ~~to a kinship guardian subject to residual parental~~
9 ~~rights and responsibilities and subject to such orders~~
10 ~~of the court as deemed necessary for the health,~~
11 ~~safety or welfare of the child. Kinship guardianship~~
12 ~~shall include, but not be limited to, the following~~
13 ~~parental responsibilities with respect to a child:~~

- 14 ~~(1) protection,~~
- 15 ~~(2) education,~~
- 16 ~~(3) care and control,~~
- 17 ~~(4) custody, and~~
- 18 ~~(5) decision making.~~

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

21 c. ~~The petition for kinship guardianship shall allege~~
22 ~~that:~~

- 23 ~~(1) the child is in the legal custody of the~~
24 ~~Department,~~

- 1 ~~(2) more than twelve (12) months have passed since~~
2 ~~the date of the dispositional order placing such~~
3 ~~child in the legal custody of the Department,~~
4 ~~(3) the parents of the child are presently and for~~
5 ~~the foreseeable future unable to provide proper~~
6 ~~and adequate care for the child,~~
7 ~~(4) the prospective kinship guardian consents to the~~
8 ~~appointment,~~
9 ~~(5) the child has resided with the kinship foster~~
10 ~~parent and there exists a loving and emotional~~
11 ~~tie between the child and the kinship foster~~
12 ~~parent, and~~
13 ~~(6) it would be in the best interests of the child~~
14 ~~for the petition to be granted.~~

15 ~~d. Notice of the petition and a copy of the petition~~
16 ~~shall be served upon the parties, the Department, and~~
17 ~~the guardian ad litem of the child, if any.~~

18 ~~e. Prior to the entry of an order appointing a kinship~~
19 ~~guardian, the court shall receive the most recent~~
20 ~~report regarding the background and home of the~~
21 ~~prospective kinship guardian.~~

22 ~~f. If the court finds that the elements of the petition~~
23 ~~have been proven based on clear and convincing~~
24

1 ~~evidence, or upon the consent of all parties, the~~
2 ~~court shall grant the petition.~~

3 g. ~~An order appointing a person as a kinship guardian~~
4 ~~shall award custody of the child to the kinship~~
5 ~~guardian. A kinship guardian shall have the same~~
6 ~~authority as a parent to consent on behalf of a child,~~
7 ~~except that a kinship guardian shall not consent to~~
8 ~~the adoption or surrender of a child.~~

9 h. ~~Upon the entry of an order providing for the transfer~~
10 ~~of the permanent care and custody of a child to a~~
11 ~~kinship guardian, the order shall remain in full force~~
12 ~~and effect until:~~

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

14 ~~(2) the child is married or legally emancipated,~~

15 ~~(3) the court finds after evidentiary hearing:~~

16 ~~(a) the child has been abused or neglected while~~

17 ~~in the care and custody of the kinship~~

18 ~~guardian, and~~

19 ~~(b) it is in the best interests of the child~~

20 ~~that custody of the child be returned to the~~

21 ~~parents,~~

22 ~~(4) the district attorney, an attorney for the child,~~

23 ~~or the kinship guardian petitions the court for~~

24 ~~modification of the order transferring permanent~~

1 ~~care and custody to a kinship guardian and the~~
2 ~~court finds after evidentiary hearing that it is~~
3 ~~in the best interests of the child for the order~~
4 ~~to be modified and the custody of the child be~~
5 ~~given to another person, pursuant to the Oklahoma~~
6 ~~Guardianship and Conservatorship Act or the~~
7 ~~Oklahoma Children's Code,~~

8 ~~(5) the order terminates because of the death or~~
9 ~~incapacity of the kinship guardian or the death~~
10 ~~of the child, or~~

11 ~~(6) the child is adopted.~~

12 ~~i. An order appointing a kinship guardian shall:~~

13 ~~(1) require that the placement be reviewed within one~~
14 ~~(1) year after transfer and may require the~~
15 ~~kinship guardian to whom custody is transferred~~
16 ~~to submit any records or reports the court deems~~
17 ~~necessary for purposes of such review. Such~~
18 ~~order shall not require the Department to~~
19 ~~supervise the placement during such period,~~

20 ~~(2) not require periodic reviews by the court~~
21 ~~thereafter if the parties agree with the assent~~
22 ~~of the court that such reviews are not necessary~~
23 ~~to serve the best interests of the child, unless~~

1 ~~periodic reviews are otherwise required by the~~
2 ~~court, and~~

3 ~~(3) unless periodic reviews are required, the court~~
4 ~~may close the case, provided the order~~
5 ~~transferring permanent care and custody to a~~
6 ~~kinship guardian shall remain in full force and~~
7 ~~effect subject to the provisions of this~~
8 ~~subparagraph.~~

9 ~~j. Except as otherwise provided by the court, the~~
10 ~~appointment of a kinship guardian shall not affect or~~
11 ~~impair the visitation rights of a parent.~~

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

15 ~~D. Any order entered pursuant to this section shall include a~~
16 ~~statement informing the child's parent that the consequences of~~
17 ~~noncompliance with the requirement of the court may include~~
18 ~~termination of the parent's rights with respect to the child or~~
19 ~~shall include a statement informing the child's legal guardian or~~
20 ~~eustodian that the consequences of noncompliance with the~~
21 ~~requirement of the court may include removal of the child from the~~
22 ~~eustody of the legal guardian or eustodian.~~

23 ~~E. 1. Except as otherwise provided in subsection F of this~~
24 ~~section, in any dispositional order removing a child from the home~~

1 ~~of the child, the court shall make a determination as to whether, in~~
2 ~~accordance with the best interests of the child:~~

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

5 ~~b. reasonable efforts to reunite the family are not~~
6 ~~feasible, and reasonable efforts are being made to~~
7 ~~secure an alternate permanent placement for the child.~~

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

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

18 ~~2. Reasonable efforts to reunite the child with the child's~~
19 ~~family shall not be required however, pursuant to the provisions of~~
20 ~~Section 7003 4.6 of this title.~~

21 ~~G. 1. If it is consistent with the welfare of the child, in~~
22 ~~cases where the child has been adjudicated to be deprived due to~~
23 ~~repeated absence from school, the court may order counseling and~~
24 ~~treatment for the child and the parents of the child to be provided~~

1 ~~by the local school district, the county, the Department or a~~
2 ~~private individual or entity.~~

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

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

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

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

22 ~~I. 1. If reasonable efforts are required for the return of the~~
23 ~~child to the child's home, the court shall allow the parent of the~~
24 ~~child not less than three (3) months to correct conditions which led~~

1 ~~to the adjudication of the child as a deprived child prior to~~
2 ~~terminating the parental rights of the parent pursuant to the~~
3 ~~provisions of Section 7006 1.1 of this title.~~

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

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

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

1 ~~full force and effect and shall control over any prior custody or~~
2 ~~child support order entered in an administrative or district court~~
3 ~~action.~~

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

24

1 SECTION 41. AMENDATORY 10 O.S. 2001, Section 7003-5.5a,
2 as amended by Section 1, Chapter 452, O.S.L. 2004 (10 O.S. Supp.
3 2008, Section 7003-5.5a), is amended to read as follows:

4 Section 7003-5.5a ~~Every child who has been returned to a person~~
5 ~~named in a petition shall be supervised for a period of six (6)~~
6 ~~months prior to dismissal of the case; provided, the A. The court~~
7 ~~may increase or decrease the duration of such supervision as the~~
8 ~~best interests of the child may require. Supervision by the~~
9 ~~Department of Human Services during this period shall be in~~
10 ~~accordance with rules promulgated by the Commission for Human~~
11 Services order a trial home reunification by returning the child to
12 the care of the parent or legal guardian from whom the child was
13 removed for a period not to exceed six (6) months.

14 B. During the period of the trial home reunification, the
15 Department of Human Services shall:

16 1. Continue to have legal custody of the child, thereby
17 permitting the Department to visit the child in the home of the
18 parent, at school, in a child care facility, or any other setting
19 the Department deems necessary and appropriate;

20 2. Continue to provide appropriate services to both the parent,
21 if eligible, and the child during the period of the trial home
22 reunification;

23

24

1 3. Terminate the trial home reunification, without court order
2 or authorization, in order to protect the child's health, safety, or
3 welfare and remove the child to foster care;

4 4. Advise the court and parties within three (3) judicial days
5 of the termination of the trial home reunification when a visit is
6 terminated by the Department without a court order; and

7 5. Prepare a report for the court when the trial home
8 reunification is terminated whether by the Department or court order
9 which describes the circumstances of the child during the trial home
10 reunification and recommends appropriate orders, if any, for the
11 court to enter to provide for the safety and stability of the child.

12 C. In the event a trial home reunification is terminated by the
13 Department by removing the child to foster care without prior court
14 order or authorization, the court shall conduct a hearing within
15 fifteen (15) days of receiving notice of the termination of the
16 trial home reunification by the Department and shall determine
17 whether a continuation of the child in the child's home or with the
18 child's caretaker is contrary to the welfare of the child and
19 whether reasonable efforts were made to prevent the removal of the
20 child from the trial home reunification.

21 SECTION 42. AMENDATORY 10 O.S. 2001, Section 7003-5.6,
22 as last amended by Section 2, Chapter 196, O.S.L. 2007 (10 O.S.
23 Supp. 2008, Section 7003-5.6), is amended to read as follows:

1 Section 7003-5.6 A. 1. Every case regarding a child alleged
2 or adjudicated to be deprived shall be reviewed by the court at a
3 hearing no later than six (6) months from the date of the child's
4 ~~out of home placement~~ removal from the home and at least once every
5 six (6) months thereafter until permanency is achieved or the court
6 otherwise terminates jurisdiction except as otherwise set forth in
7 paragraph 2 of this subsection. A review hearing may be held
8 concurrently with a permanency hearing. ~~A child shall be considered~~
9 ~~to have entered an out of home placement on the earlier of the~~
10 ~~adjudication date or the date that is sixty (60) days after the date~~
11 ~~on which the child is removed from the home. Such reviews shall~~
12 ~~continue until such time as:~~

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

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

18 3. ~~The court otherwise terminates jurisdiction~~

19 When the Department of Human Services has documented a
20 compelling reason why a petition to terminate parental rights to a
21 child is not in the best interests of the child that is based upon a
22 consideration that the child is presently not capable of functioning
23 in a family setting, the court shall reevaluate the status of the
24

1 child every ninety (90) days until there is a final determination
2 that the child cannot be placed in a family setting.

3 3. At any time during the pendency of the case, any party may
4 request the court to review the case. If granted, the requesting
5 party shall serve notice on all parties of the date and time of the
6 hearing.

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~~ If a foster parent, preadoptive parent, or relative is
11 currently providing care for a child, the Department shall give the
12 foster parent, preadoptive parent, or relative notice of a
13 proceeding concerning the child. A foster parent, preadoptive
14 parent, or relative providing care for a child has the right to be
15 heard at the proceeding. Except when allowed to intervene, the
16 foster parent, preadoptive parent, or relative providing care for
17 the child is not considered a party to the juvenile court proceeding
18 solely because of notice and the right to be heard at the
19 proceeding.

20 ~~C. The court may set a case for a review hearing upon the~~
21 ~~motion of a party at any time, if the hearing is deemed by the court~~
22 ~~to be for the health, safety or welfare of the child and in the best~~
23 ~~interests of the child.~~

24

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

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

17 ~~F.~~ D. At each review hearing the court shall:

18 1. Determine ~~whether~~ and include the following in its orders:

19 a. ~~the child should be returned to the child's parent or~~
20 ~~placed with willing and suitable kinship relations.~~

21 ~~Before a return to the child's parent is ordered, the~~
22 ~~court must find that the parties:~~

23 ~~(1) have complied with, performed, and completed the~~
24 ~~terms and conditions of the individual treatment~~

1 ~~and service plan which are essential and~~
2 ~~fundamental to the health, safety or welfare of~~
3 ~~the child as determined by the court,~~

4 ~~(2) have corrected those conditions which caused the~~
5 ~~child to be adjudicated and which the court~~
6 ~~determines to be essential and fundamental to the~~
7 ~~health, safety or welfare of the child,~~

8 ~~(3) have made marked progress towards reunification~~
9 ~~with the child, and~~

10 ~~(4) have maintained a close and positive relationship~~
11 ~~with the child,~~

12 ~~b. the child should continue in out of home placement for~~
13 ~~a specified period. The court shall project a likely~~
14 ~~date by which the child may be:~~

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

16 ~~(2) placed with a willing and suitable guardian or~~
17 ~~custodian, or~~

18 ~~(3) placed for adoption, or other permanent~~
19 ~~arrangement,~~

20 ~~e. the rights of the parent of the child should be~~
21 ~~terminated and the child placed for adoption, placed~~
22 ~~with a guardian or custodian, or provided with another~~
23 ~~permanent arrangement, or~~

- 1 ~~d. the child, because of exceptional circumstances,~~
2 ~~should remain in long term out of home placement as a~~
3 ~~permanent plan or with a goal of independent living~~
4 whether the individualized service plan, services, and
5 placement meet the special needs and best interests of
6 the child with the child's health, safety, and
7 educational needs specifically addressed,
- 8 b. whether there is a need for the continued placement of
9 the child,
- 10 c. whether the current permanency plan for the child
11 remains the appropriate plan to meet the health,
12 safety, and best interests of the child,
- 13 d. whether the services set forth in the individualized
14 service plan and the responsibilities of the parties
15 need to be clarified or modified due to the
16 availability of additional information or changed
17 circumstances or as the court determines to be in the
18 best interests of the child and necessary for the
19 correction of the conditions that led to the
20 adjudication of the child,
- 21 e. whether the terms of visitation need to be modified,
22 including the visitation with siblings if separated,
- 23 f. the time frame that should be followed to achieve
24 reunification or other permanent plan for the child,

- 1 g. whether reasonable efforts have been made to provide
2 for the safe return of the child to the child's own
3 home. If the court determines or has previously
4 determined that reasonable efforts are not required
5 pursuant to the provisions of Section 7003-4.6 xxx of
6 this title, or that continuation of reasonable efforts
7 to reunite the child with the child's family is
8 inconsistent with the permanency plan for the child,
9 the court shall determine if reasonable efforts are
10 being made to place the child in a timely manner in
11 accordance with the permanency plan and determine the
12 steps necessary to finalize permanency for the child,
13 h. where appropriate, when the child is sixteen (16)
14 years of age or older, whether services are being
15 provided that will assist the child in making the
16 transition from foster care to independent living.
17 The court shall inquire or cause inquiry to be made of
18 the child regarding any proposed independent living
19 plan,
20 i. whether the nature and extent of services being
21 provided the child and parent or parents of the child
22 are adequate and shall order that additional services
23 be provided or studies, assessments, or evaluations be
24 conducted, if necessary, to ensure the safety of the

1 child and to protect the child from further physical,
2 mental, or emotional harm, or to correct the
3 conditions that led to the adjudication,

4 j. whether, in accordance with the safety or well-being
5 of any child, reasonable efforts have been made to:

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

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

12 k. whether, during the ninety-day period immediately
13 prior to the date on which the child in the custody of
14 the Department will attain eighteen (18) years of age,
15 the Department, and as appropriate, other
16 representatives of the child, are providing the child
17 with assistance and support in developing an
18 appropriate transition plan that is personalized at
19 the direction of the child, that includes specific
20 options on housing, health insurance, education, local
21 opportunities for mentors and continuing support
22 services, and work force supports and employment
23 services, and is as detailed as the child may elect;

1 2. Consider in-state and out-of-state placement options for the
2 child; and

3 3. ~~Make a determination as to whether:~~

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

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

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

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

15 E. In making its findings, the court shall consider the
16 following:

17 1. Whether compliance with the individualized service plan has
18 occurred, including whether the Department has provided care that is
19 consistent with the health, safety, and educational needs of the
20 child while in an out-of-home placement;

21 2. The extent of progress that has been made toward alleviating
22 or correcting the conditions that caused the child to be adjudicated
23 deprived;

1 3. Whether the child should be returned to his or her parent or
2 parents and whether or not the child's health, safety, and welfare
3 can be protected by his or her parent or parents if returned home;
4 and

5 4. An appropriate permanency plan for the child, including
6 concurrent planning when applicable, pursuant to Section xxx of this
7 title.

8 SECTION 43. AMENDATORY 10 O.S. 2001, Section 7003-5.6a,
9 is amended to read as follows:

10 Section 7003-5.6a A. The Department of Human Services or the
11 agency having supervision of the case or, if the child has been
12 removed from the custody of ~~its~~ the child's parents, the Department
13 or the agency or child-placing agency having custody of such child
14 shall cause to be prepared for each review hearing required herein a
15 written report concerning each child who is the subject of such
16 review.

17 B. Such report shall include, but not be limited to:

18 1. A summary of the physical, mental, and emotional condition
19 of the child, the conditions existing in the out-of-home placement
20 where the child has been placed, and the child's adjustment thereto;

21 2. A report on the child's progress in school and, if the child
22 has been placed outside the child's home, the visitation exercised
23 by the parents of such child or other persons authorized by the
24 court;

1 3. Services being provided to a child sixteen (16) years of age
2 or older to assist in the transition from out-of-home care or other
3 community placement to independent living; ~~and~~

4 4. ~~If~~ When the Department is responsible for supervision of the
5 child or is the legal custodian of the child, ~~any efforts~~ a
6 description of:

7 a. progress on the part of the parent or parents to
8 correct the conditions which caused the child to be
9 adjudicated deprived-,

10 b. changes that still need to occur and the specific
11 actions the parents would take to make the changes,
12 and

13 c. services and assistance that have been offered or
14 provided to the parents since the previous hearing and
15 the services which are needed in the future;

16 5. A description of the child's placements by number and type
17 with dates of entry and exit, reasons for the placement or change in
18 placement, and a statement about the success or lack of success of
19 each placement;

20 6. The Department's efforts to locate the parents and involve
21 them in the planning for the child if the parents are not currently
22 communicating with the Department;
23
24

1 7. Compliance by the Department, as applicable, and the parent
2 with the court's orders concerning the individualized service plans,
3 previous court orders, and the Department recommendations;

4 8. Whether the current placement is appropriate for the child,
5 its distance from the child's home, and whether it is the least
6 restrictive, most family-like placement available;

7 9. A proposed timetable for the child's return to the home or
8 other permanent placement; and

9 10. Specific recommendations, giving reasons therefor, whether:

10 a. ~~the parental rights of the parent or parents of the~~
11 ~~child should be terminated and the child placed for~~
12 ~~adoption~~ trial reunification should be approved by the
13 court,

14 b. ~~the child should remain in the home or be placed~~
15 ~~outside the home of the child's lawful parents, or~~
16 trial reunification should be continued to be pursued,

17 c. the child should remain in or be placed outside of the
18 home of the child's parent or legal guardian, or ~~be~~
19 ~~returned to the home from which the child was removed~~

20 d. the child should remain in the current placement when
21 the permanency plan is other than reunification with
22 the child's parent or legal guardian.

23 C. The attorney representing a child and the guardian ad litem
24 of a child, if any, whose case is being reviewed may submit a report

1 to the court for presentation at the review hearing to assist the
2 court in reviewing the placement or status of the child. The legal
3 custodian shall not deny to a child the right of access to counsel
4 and shall facilitate such access.

5 SECTION 44. AMENDATORY 10 O.S. 2001, Section 7003-5.6b,
6 is amended to read as follows:

7 Section 7003-5.6b A. ~~1. Pursuant to the provisions of this~~
8 ~~subsection, the~~ The Department of Human Services shall establish and
9 administer an ongoing program of supported guardianship to assist
10 families wishing to make a long-term commitment to a child by
11 accepting guardianship of the child. The supported guardianship
12 program shall enable the family to assume the parental role without
13 ongoing Department oversight but allow the family to return to the
14 Department for services as needed.

15 ~~2. As soon as the federal Department of Health and Human~~
16 ~~Services authorizes additional demonstration projects for additional~~
17 ~~use monies designated for expenditure for Title IV-E of the Social~~
18 ~~Security Act, which requires federal funds to be spent on children~~
19 ~~in foster care, the Department of Human Services shall request a~~
20 ~~waiver or demonstration project authorization for such monies. The~~
21 ~~waiver shall allow federal funds to be utilized to support children~~
22 ~~whose guardianship is transferred in situations where adoption is~~
23 ~~not possible and an identified family has made a long term~~

24

1 ~~commitment to the child in addition to other programs authorized by~~
2 ~~law.~~

3 ~~3. Upon obtaining a waiver, the Department shall conduct a~~
4 ~~three year demonstration program. The children involved must meet~~
5 ~~state established criteria.~~

6 ~~4. The program of supported guardianship shall be operational~~
7 ~~upon receipt and according to the terms of the approved waiver.~~

8 ~~B. By January 1, 1998, the Department of Human Services and the~~
9 ~~Department of Juvenile Justice shall submit to the Chairman of the~~
10 ~~House of Representatives Human Services Committee and the Chairman~~
11 ~~of the State Senate Human Resources Committee written recommended~~
12 ~~legislation for the development and implementation of a program for~~
13 ~~the long term permanent placement of children in cases where the~~
14 ~~court has found that adoption of the child or termination of~~
15 ~~parental rights to the child is not possible or not in the best~~
16 ~~interests of the child. Such program shall include, but not be~~
17 ~~limited to, permanent guardianship through the juvenile court,~~
18 ~~supported guardianship and long term or permanent foster care of the~~
19 ~~child. The Postadjudication Review Advisory Board and the Oklahoma~~
20 ~~Commission on Children and Youth shall assist the departments in~~
21 ~~meeting the requirements of this section.~~

22 SECTION 45. AMENDATORY 10 O.S. 2001, Section 7003-5.6d,
23 as last amended by Section 3, Chapter 196, O.S.L. 2007 (10 O.S.
24 Supp. 2008, Section 7003-5.6d), is amended to read as follows:

1 Section 7003-5.6d A. 1. The court shall conduct a permanency
2 hearing ~~on behalf of a child~~ to determine the appropriate permanency
3 goal for the child and to order completion of all steps necessary to
4 finalize the permanent plan. The hearing shall be held no later
5 than:

- 6 a. six (6) months after placing the child in out-of-home
7 placement and every six (6) months thereafter, and
- 8 b. thirty (30) days after a determination by the court
9 that reasonable efforts to return a child to either
10 parent are not required pursuant to the provisions of
11 Section 7003-4.6 ~~xxx~~ of this title ~~and every six (6)~~
12 ~~months thereafter.~~

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

- 15 a. the adjudication date, or
- 16 b. the date that is sixty (60) days after the date on
17 which the child is removed from the home.

18 3. Subsequent permanency hearings shall be held at least every
19 six (6) months for any child who continues to be in an out-of-home
20 placement. At the request of a party, the Department of Human
21 Services, or on the court's own motion, the initial and subsequent
22 permanency hearings may be held more frequently.

23 4. At each permanency hearing, the court may consider testimony
24 of any person who has relevant information about the status of the

1 child or the status of the treatment plan. All parties shall have
2 the opportunity to present evidence and to cross-examine witnesses.
3 The rules of evidence shall not apply to permanency hearings and all
4 evidence helpful in determining the proper permanency goal shall be
5 considered including, but not limited to, oral and written reports,
6 which may be admitted and may be relied upon to the extent of their
7 probative value, even though not competent for the purposes of the
8 adjudicatory hearing.

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

16 C. ~~In addition to the parties, adequate prior written notice of~~
17 ~~permanency hearings shall be provided by the Department pursuant to~~
18 ~~rules promulgated by the Commission for Human Services to the~~
19 ~~current foster parents and to any preadoptive parent or relative~~
20 ~~providing care for the child. A If a foster parent, preadoptive~~
21 ~~parent, or relative is currently providing care for a child, the~~
22 ~~Department shall give the foster parent, preadoptive parent, or~~
23 ~~relative notice of a proceeding concerning the child. A foster~~
24 ~~parent, preadoptive parent, or relative providing care for a child~~

1 ~~has the right to be heard at such hearing shall be provided by the~~
2 ~~court to the current foster parents of a child, the child's guardian~~
3 ~~ad litem, and to any preadoptive parent or relative providing care~~
4 ~~for the child. Such notice and right to be heard shall not be~~
5 ~~construed as requiring any~~ the proceeding. Except when allowed to
6 intervene, the foster parent, preadoptive parent, or relative to be
7 made a party to such action providing care for the child is not
8 considered a party to the juvenile court proceeding solely because
9 of notice and the right to be heard at the proceeding.

10 D. At the hearing, the court shall determine or review the
11 continued appropriateness of the most suitable child's permanency
12 plan based on the child's need for a permanent placement as
13 indicated by the recommended permanency plan or other evidence
14 submitted and whether a change in the plan is necessary; the date by
15 which the goal of permanency for the child is scheduled to be
16 achieved, and whether the child's current placement continues to be
17 the most suitable for the child's health, safety, and welfare. The
18 court shall also, in an age-appropriate manner, inquire or cause
19 inquiry to be made of the child regarding the proposed permanency
20 plan and if the child is age sixteen (16) or older, the independent
21 living plan. ~~The court shall determine whether:~~

22 ~~1. The child should be returned home immediately or by a~~
23 ~~specified date not to exceed three (3) months. An order entered~~
24 ~~pursuant to the provisions of this paragraph shall enumerate the~~

1 ~~specific factors, conditions, or expected behavioral changes which~~
2 ~~must occur by the specified date before the child may be returned~~
3 ~~home. Before a child may be returned home, the court must find~~
4 ~~that:~~

5 a. ~~the parent, legal guardian or custodian has made~~
6 ~~marked progress towards reunification with the child,~~
7 ~~and has maintained a close and positive relationship~~
8 ~~with the child, and~~

9 b. ~~the parties have complied with, performed and~~
10 ~~completed those terms and conditions of the court~~
11 ~~ordered individual treatment and service plan and have~~
12 ~~corrected those conditions which caused the child to~~
13 ~~be adjudicated which are essential and fundamental to~~
14 ~~the health, safety and welfare of the child;~~

15 2. ~~A plan for the guardianship or kinship guardianship of the~~
16 ~~child should be approved;~~

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

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

1 ~~5. Any other out of home placement in which the child is placed~~
2 ~~continues to be safe and appropriate and in the best interests of~~
3 ~~the child.~~

4 ~~E. The court shall enter an order for completion of all steps~~
5 ~~necessary to finalize the permanent placement of the child A~~
6 transcript shall be made of each permanency hearing or the
7 proceeding shall be memorialized by appropriate written findings of
8 facts, and the court having considered all relevant information
9 shall order one of the following permanency plans for the child:

10 1. Reunification with the child's parent, parents, or legal
11 guardian where:

12 a. reunification can be expected to occur within an
13 established time frame that is consistent with the
14 child's developmental needs, and

15 b. the child's health and safety can be adequately
16 safeguarded if returned home;

17 2. Placement for adoption after the rights of the parents have
18 been terminated or after a petition has been filed to terminate
19 parental rights;

20 3. Placement with a person who will be the child's permanent
21 guardian and is able to adequately and appropriately safeguard the
22 health, safety, and welfare of the child; or

23 4. Placement in the legal custody of the Department under a
24 planned permanent living arrangement, provided that there are

1 compelling reasons documented by the Department and presented to the
2 court that none of the above described plans is appropriate for the
3 health, safety, and welfare of the child.

4 F. In addition to the findings required under subsection E of
5 this section, the court shall also make written findings related to:

6 1. Whether the Department has made reasonable efforts to
7 finalize the permanency plan that is in effect for the child and a
8 summary of the efforts the Department has made; or, in the case of
9 an Indian child, whether the Department has made active efforts to
10 provide remedial services and rehabilitative programs as required by
11 25 U.S.C., Section 1912(d);

12 2. If the permanency plan is for the child to remain in out-of-
13 home care, whether the child's out-of-home placement continues to be
14 appropriate and in the best interests of the child;

15 3. If the current placement is not expected to be permanent,
16 the court's projected timetable for return home or for placement in
17 an adoptive home with a guardian, or another planned permanent
18 living arrangement; and

19 4. Whether reasonable efforts, in accordance with the safety or
20 well-being of any child, have been made to:

21 a. place siblings, who have been removed, together in the
22 same foster care, guardianship, or adoptive placement,
23 and

24

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

4 G. The court may make appropriate orders to ensure timely
5 implementation of the permanency plan and shall order the plan to be
6 accomplished within a specified period of time.

7 SECTION 46. AMENDATORY 10 O.S. 2001, Section 7003-5.6e,
8 as last amended by Section 4, Chapter 452, O.S.L. 2004 (10 O.S.
9 Supp. 2008, Section 7003-5.6e), is amended to read as follows:

10 Section 7003-5.6e A. 1. When a child has been in out-of-home
11 care for twelve (12) months or longer, the court may require that
12 the Department of Human Services facilitate a meeting held no later
13 than thirty (30) days prior to the permanency hearing to discuss
14 recommendations regarding the child's permanency plan that will be
15 reported to and reviewed by the court.

16 2. The court may direct that the assigned guardian ad litem,
17 which may be a court-appointed special advocate, if any, a judicial
18 case manager, or the Department make arrangements for the meeting.
19 The foster parents of the child, the parents of the child, or the
20 parents' attorney, a postadjudication review board member, the
21 guardian ad litem who has been appointed to the case, the child, and
22 others as appropriate, and the child's attorney shall be contacted
23 to assist in the preparation of the report; provided, however,
24 persons determined not to require reasonable efforts pursuant to the

1 provisions of Section xxx of this title shall not be required to
2 attend.

3 B. 1. Prior to a permanency hearing, the Department of Human
4 Services shall prepare a report regarding the child for court review
5 and shall provide a copy of the report to the court and the parties
6 not less than three (3) judicial days prior to the permanency
7 hearing.

8 2. The report shall include the Department's proposed
9 permanency plan, the Department's efforts to effectuate the
10 permanency plan for the child, address the options for the child's
11 permanent placement, and examine the reasons for excluding higher
12 priority options.

13 3. Unless a permanency hearing has been conducted, the
14 Department, as applicable, shall contact the foster parents of the
15 child, the parents of the child, or the parents' attorney, a
16 postadjudication review board member, the guardian ad litem, or the
17 court appointed special advocate who has been appointed to the case,
18 and the child's attorney to assist in the preparation of the report.

19 ~~B.~~ C. The up-to-date and accurate report shall also contain,
20 but not be limited to, the following information, if relevant:

21 1. Efforts and progress demonstrated by the child's parent to
22 complete an individual treatment and service plan;

23 2. ~~Extent to which the parent or legal guardian cooperated and~~
24 ~~used the services provided;~~

1 ~~3.~~ Status of the child, including the child's ~~mental~~
2 behavioral, physical, and emotional health; ~~and~~

3 ~~4. Plan for permanency for the child~~

4 3. A recommendation regarding whether the child's current
5 permanency goal should be continued or modified, the reasons
6 therefor, and the anticipated date for meeting the goal; and

7 4. A recommendation regarding whether the child's placement
8 should be extended and the reasons for the recommendation.

9 ~~C.~~ D. The child's attorney, the parents or parents' attorney,
10 the foster parent, the postadjudicatory review board member, the
11 guardian ad litem, or the court appointed special advocate of the
12 child, ~~or the Department of Human Services~~ may submit ~~an~~ additional
13 informational ~~report~~ reports to the court for review.

14 SECTION 47. AMENDATORY 10 O.S. 2001, Section 7003-5.6f,
15 is amended to read as follows:

16 Section 7003-5.6f A. ~~If a child has resided with a birth~~
17 ~~relative before being adopted, the adoptive parents and that birth~~
18 ~~relative may enter~~ 1. When the court, pursuant to Section xxx of
19 this title, finds that a deprived child should be placed for
20 adoption, nothing in the adoption laws of this state shall be
21 construed to prevent the petitioners for adoption of the child from
22 voluntarily entering into an a written agreement pursuant to the
23 provisions of this section regarding communication with, visitation
24 of or contact between the child, adoptive parents and the birth

1 relative with the birth relatives, including a birth parent, to
2 permit postadoption contact between the birth relatives and the
3 child. The postadoption contact agreement shall be issued by the
4 court in a separate instrument at the time an adoption decree is
5 entered if the court finds the agreement is voluntary, does not pose
6 a threat to the safety of the child, and is in the best interests of
7 the child.

8 B. 2. For purposes of this section, "birth relative" means a
9 parent, stepparent, grandparent, great-grandparent, ~~brother, sister~~
10 sibling, uncle or aunt of a minor adoptee. This relationship may be
11 by blood or marriage, provided a sibling relationship may be by
12 whole or half blood, marriage, or affinity through a common legal or
13 biological parent. For an Indian child, birth relative includes
14 members of the extended family as defined by the laws or customs of
15 the Indian child's tribe or, in the absence of laws or customs,
16 shall be a person who has reached eighteen (18) years of age and who
17 is the Indian child's great-grandparent, grandparent, aunt or uncle,
18 brother or sister, brother-in-law or sister-in-law, niece, nephew,
19 or first or second cousin or stepparent, as provided in the Indian
20 Child Welfare Act, United States Code, Title 25, Section 1903.

21 3. If a child who is separated from his or her siblings is
22 ordered to be placed for adoption, the court shall order that the
23 Department shall take all of the following steps to facilitate
24 ongoing sibling contact or visitation:

- 1 a. provide information to prospective adoptive parents
2 about the importance of sibling relationships to the
3 adopted child and counseling on methods for
4 maintaining sibling relationships,
- 5 b. provide prospective adoptive parents with information
6 about siblings of the child; provided, the address
7 where the siblings reside shall not be disclosed
8 unless authorized by a court order for good cause
9 shown, and
- 10 c. encourage prospective adoptive parents to make a plan
11 for facilitating postadoptive contact between the
12 child who is the subject of a petition for adoption
13 and any siblings of that child.

14 4. The terms of the postadoption agreement executed under this
15 section shall be limited to, but need not include, the following if
16 the child has an existing relationship with the birth relative:

- 17 a. provisions for visitation between the child and the
18 birth relatives,
- 19 b. provisions for contact between birth relatives and the
20 child or an adoptive parent, or both, and
- 21 c. provisions for the adoptive parent to facilitate
22 sibling contact or visitation.

1 5. The terms of any postadoption agreement shall be limited to
2 the sharing of information about the child if the child did not have
3 an existing relationship with the birth relative.

4 ~~C. B.~~ 1. ~~An A postadoption agreement regarding communication~~
5 ~~with, visitation of or contact between the child, adoptive parents~~
6 ~~and a birth relative~~ is not legally enforceable unless the terms of
7 the agreement are contained in a written court order entered in
8 accordance with this section.

9 2. An order must be sought and shall be filed in the adoption
10 action. The order shall be issued by separate instrument at the
11 time an adoption decree is entered.

12 3. The court shall not enter a proposed order unless the terms
13 of the order have been approved in writing by the prospective
14 adoptive parents, the birth relative who desires to be a party to
15 the agreement, the child, if twelve (12) years of age or older, and,
16 if the child is in the custody of the Department of Human Services,
17 a representative of the Department.

18 4. The postadoption agreement approved by the court regarding
19 sibling contact or visitation shall be provided by the Department to
20 the adoptive parent or parents, foster parent, relative caretaker,
21 legal guardian of the child and siblings or others as necessary to
22 facilitate the sibling contact or visitation.

23 ~~D. The court shall not enter a proposed order unless the court~~
24 ~~finds that the communication, visitation of or contact between the~~

1 ~~child, the adoptive parents and a birth relative as agreed upon and~~
2 ~~contained in the proposed order would be in the child's best~~
3 ~~interests and poses no threat to the safety of the child or~~
4 ~~integrity of the adoptive placement.~~

5 ~~E. C. Failure to comply with the terms of an agreed order~~
6 ~~regarding communication, visitation or contact that has been entered~~
7 ~~the postadoption agreement as ordered by the court pursuant to this~~
8 ~~section shall not be grounds for:~~

- 9 1. ~~Setting aside an adoption decree;~~
- 10 2. ~~Revocation of a written consent to an adoption after that~~
11 ~~consent has become irrevocable; and~~
- 12 3. ~~An action for citation of indirect contempt of court; and~~
- 13 4. ~~Preventing the adoptive parent or parents of the child from~~
14 ~~changing residence within or outside the state.~~

15 ~~F. D. 1. An agreed order entered pursuant to the provisions of~~
16 ~~this section may be enforced or modified by filing a petition or~~
17 ~~motion with the court that includes a certified copy of the order~~
18 ~~granting the communication, contact or visitation, but only if the~~
19 ~~petition or motion is accompanied by an affidavit with supporting~~
20 ~~documentation that the parties have mediated or attempted to mediate~~
21 ~~any dispute under the agreement or that the parties agree to a~~
22 ~~proposed modification Although the entry of the decree of adoption~~
23 ~~terminates the jurisdiction of the juvenile court over the child,~~
24 ~~the enforcement of the postadoption agreement and subsequent order~~

1 shall be under the continuing jurisdiction of the court granting the
2 petition for adoption.

3 2. The court may not order compliance with the agreement absent
4 a finding that the party seeking the enforcement participated in
5 good faith in mediation or other appropriate dispute resolution
6 proceedings regarding the conflict prior to the filing of the
7 enforcement action, and that the enforcement is in the best
8 interests of the child. Documentary evidence or offers of proof may
9 serve as the basis for the court's decision regarding enforcement.
10 No testimony or evidentiary hearing shall be required.

11 3. The prevailing party may be awarded reasonable attorney fees
12 and costs. All costs and fees of mediation or other appropriate
13 dispute resolution proceedings shall be borne by each party,
14 excluding the child.

15 ~~3. The court shall not modify an agreed order pursuant to this~~
16 ~~section unless it~~ E. 1. A postadoption agreement may be modified
17 or terminated only if the court finds that the modification or
18 termination is necessary to serve the best interests of the child,
19 and+

- 20 a. ~~the modification is agreed to by the adoptive parent~~
21 ~~and the birth relative, or~~
- 22 b. ~~exceptional circumstances have arisen since the agreed~~
23 ~~order was entered that justify modification of the~~
24 ~~order~~ all parties, including the child if the child is

1 twelve (12) years of age or older at the time of the
2 requested modification or termination.

3 SECTION 48. AMENDATORY 10 O.S. 2001, Section 7003-5.6h,
4 as amended by Section 1, Chapter 75, O.S.L. 2005 (10 O.S. Supp.
5 2008, Section 7003-5.6h), is amended to read as follows:

6 Section 7003-5.6h A. During any permanency hearing, if it is
7 determined by the court that a child should be placed for adoption,
8 the foster parent of the child shall be considered eligible to adopt
9 the child, if the foster parent meets established eligibility
10 requirements pursuant to this section.

11 B. If the child has resided with a foster parent for at least
12 one (1) year, the court shall give great weight to the foster parent
13 in the adoption consideration for the child unless there is an
14 existing loving emotional bond with a relative of the child by blood
15 or marriage who is willing, able, and eligible to adopt the child.

16 C. In making such determination, the court shall consider
17 whether the child has become integrated into the foster family to
18 the extent that the child's familial identity is with the foster
19 family, and whether the foster family is able and willing
20 permanently to treat the child as a member of the family. The court
21 shall consider, without limitation:

22 1. The love, affection, and other emotional ties existing
23 between the child and the relatives of the child, and the child's
24 ties with the foster family;

1 2. The capacity and disposition of the child's relatives as
2 compared with that of the foster family to give the child love,
3 affection, and guidance and to continue the education of the child;

4 3. The length of time a child has lived in a stable,
5 satisfactory foster home and the desirability of the child's
6 continuing to live in that environment;

7 4. The physical and mental health of the relatives of the child
8 as compared with that of the foster family;

9 5. The experiences of the child in the home, school, and
10 community, both when with the parents from whom the child was
11 removed and when with the foster family; ~~and~~

12 6. The age of the child and the child's preference;

13 7. The long-term best interests of the child; and

14 8. Any other factor considered by the court to be relevant to a
15 particular placement of the child.

16 SECTION 49. AMENDATORY 10 O.S. 2001, Section 7003-6.1,
17 is amended to read as follows:

18 Section 7003-6.1 Any decree or order, made pursuant to the
19 provisions of the Oklahoma Children's Code, may be modified by the
20 court at any time; provided, however, that an order terminating
21 parental rights shall not be modified.

22 SECTION 50. AMENDATORY 10 O.S. 2001, Section 7003-6.2,
23 as last amended by Section 2, Chapter 268, O.S.L. 2007 (10 O.S.
24 Supp. 2008, Section 7003-6.2), is amended to read as follows:

1 Section 7003-6.2 A. Any interested party aggrieved by any
2 order or decree may appeal to the Supreme Court pursuant to Section
3 ~~7003-6.4~~ xxx of this title and the rules of the Supreme Court of
4 this state.

5 B. The pendency of an appeal thus taken shall not suspend the
6 order of the district court regarding a child, nor shall it remove
7 the child from the custody of that court or of the person,
8 institution or agency to whose care such child has been committed,
9 unless the Supreme Court shall so order, ~~except as provided in~~
10 ~~subsection C of this section.~~ The pendency of an appeal from an
11 order of adjudication shall not prevent the district court from
12 holding a dispositional hearing unless the appellate court shall so
13 order.

14 ~~C. 1. If the court determines it would be in the best~~
15 ~~interests of a child, the court may place the child in the legal~~
16 ~~custody of the Department of Human Services. If the child is placed~~
17 ~~in the custody of the Department, the court may not direct the~~
18 ~~Department to place the child in a specific home or placement.~~

19 ~~2. At any hearing including, but not limited to, hearings~~
20 ~~conducted pursuant to Section 7003-8.6 of this title, where it is~~
21 ~~determined that a child in state custody will be released from state~~
22 ~~custody, the district attorney or the attorney for the child may~~
23 ~~give verbal notice to the court of an objection to the order of the~~
24 ~~court and an intention to seek review of that order based on the~~

1 ~~grounds that the order of the court releasing the child from state~~
2 ~~custody creates a serious risk of danger to the health or safety of~~
3 ~~the child.~~

4 ~~3. Upon giving such notice, the court issuing the custody order~~
5 ~~in question shall stay the custody order filing of an application~~
6 ~~and completion of review as provided in this section. The district~~
7 ~~attorney or attorney for the child shall file with the presiding~~
8 ~~judge of the administrative judicial district a written application~~
9 ~~for review within three (3) judicial days from the custody order.~~
10 ~~If a written application for review is not filed within such time~~
11 ~~period, or if a written notice to the trial court withdrawing the~~
12 ~~objection is filed within that time period, the objection will be~~
13 ~~deemed abandoned and the stay shall be lifted.~~

14 ~~4. Each application for review shall be assigned by the~~
15 ~~presiding judge of the administrative judicial district to a judge~~
16 ~~within that administrative judicial district with juvenile docket~~
17 ~~responsibilities. The review shall be completed within five (5)~~
18 ~~judicial days of the filing of the written application for review.~~
19 ~~The review conducted by the reviewing judge shall address the~~
20 ~~question of whether releasing the child from state custody creates a~~
21 ~~serious risk of danger to the health or safety of the child. The~~
22 ~~reviewing court shall review the record of the hearing and any other~~
23 ~~evidence deemed relevant by the reviewing court. At the conclusion~~
24 ~~of the review, the reviewing court shall issue its findings of fact~~

1 ~~and conclusions of law and report them to the court issuing the~~
2 ~~custody order under review.~~

3 ~~5. A finding by the reviewing court that the order releasing~~
4 ~~the child from state custody creates a serious risk of danger to the~~
5 ~~health or safety of the child shall be controlling and the court~~
6 ~~issuing the order under review shall proceed to enter a different~~
7 ~~custody order. If the reviewing court finds that the order under~~
8 ~~review does not create a serious risk of danger to the health or~~
9 ~~safety of the child and that the order is otherwise appropriate then~~
10 ~~the court issuing the order under review shall lift the stay and the~~
11 ~~order shall be subject to appeal as provided in subsection A of this~~
12 ~~section. The failure of any court to issue the stay mandated by~~
13 ~~this subsection shall be subject to immediate mandamus to an~~
14 ~~appropriate court.~~

15 SECTION 51. AMENDATORY 10 O.S. 2001, Section 7003-6.2A,
16 as amended by Section 6, Chapter 205, O.S.L. 2006 (10 O.S. Supp.
17 2008, Section 7003-6.2A), is amended to read as follows:

18 Section 7003-6.2A A. At any hearing pursuant to the provisions
19 of the Oklahoma Children's Code for the purpose of determining the
20 placement of a child or that a child in state custody is to be
21 released from state custody, the court shall provide an opportunity
22 to a representative of the Department of Human Services, the present
23 foster parent, the guardian ad litem and the child, if of sufficient
24 age as determined by the court, to present sworn testimony regarding

1 the placement of the child or release of the child from state
2 custody. In all cases in which the Office of Juvenile System
3 Oversight has conducted an investigation regarding placement of a
4 child or release of a child from state custody and believes there is
5 a serious risk of danger to the health or safety of that child, the
6 Oklahoma Commission on Children and Youth shall provide to the court
7 and the parties a written report of their investigation and
8 recommendation for placement of the child. Such report shall be
9 provided to the court and the parties no less than five (5) days
10 prior to the hearing. The court, upon motion of any party, shall
11 order attendance of any person preparing such report when it appears
12 there is a substantial likelihood that material evidence not
13 contained in the report may be produced by the testimony of any
14 person having prepared the report. The court shall consider the
15 report when making his or her decision regarding placement of a
16 child or release of a child from state custody.

17 B. The court, the district attorney or the attorneys for the
18 parties may cross examine the representative of the Department of
19 ~~Human Services~~, the child, if of sufficient age as determined by the
20 court, the present foster parents, and the guardian ad litem.

21 C. The court shall issue written findings of fact and
22 conclusions of law. All hearings concerning such cases shall be on
23 the record. The failure of any court to provide an opportunity to a
24 representative of the Department of ~~Human Services~~ or to the present

1 foster parent, the guardian ad litem and to the child, if of
2 sufficient age as determined by the court, to present the sworn
3 testimony pursuant to this section shall be subject to immediate
4 mandamus to an appropriate court.

5 SECTION 52. AMENDATORY 10 O.S. 2001, Section 7003-6.3,
6 is amended to read as follows:

7 Section 7003-6.3 In ~~the published~~ opinions of the appellate
8 courts of this state in proceedings including, but not limited to,
9 deprived, adoption and, paternity proceedings and other proceedings
10 under this ~~Code~~ title, the initial of the child's surname shall be
11 used rather than the name of the child.

12 SECTION 53. AMENDATORY 10 O.S. 2001, Section 7003-6.4,
13 is amended to read as follows:

14 Section 7003-6.4 A. All appeals of cases involving deprived or
15 allegedly deprived children, including termination of parental
16 rights, shall be initiated by filing a petition in error in the
17 Supreme Court within thirty (30) days of the order appealed from.
18 The record on appeal shall be completed within sixty (60) days from
19 the date of the order.

20 B. The briefing schedule is established as follows:

21 1. Appellant's brief in chief shall be filed twenty (20) days
22 after the trial court clerk notifies all parties that the record is
23 complete and such notice has been filed in the office of the Clerk
24 of the Supreme Court;

1 2. Appellee's answer brief shall be filed fifteen (15) days
2 after the appellant's brief in chief is filed; and

3 3. Appellant's reply brief may be filed within ten (10) days
4 after the appellee's answer brief is filed; ~~and.~~

5 ~~4. C. 1.~~ Adjudication of the appeals described in this section
6 shall be expedited by the Supreme Court and a decision shall be
7 rendered on a priority basis in all cases.

8 2. The term "priority basis" as used in this section means that
9 a decision shall be filed within six (6) months from the date the
10 briefing is completed.

11 SECTION 54. AMENDATORY 10 O.S. 2001, Section 7003-7.1,
12 as amended by Section 19, Chapter 327, O.S.L. 2002 (10 O.S. Supp.
13 2008, Section 7003-7.1), is amended to read as follows:

14 Section 7003-7.1 A. ~~1. Whenever the court transfers custody~~
15 ~~of a child as provided in this article, the~~ This section applies to
16 persons, institutions, or agencies, other than the Department of
17 Human Services, which receive custody of a child pursuant to a court
18 order as provided by the Oklahoma Children's Code.

19 B. 1. The person, institution, or agency, ~~or department~~
20 receiving custody shall have the right to, and shall be responsible
21 for, the care and control of the child, and shall have the duty and
22 authority to provide the following for the child:

23 a. food, clothing, and shelter,

24 b. medical care as authorized by the court, and

1 c. education, and discipline for the child.

2 2. ~~The court shall complete a form approved by the Oklahoma~~
3 ~~Supreme Court to verify information that has been considered prior~~
4 ~~to the custody transfer.~~

5 B. 1. ~~Except for an emergency psychiatric admission pursuant~~
6 ~~to the Inpatient Mental Health and Substance Abuse Treatment of~~
7 ~~Minors Act, such The person, institution, or agency ~~or~~ department~~
8 may provide or arrange for the ~~provision of an~~ emergency admission,
9 inpatient evaluation, or inpatient treatment of ~~such minor~~ a child
10 only pursuant to ~~a court order as provided by~~ the Inpatient Mental
11 Health and Substance Abuse Treatment of Minors Act. Nothing in this
12 subsection shall be interpreted to prohibit or preclude the
13 provision of outpatient behavioral health services, including an
14 outpatient examination, counseling, educational, rehabilitative or
15 other similar services to such ~~minor~~ child, as necessary and
16 appropriate, in the absence of a specific court order for such
17 services.

18 2. ~~The medical care, surgery and extraordinary care shall be~~
19 ~~charged to the appropriate agency where the child qualifies for the~~
20 ~~care under law, rule or administrative order or decision.~~

21 3. Nothing in this subsection shall be interpreted to:

22 a. relieve a parent of the obligation to provide for the
23 support of the child as otherwise provided by law, or
24

1 b. limit the authority of the court to order a parent to
2 make support payments or to make payments or
3 reimbursements for medical care or treatment,
4 including ~~mental~~ behavioral health care or treatment,
5 to the person, institution, or agency ~~or department~~
6 having custody of the child, or

7 c. abrogate the right of the child to any benefits
8 provided through public funds for which the child is
9 otherwise eligible.

10 4. No person, agency, or institution shall be liable in a civil
11 suit for damages for authorizing or not authorizing ~~surgery or~~
12 ~~extraordinary care in instances where an emergency exists~~ medical
13 care, as determined by competent medical authority.

14 C. 1. If the child is placed in the custody of ~~the Department~~
15 ~~of Human Services~~ a person, institution, or agency, whether in
16 emergency, temporary, or permanent custody, the ~~Department~~ person,
17 institution, or agency shall ~~determine the appropriate placement of~~
18 ~~the child. However, under no circumstances may the Department of~~
19 ~~Human Services return a child to a parent that contributed to the~~
20 ~~child being deprived due to abuse or neglect, without prior approval~~
21 ~~of the court. Any change in the placement of a child adjudicated to~~
22 ~~be deprived shall be in accord with the provisions of subsection B~~
23 ~~of Section 7003-5.4a of this title~~ ensure the child is not returned
24 to the care or supervision of any person from whom the child was

1 removed or to any person the court has previously ordered not to
2 have contact with the child without specific authorization from the
3 court.

4 2. The person, institution, or agency, ~~or Department~~ having
5 legal custody of a child pursuant to an order of the court shall
6 receive notice of court proceedings regarding the child and shall be
7 allowed to intervene upon application as a party to all court
8 proceedings pertaining to the care and custody of the child
9 ~~including, but not limited to: adjudication, disposition, review of~~
10 ~~disposition, termination of parental rights and proceedings pursuant~~
11 ~~to the Inpatient Mental Health and Substance Abuse Treatment of~~
12 ~~Minors Act.~~

13 SECTION 55. AMENDATORY 10 O.S. 2001, Section 7003-8.1,
14 as last amended by Section 1, Chapter 27, O.S.L. 2008 (10 O.S. Supp.
15 2008, Section 7003-8.1), is amended to read as follows:

16 Section 7003-8.1 A. In placing a child in the custody of an
17 individual, or in the custody of a private agency, or institution,
18 the court ~~shall,~~ and the Department of Human Services shall, if ~~at~~
19 ~~all~~ possible, select a person ~~or an,~~ agency, or institution governed
20 by persons of the same religious faith as that of the parents of the
21 child, or in case of a difference in the religious faith of the
22 parents, then of the religious faith of the child, ~~or, if the~~
23 ~~religious faith of the child is not ascertainable, then of the faith~~
24 ~~of either of the parents.~~

1 B. Except as otherwise provided by this section or by law, it
2 shall be left to the discretion of the judge to place the custody of
3 children where their total needs will best be served. If an
4 individual meets the minimum required age for placement purposes,
5 the age of an otherwise eligible individual shall not be a reason
6 for denying the individual placement or custody of a child.

7 ~~C. If the child is removed from the custody of the child's~~
8 ~~parent, the court or the Department of Human Services, as~~
9 ~~applicable, shall immediately consider concurrent permanency~~
10 ~~planning, so that permanency may occur at the earliest opportunity.~~
11 ~~Identification of appropriate in-state and out-of-state placements~~
12 ~~should be made so that if reunification fails or is delayed, the~~
13 ~~placement made is the best available placement to provide permanency~~
14 ~~for the child.~~

15 ~~D.~~ A prospective foster or adoptive parent shall not be an
16 approved placement for a child if the prospective foster or adoptive
17 parent or any other person residing in the home of the prospective
18 foster or adoptive parent has been convicted of any of the following
19 felony offenses:

- 20 1. Within the five-year period preceding the application date,
21 a physical assault, battery, or a drug-related offense;
- 22 2. Child abuse or neglect;
- 23 3. Domestic abuse;

24

1 4. A crime against a child, including, but not limited to,
2 child pornography; and

3 5. A crime involving violence, including, but not limited to,
4 rape, sexual assault or homicide, but excluding those crimes
5 specified in paragraph 1 of this subsection.

6 ~~E.~~ D. 1. Under no circumstances shall a child be placed with
7 or in the custody of an individual subject to the Oklahoma Sex
8 Offenders Registration Act or an individual who is married to or
9 living with an individual subject to the Oklahoma Sex Offenders
10 Registration Act.

11 2. In addition, prior to the court placing a child in the
12 custody of an individual, the court shall inquire as to whether the
13 individual has been previously convicted of any ~~other~~ felony or a
14 ~~relevant~~ misdemeanor or has any felony or ~~relevant~~ misdemeanor
15 charges pending.

16 3. Prior to the custody order being entered, the individual
17 seeking custody shall ~~respond by certified affidavit or through~~
18 ~~sworn testimony to the court and shall~~ provide an Oklahoma criminal
19 history record obtained pursuant to Section 150.9 of Title 74 of the
20 Oklahoma Statutes to the court.

21 4. For purposes of this subsection ~~the terms~~:

22 a. "~~relevant~~ misdemeanor" may include, ~~but shall not be~~
23 ~~limited to~~, assault and battery, alcohol- or drug-
24 related offenses, ~~crimes involving domestic abuse and~~

1 violence or other offenses deemed relevant by the
2 court involving the use of physical force or violence
3 against the person or property of another, and

4 b. "individual" shall not include a parent, or legal
5 guardian, ~~or custodian~~ of the child.

6 ~~F.~~ E. The provisions of this section shall not apply in any
7 paternity or domestic relations case, unless otherwise ordered by
8 the court.

9 SECTION 56. AMENDATORY 10 O.S. 2001, Section 7003-8.2,
10 is amended to read as follows:

11 Section 7003-8.2 In proceedings pursuant to this Code, the
12 court may allow mileage, as in civil actions, to witnesses and
13 reimbursement for expert witnesses ~~but such.~~ However, any mileage
14 and reimbursement paid in accordance with this section shall not be
15 tendered in advance of the hearing.

16 SECTION 57. AMENDATORY 10 O.S. 2001, Section 7003-8.3,
17 is amended to read as follows:

18 Section 7003-8.3 A willful violation of any provision of an
19 order of the court issued under the provisions of this Code shall
20 constitute indirect contempt of court, and shall be punishable as
21 such. Punishment for any such act of contempt shall not exceed a
22 fine of Three Hundred Dollars (\$300.00), or imprisonment in the
23 county jail for ~~not~~ more than thirty (30) days, or both such fine
24 and imprisonment.

1 SECTION 58. AMENDATORY 10 O.S. 2001, Section 7003-8.4,
2 is amended to read as follows:

3 Section 7003-8.4 ~~A.~~ Except as otherwise provided by this
4 ~~section~~ Code, the district attorney shall prepare and prosecute ~~any~~
5 ~~case or every hearing and~~ proceeding within the purview of the
6 Oklahoma Children's Code, and shall act as petitioner in all cases.
7 If the district attorney's office fails to perform its duties, the
8 court may appoint a special prosecutor to perform such duties and
9 tax the costs to the district attorney.

10 ~~B. 1. A petition for termination of parental rights may be~~
11 ~~filed by the district attorney or the attorney of a child alleged or~~
12 ~~adjudicated deprived.~~

13 ~~2. If the child's attorney files a petition for the termination~~
14 ~~of the parental rights of the parents of the child, the district~~
15 ~~attorney shall join in the petition or motion for those petitions or~~
16 ~~motions required to be filed by the district attorney pursuant to~~
17 ~~the provisions of Section 15 of this act.~~

18 SECTION 59. AMENDATORY 10 O.S. 2001, Section 7003-8.5,
19 is amended to read as follows:

20 Section 7003-8.5 Nothing contained in the Oklahoma Children's
21 Code shall prevent a court from immediately assuming custody of a
22 child and ordering whatever action may be necessary, including
23 medical or ~~mental~~ behavioral health treatment, to protect the
24 child's health, safety, or welfare.

1 SECTION 60. AMENDATORY 10 O.S. 2001, Section 7003-8.6,

2 is amended to read as follows:

3 Section 7003-8.6 A. Any judge who is assigned to hear juvenile
4 cases in counties having a population in excess of ~~one hundred~~
5 ~~thousand (100,000)~~ eighty thousand (80,000) and where funding is
6 available may appoint a suitable person or persons to act as referee
7 or referees on a full-time or part-time basis, to hold office at the
8 pleasure of the judge. ~~Such referees~~ Referees shall be lawyers
9 licensed to practice law in this state and shall be specially
10 qualified for their duties. ~~The judge may direct that any case, or~~
11 ~~all cases of a class or within a county to be designated by the~~
12 ~~judge, shall be heard in the first instance by a referee in the~~
13 ~~manner provided for the hearing of cases by the court. Upon the~~
14 ~~conclusion of the hearing in each case, the referee shall transmit~~
15 ~~to the court all papers relating to the case, together with the~~
16 ~~referee's findings of fact and conclusions of law, and~~
17 ~~recommendations in writing~~ Reasonable compensation shall be fixed by
18 the presiding judge of the administrative district.

19 B. ~~Notice of the referee's findings and recommendations shall~~
20 ~~be given to the parent, guardian or custodian of the child, the~~
21 ~~child's attorney, guardian ad litem or court-appointed special~~
22 ~~advocate, foster parent or to any other person concerned whose case~~
23 ~~has been heard by the referee. A hearing by the court shall be~~
24 ~~allowed upon the filing with the court of a request for such~~

1 ~~hearing, if the request is filed within three (3) days after the~~
2 ~~service of such notice. In case no hearing by the court is~~
3 ~~requested, the findings and recommendations of the referee, when~~
4 ~~confirmed by an order of the court, shall become the decree of the~~
5 ~~court~~ All referees are subject to the administrative authority and
6 assignment power of the chief judge of the juvenile court of the
7 county. The duties and powers of referees shall be to hear and
8 report all matters assigned by the chief juvenile judge and to
9 recommend findings of fact, conclusions of law, temporary and
10 interim orders, and final orders of judgment.

11 C. 1. Upon conclusion of the hearing, the referee shall
12 provide a copy in writing of the recommended findings, conclusions,
13 and orders to the parties, counsel, and the referring judge
14 instanter, or as provided in Section 692.2 of Title 12 of the
15 Oklahoma Statutes.

16 2. Unless stayed by order of the referee or the reviewing
17 judge, all orders of a referee shall become immediately effective
18 and shall continue in full force and effect until vacated or
19 modified upon rehearing by order of the reviewing judge. Any order
20 entered by a referee becomes a final order of the reviewing court
21 upon expiration of three (3) judicial days following its entry,
22 unless a review was ordered or requested. The chief judge of the
23 juvenile court may establish requirements that any or all
24

1 recommended orders of the referee must be expressly approved by the
2 reviewing judge before becoming effective.

3 D. 1. Any party, as well as the Department of Human Services
4 when the child is in the legal custody of the Department, may file a
5 written objection to the referee's recommendations within three (3)
6 judicial days after notice of the recommendations. The objection
7 shall clearly specify the reason and grounds for the objection. On
8 receipt of the objection, the reviewing court shall set a hearing
9 date for the review. The objecting party shall promptly provide a
10 copy of the objection and notice of the review to the Department and
11 all parties to the action. Failure to file a timely request for
12 district court review shall constitute a waiver of any and all
13 objections to the recommendations of the referee.

14 2. The review of the district court shall be limited to a
15 review of the record developed before the referee.

16 3. The court shall accept the findings of fact of the referee
17 unless they are clearly erroneous. After a review of the objection,
18 the court may confirm or reconfirm the recommendations, reject, or
19 modify them in whole or in part, receive further evidence, or remand
20 them with instructions.

21 SECTION 61. AMENDATORY 10 O.S. 2001, Section 7003-8.7,
22 as amended by Section 1, Chapter 198, O.S.L. 2004 (10 O.S. Supp.
23 2008, Section 7003-8.7), is amended to read as follows:

24

1 Section 7003-8.7 A. ~~In any postadjudicatory hearing concerning~~
2 ~~the status of a~~ Upon notice to the parent or other person legally
3 obligated to support the child and upon an opportunity to be heard
4 and a finding of financial ability to pay, the court, ~~if the court~~
5 ~~determines~~ may order the parent ~~is able to pay,~~ shall order the
6 ~~parents of any deprived child~~ or other person to:

7 1. Reimburse the Department of Human Services, in whole or in
8 part, for any costs and expenses incurred by the Department in
9 providing any services or authorizing actions taken pursuant to the
10 Oklahoma Children's Code for the child including, but not limited
11 to, all or some part of placement services, medical care and mental
12 health services of a child, as authorized by law;

13 2. Reimburse any law enforcement agency, in whole or in part,
14 for any costs or expenses incurred by the law enforcement agency for
15 protective custody services or other authorized actions taken
16 pursuant to the Oklahoma Children's Code; and

17 3. Reimburse the court fund, in whole or in part, for any
18 disbursements made from the court fund in conjunction with the case,
19 including, but not limited to, court-appointed attorney fees, expert
20 witness fees, sheriff's fees, witness fees, transcripts and postage.

21 B. 1. ~~After a judicial determination that the parent of the~~
22 ~~child is able to pay, in whole or in part, the costs and~~
23 ~~reimbursements specified by this section, the court shall order~~
24 ~~payment of the costs and reimbursements. The court may order such~~

1 ~~payments and reimbursements to be paid in installments and shall set~~
2 ~~the amount and due date of each installment.~~

3 ~~2. The court may order the terms and conditions of the payment~~
4 ~~of costs and expenses described in subsection A of this section.~~

5 When any parent is financially able but has willfully failed to pay
6 the costs and reimbursements as ordered by the court pursuant to
7 this section, the parent may be held in indirect contempt of court
8 and, upon conviction, shall be punished pursuant to Section 566 of
9 Title 21 of the Oklahoma Statutes.

10 ~~3. Even though the court has previously found the parent~~
11 ~~indigent, if a parent is subsequently found to be financially able~~
12 ~~to pay costs and reimbursements, the court shall require payment of~~
13 ~~costs and reimbursements required by this section. The court may~~
14 ~~order such costs and reimbursements to be paid in installments.~~

15 ~~C. The court shall have all powers incident to such orders~~
16 ~~necessary for their enforcement, including the power and authority~~
17 ~~to require bond or other security for the payment of such order; and~~
18 ~~may resort to execution and the power of punishment for contempt for~~
19 ~~noncompliance with such order.~~

20 ~~D. 1. The court may order reimbursements to be paid directly~~
21 ~~to the organization or institution having the care and custody of~~
22 ~~the child or children, or directly to the clerk of the court.~~

23 ~~2. All such funds ordered and paid to the clerk shall be~~
24 ~~accounted for; provided, that when payments are made in advance for~~

1 ~~any child, and custody of the court is terminated before the end of~~
2 ~~the period, then the clerk may refund, by proper voucher, the unused~~
3 ~~or unaccrued portion of such payment; or the refund may be~~
4 ~~authorized and paid on claim properly verified and approved by the~~
5 ~~judge.~~

6 ~~E. 1. The Department may effectuate an order for payment of~~
7 ~~any costs and expenses authorized pursuant to this section against~~
8 ~~any asset of the parent. Any assignment, attachment, garnishment,~~
9 ~~or lien against such assets shall be served upon the person in~~
10 ~~possession of the assets or shall be recorded in the office of the~~
11 ~~county clerk in the county in which the parent resides or in which~~
12 ~~the asset is located.~~

13 ~~2. Pursuant to the provisions of Section 236 of Title 56 of the~~
14 ~~Oklahoma Statutes, the Department may contract on a contingency fee~~
15 ~~basis with private attorneys for the collection and enforcement of~~
16 ~~orders for payment of costs and expenses against such assets. Any~~
17 ~~such third party payment shall be paid directly to the Department.~~

18 SECTION 62. AMENDATORY Section 2, Chapter 198, O.S.L.
19 2004, as last amended by Section 1, Chapter 99, O.S.L. 2008 (10 O.S.
20 Supp. 2008, Section 7003-8.8), is amended to read as follows:

21 Section 7003-8.8 A. 1. When paternity of an alleged or
22 adjudicated deprived child ~~is at issue~~ has not been established, the
23 court, within six (6) months after the filing of a deprived
24 petition, shall either establish paternity or defer the issue of

1 paternity establishment to the appropriate administrative or
2 district court for any child for whom paternity has not been legally
3 established according to Section ~~7700-101 et seq.~~ xxx of this title.

4 2. When paternity is ~~an~~ at issue, an alleged father and mother
5 of the child named in a deprived petition shall be given notice in
6 the petition and summons that paternity may be established in a the
7 deprived action. The Oklahoma Department of Human Services Child
8 Support Enforcement Division shall proceed with paternity
9 establishment for any case deferred to the administrative or other
10 district court division under this subsection.

11 3. After the establishment of paternity, the court shall
12 address ~~the issue of~~ current child support pursuant to subsection B
13 of this section. In addition, the court may:

- 14 a. order the father to pay child support for past months
15 when no child support order was in effect according to
16 the provisions of Section ~~83~~ xxx of this title, or
17 b. reserve or refer the issue of prior support to the
18 Oklahoma Department of Human Services Child Support
19 Enforcement Division.

20 4. The order establishing paternity shall be filed as a
21 separate document and shall not be confidential. The court clerk of
22 the district court where the ~~child support~~ paternity order has been
23 filed shall provide, upon request, a copy of the order establishing
24 paternity to a representative of the Oklahoma Department of Human

1 Services Child Support Enforcement Division. A court order for the
2 release of the order establishing paternity or other information
3 contained in the court record pertaining to paternity and child
4 support shall not be required. The order may be captioned with a
5 different case style in order to establish and enforce a child
6 support order in an action other than the deprived proceeding.

7 B. 1. Each parent of any child named in a deprived petition
8 shall be given notice in the petition and summons that child support
9 may be ordered or modified in the deprived action.

10 2. Within six (6) months after the filing of a deprived
11 petition, the court shall ~~either~~ address the issue of child support
12 or defer the issue of establishment or enforcement of child support
13 to the appropriate administrative or district court. The Oklahoma
14 Department of Human Services Child Support Enforcement Division
15 shall proceed with the establishment or enforcement of child support
16 orders for any case deferred to the administrative or other district
17 court division under this subsection; provided, the Department's
18 Child Support Enforcement Division shall enforce all child support
19 orders entered by the court.

20 3. a. If there is an existing order for child support, the
21 existing order shall remain in effect unless the court
22 finds the existing order is not in the best interests
23 of the child or children involved.

24

1 b. The court shall use the child support guidelines as
2 provided for in Sections 118 and 119 of Title 43 of
3 the Oklahoma Statutes in determining the amount each
4 parent is to pay for care and maintenance of a child
5 and issue an order describing the finding of the
6 court.

7 c. The court may deviate from the child support
8 guidelines when it is determined necessary in order
9 for the parent to meet the obligations of a court-
10 imposed ~~individual treatment and~~ individualized
11 service plan or for other reasons as the court deems
12 appropriate. If the court deviates from the amount of
13 child support indicated by the child support
14 guidelines, the court shall make specific findings of
15 fact supporting such action.

16 d. Each parent shall be individually ordered to pay his
17 or her percentage of the total monthly child support
18 obligation including parents who reside together.

19 e. The court shall order the parent to provide medical
20 insurance whenever the parent has insurance available
21 through employment or other group plan, regardless of
22 whether insurance is available at the time the order
23 is entered.

1 f. The child support order shall contain an immediate
2 income assignment provision pursuant to Section 115 of
3 Title 43 of the Oklahoma Statutes.

4 g. A child support computation form as provided for in
5 Section 120 of Title 43 of the Oklahoma Statutes shall
6 be completed by the court, counsel of record, or may
7 be referred to the Department's Child Support
8 Enforcement Division for completion. Upon being
9 signed by the judge and, the computation form shall be
10 incorporated as a part of the child support order.

11 h. (1) A standard child support order form shall be used
12 in the deprived action. The form shall be
13 prescribed by the Oklahoma Department of Human
14 Services Child Support Enforcement Division and
15 shall be published by the Administrative Office
16 of the Courts.

17 (2) The child support order shall be filed as a
18 separate document and shall not be confidential.

19 (3) The court clerk of the district court where the
20 child support order has been filed shall provide,
21 upon request, a copy of the support order to a
22 representative of the Oklahoma Department of
23 Human Services Child Support Enforcement
24 Division. A court order for the release of the

1 child support order or other information
2 contained in the court record pertaining to child
3 support shall not be required.

4 (4) The order may be captioned with a different case
5 style in order to enforce the child support order
6 in an action other than the deprived proceeding.

7 i. The child support order may be modified upon a
8 material change in circumstances.

9 j. The child support order may be enforced by any method
10 allowed by law.

11 k. After a deprived action is dismissed, the most recent
12 child support order entered in the deprived action
13 shall remain in full force and effect, unless the
14 judge presiding over the deprived action orders
15 otherwise. If there was no prior administrative or
16 district court case, the deprived action child support
17 order shall be docketed and filed in a new district
18 court family division action and enforced for current
19 child support and arrearages. If the judge presiding
20 over the deprived action modified a preexisting child
21 support order or if there was an existing
22 administrative or district court case, the child
23 support order entered in the deprived action shall be
24 filed in the existing case and enforced for current

1 child support and arrearages. The child support order
2 may be modified after being docketed in district
3 court.

4 C. All child support payments shall be paid through the
5 Oklahoma Centralized Support Registry as provided for in Section 413
6 of Title 43 of the Oklahoma Statutes.

7 D. When a child's ~~placement~~ custody is changed from one parent
8 or caretaker to another pursuant to the Oklahoma Children's Code,
9 the change in ~~placement~~ custody shall transfer child support
10 payments to the new caretaker unless the caretaker is receiving
11 foster care payments or Temporary Assistance to Needy Families
12 payments for the care of the child. Child support payments to the
13 caretaker shall terminate when the child no longer resides with the
14 caretaker.

15 E. The Department of Human Services shall promulgate rules
16 necessary to implement the provisions of this section.

17 SECTION 63. AMENDATORY 10 O.S. 2001, Section 7004-1.1,
18 is amended to read as follows:

19 Section 7004-1.1 A. In addition to the other powers and duties
20 prescribed by law, the Department of Human Services shall have the
21 power and duty to:

22 1. Provide for the ~~temporary~~ care and treatment of children
23 taken into protective or emergency custody pursuant to the
24 provisions of ~~Article III~~ of the Oklahoma Children's Code, and

1 placed in the Department's custody by an order of the juvenile
2 court.

3 In providing for the temporary care and treatment of an ~~alleged~~
4 ~~deprived child placed in the Department's custody,~~ such children the
5 Department shall:

6 a. place ~~such~~ the children in a children's shelter, a
7 foster home ~~or a relative's home,~~ group home, or in
8 any licensed facility established for the care of
9 children. In determining any placement for a child
10 who has been removed from the custody of a custodial
11 parent and placed with the Department in emergency ~~or~~
12 ~~protective~~ custody, priority shall be given by the
13 Department to the placement of such child with the
14 noncustodial parent of the child unless such placement
15 is not in the best interests of the child. ~~If it is~~
16 ~~determined by the Department that placement with the~~
17 ~~noncustodial parent is not in the best interests of~~
18 ~~the child, custody shall be consistent with the~~
19 ~~provisions of Section 21.1 of this title. If custody~~
20 ~~of the child cannot be made pursuant to the provisions~~
21 ~~of Section 21.1 of this title, the reason for such~~
22 ~~determination shall be specified in the agency records~~
23 ~~concerning the child. In addition, such reasons shall~~
24 ~~be made known to the court by the Department,~~

1 b. if ordered by the court, provide supervision of
2 children alleged to be deprived who are placed by the
3 court in the custody of a parent, relative, or other
4 responsible person. Such supervision shall, be in
5 accordance with ~~standards established by rules~~
6 promulgated by the ~~Commission for Human Services,~~
7 ~~consist of periodic visitation with the child, the~~
8 ~~child's custodian, and such other persons as may be~~
9 ~~necessary to assess the safety of the child and to~~
10 ~~offer voluntary services.~~ Such supervision Department
11 and shall not exceed the period allowed for the filing
12 of a petition or, if a petition is filed, the period
13 authorized by the court,

14 c. admit an alleged deprived child ~~in the Department's~~
15 ~~emergency custody~~ to a hospital or mental behavioral
16 health facility as provided in ~~Section 5-507 of Title~~
17 ~~43A of the Oklahoma Statutes and shall, if such child~~
18 ~~is found by the court to be a child in need of mental~~
19 ~~health treatment, place the child, as provided in~~
20 ~~paragraph 2 of subsection D of Section 5-512 of Title~~
21 ~~43A of the Oklahoma Statutes~~ the Inpatient Mental
22 Health and Substance Abuse Treatment of Minors Act,

23 d. provide ~~such~~ outpatient mental behavioral health care
24 and treatment ~~as may be necessary to preserve the~~

1 ~~health and safety of an alleged deprived child in~~
2 ~~emergency custody and as prescribed by a qualified~~
3 ~~mental behavioral health professional. Each child~~
4 ~~placed in the Department's emergency custody shall~~
5 ~~receive,~~

6 e. provide, as soon as practicable, educational
7 instruction through enrollment in a public school or
8 an alternative program consistent with the needs and
9 abilities of the child,

10 ~~e. f. provide or prescribe treatment services for the family~~
11 ~~of an alleged deprived child placed in the~~
12 ~~Department's emergency custody if such services are~~
13 ~~voluntarily requested and the family is otherwise~~
14 ~~eligible under application law and rules promulgated~~
15 ~~by the Commission for the services offered, and~~

16 ~~f. g. provide for each child placed in the Department's~~
17 ~~emergency custody to receive, as soon as practicable~~
18 ~~after the filing of the petition, an initial health~~
19 ~~screening to identify any health problems that require~~
20 ~~immediate treatment, to diagnose infections and~~
21 ~~communicable diseases and to evaluate injuries or~~
22 ~~other signs of neglect or abuse. The Department shall~~
23 ~~provide such medical care as is necessary to preserve~~
24 ~~the child's health and protect the health of others in~~

1 ~~contact with the child~~ in accordance with the
2 provisions of Article of this Code; and

3 2. Provide for the care and treatment of an adjudicated
4 deprived child placed in the ~~Department's~~ temporary custody of the
5 Department by an order of the juvenile court. In providing ~~for the~~
6 care and treatment ~~of an adjudicated deprived child placed in the~~
7 ~~Department's custody~~, the Department:

8 a. shall review and assess each ~~deprived child placed in~~
9 ~~its custody~~ to determine the type of placement and
10 services consistent with the needs of the child in the
11 nearest geographic proximity to the home of the child
12 as possible. ~~Such review and assessment shall include~~
13 ~~an investigation of the personal and family history of~~
14 ~~the child and the child's environment, and any~~
15 ~~necessary physical or mental examination.~~ In making
16 ~~such~~ the review, the Department may use any
17 facilities, public or private, which ~~offer to~~ aid in
18 the ~~determination of the correct placement of the~~
19 ~~child~~ assessment,

20 b. shall develop and, ~~upon approval by the court,~~
21 implement an individual ~~treatment and service~~ plan for
22 each ~~deprived child placed in the Department's custody~~
23 in accord with the requirements of Section ~~7003-5.1 et~~
24 ~~seq.~~ xxx of this title,

- 1 c. may ~~place~~ return a deprived child ~~in~~ to the home of
2 the ~~child~~ parent or legal guardian from whom the child
3 was removed with prior approval of the court ~~pursuant~~
4 ~~to subsection B of Section 7003 7.1 of this title, or~~
5 place the child in the home of a ~~relative of the child~~
6 noncustodial parent, in a foster home, in a ~~public or~~
7 ~~private~~ children's shelter, in a group home, in an
8 independent living program, or in any licensed
9 facility established for the care of ~~deprived~~
10 children. ~~No deprived child shall be placed in an~~
11 ~~institution operated by the Department,~~
- 12 d. may admit a deprived child ~~in the Department's custody~~
13 to a hospital or ~~mental~~ behavioral health facility as
14 provided in ~~Section 5 507 of Title 43A of the Oklahoma~~
15 ~~Statutes and shall, if such child is found by the~~
16 ~~court to be a child in need of mental health~~
17 ~~treatment, place the child as provided in paragraph 2~~
18 ~~of subsection D of Section 5 512 of Title 43A of the~~
19 ~~Oklahoma Statutes~~ the Inpatient Mental Health and
20 Substance Abuse Treatment of Minors Act,
- 21 e. may provide ~~such~~ outpatient ~~mental~~ behavioral health
22 care and treatment ~~as may be necessary to meet the~~
23 ~~treatment needs of a deprived child in the~~

1 ~~Department's custody and~~ as prescribed by a qualified
2 ~~mental~~ behavioral health professional, and

3 f. shall, if ordered by the court, provide supervision of
4 children adjudicated deprived who are placed by the
5 court in the custody of a parent, relative, or other
6 responsible person. Such supervision shall, be in
7 accordance with ~~standards established in~~ rules
8 promulgated by the Commission, ~~consist of periodic~~
9 ~~visitation with the child, the child's custodian, and~~
10 ~~such other persons as may be necessary to determine~~
11 ~~compliance with the court approved individual~~
12 ~~treatment and service plan. Such supervision shall~~
13 ~~not exceed a period of six (6) months unless extended~~
14 ~~by the court for good cause shown;~~ Department.

15 ~~3. Transfer any~~ B. The Department may move a child in its
16 custody from any authorized placement to another authorized
17 placement if ~~such transfer is~~ consistent with the ~~treatment~~ needs of
18 the child or as may be required in an emergency, subject to the
19 provisions of Section 7003-~~5.4a~~ xxx of this title;

20 ~~4. In providing for the outpatient mental health care and~~
21 ~~treatment of children in its custody, utilize, to the maximum extent~~
22 ~~possible and appropriate, the services available through:~~

23 a. ~~the guidance centers operated by the State Department~~
24 ~~of Health,~~

1 ~~b. the Department of Mental Health and Substance Abuse~~
2 ~~Services, and~~

3 ~~c. community-based private nonprofit agencies and~~
4 ~~organizations; and~~

5 ~~5. Provide, when voluntarily requested by a parent, legal~~
6 ~~guardian or custodian pursuant to rules promulgated by the~~
7 ~~Commission, family preservation or other services aimed at the~~
8 ~~prevention of child abuse or neglect.~~

9 C. The Department shall assure that any child who has attained
10 the minimum age for compulsory school attendance and is eligible for
11 a foster care payment under Title IV-E of the Social Security Act,
12 is:

13 1. Enrolled in an institution which provides elementary or
14 secondary education as determined under the law of the state or
15 other jurisdiction in which the institution is located;

16 2. Instructed in elementary or secondary education at home as
17 authorized by laws governing home schooling or other jurisdiction in
18 which the home is located;

19 3. In an independent study elementary or secondary education
20 program in accordance with the law of the state or jurisdiction in
21 which the program is located, which is administered by the local
22 school or school district; or

23 4. Incapable of attending school on a full-time basis due to a
24 documented medical condition supported by regular updates.

1 D. The Department has the authority to consent to travel for a
2 child in its custody outside the jurisdiction of the court, except
3 that court approval is required for travel outside of the United
4 States. Permission for school or organizational activities
5 requiring consent and not prohibited by Department rule may be given
6 by the foster parent.

7 E. The Department shall receive notice of all court proceedings
8 regarding any child in its custody and shall, upon application, be
9 allowed to intervene as a party for a specified purpose, to any
10 court proceedings pertaining to the care and custody of the child.

11 ~~B.~~ F. The Department may participate in federal programs
12 relating to ~~deprived~~ abused and neglected children and services for
13 such children; and apply for, receive, use and administer federal
14 funds for such purposes.

15 ~~C.~~ G. The Department shall receive interest earnings on the
16 investment by the State Treasurer of monies, to be credited to an
17 agency special account, for the benefit of and held in trust for
18 persons placed in the custody of the Department or in residence at
19 facilities maintained by the Department.

20 SECTION 64. AMENDATORY 10 O.S. 2001, Section 7004-1.3,
21 is amended to read as follows:

22 Section 7004-1.3 A. The Department of Human Services shall
23 carefully define the children and youth programs of the Department
24 as to their purpose, the population served, and performance

1 expectations. Planning for new programs and services and major
2 modifications to existing ones shall include evaluation of their
3 effect on other programs and services and communication and
4 coordination with other public and private children and youth
5 service providers in order to assure successful and cost-effective
6 implementation of the program. An evaluation component that
7 includes monitoring and evaluation of client outcomes shall be
8 incorporated into all of the Department's programs and services to
9 children and youth, whether provided directly by the agency or
10 through a contract.

11 1. All programs and services shall be designed to ensure the
12 accessibility of the program to the persons served. Provision for
13 transportation, child care and similar services necessary in order
14 to assist persons to access the services shall be made. If the
15 service is provided in an office setting, the service shall be
16 available during the evening.

17 2. Programs and services shall be targeted to the areas of the
18 state having the greatest need for them. The programs and services
19 shall be designed to meet the needs of the area in which they are
20 located. Programs and services intended for statewide
21 implementation shall be implemented first in those areas that have
22 the greatest need for them.

23 3. As a part of the Department's program planning and
24 monitoring processes, the Department shall examine its programs and

1 services to children and youth to ensure that the practices within
2 them do not operate to detriment of minority children and youth.

3 4. All child care services and facilities operated by the
4 Department shall be accredited by the National Council on
5 Accreditation, when applicable.

6 B. The Department shall develop a five-year plan for children
7 and youth services provided by the agency. The plan shall be
8 reviewed annually and modified as necessary. Agency budget
9 recommendations of the Department for services to children and youth
10 shall be based upon documented needs, and the development of budget
11 recommendations and priorities shall be closely integrated with
12 agency and interagency program planning and management.

13 C. The Department shall annually review its programs and
14 services and submit a report to the Governor, the Speaker of the
15 House of Representatives, the President Pro Tempore of the Senate,
16 and the Supreme Court of the State of Oklahoma, analyzing and
17 evaluating the effectiveness of the programs and services being
18 carried out by the Department. Such report shall include, but not
19 be limited to:

20 1. An analysis and evaluation of programs and services
21 continued, established and discontinued during the period covered by
22 the report;

23 2. A description of programs and services which should be
24 implemented;

1 3. Statutory changes necessary;

2 4. Relevant information concerning the number of children in
3 the Department's custody during the period covered by the report;
4 and

5 5. Such other information as will enable a user of the report
6 to ascertain the effectiveness of the Department's programs and
7 services.

8 SECTION 65. AMENDATORY 10 O.S. 2001, Section 7004-1.5,
9 is amended to read as follows:

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

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

15 C. 1. ~~a.~~ When a child has been removed from the child's home
16 and is in the care and custody of the Department, the Department
17 shall attempt to place the child with a person determined by the
18 Department to have a kinship relationship with the child if such
19 placement is in the best interests of the child.

20 ~~b.~~ 2. In determining a kinship placement for a child who has
21 been removed from the custody of a custodial parent and placed with
22 the Department in emergency or protective custody, priority shall be
23 given by the Department to the placement of ~~such~~ the child with the
24 noncustodial parent of the child unless such placement is not in the

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

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

14 ~~C. D.~~ 1. Upon the completion of the records search to
15 ascertain if there is an Oklahoma record of criminal history for the
16 prospective kinship foster parent or any other adult residing in the
17 prospective kinship foster parent's home, and subject to any other
18 standards established by law or by the Department, a child may be
19 placed in the kinship home. A kinship foster parent shall not be
20 entitled to any payments for providing foster care until such foster
21 parent receives final approval from the Department to be a kinship
22 foster parent.

23 2. Following placement, the Oklahoma State Bureau of
24 Investigation shall complete a national criminal history records

1 search based upon submission of fingerprints for any kinship foster
2 parent and any adult residing in the home of such parent, and shall
3 make the results of the records search available to the Department
4 pursuant to the provisions of the Oklahoma Child Care Facilities
5 Licensing Act, and applicable state and federal law. The Director
6 of Human Services or designee may authorize an exception to the
7 fingerprinting requirement for an adult residing in the kinship
8 foster care home who has a severe physical condition which precludes
9 ~~such person's~~ the person from being fingerprinted.

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

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

17 5. Any person violating the provisions of this subsection shall
18 be guilty of a misdemeanor.

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

23 ~~E.~~ F. The Department shall determine whether the person is able
24 to effectively care for the foster child by:

1 1. Reviewing personal and professional references;

2 2. Observing during a visit to the home of the kinship foster
3 care family; and

4 3. Interviewing the kinship foster care parent.

5 ~~F.~~ G. 1. When the kinship foster parent is finally approved by
6 the Department, in accordance with applicable state and federal law
7 and rules promulgated by the Commission for Human Services regarding
8 foster care services, the kinship foster care family shall be
9 eligible to receive payment for the full foster care rate for the
10 care of the child and any other benefits that might be available to
11 foster parents, whether monetary or in services.

12 2. If a child is placed with a kinship foster parent prior to
13 the home's final approval as a foster care home, the Department
14 shall immediately refer ~~such~~ the child and family for assistance
15 through the Temporary Assistance for Needy Families Program.

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

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

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

4 SECTION 66. AMENDATORY 10 O.S. 2001, Section 7004-1.6,
5 is amended to read as follows:

6 Section 7004-1.6 A. This section and Section 3230 of Title 70
7 of the Oklahoma Statutes shall be known and may be cited as the
8 "Independent Living Act".

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

10 1. To ensure that eligible individuals, who have been or are in
11 the foster care program of the Department of Human Services due to
12 abuse or neglect, receive the protection and support necessary to
13 allow ~~the~~ those individuals to become self reliant and productive
14 citizens through the provision of requisite services that include,
15 but are not limited to, transitional planning, housing, medical
16 coverage, and education; and

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

19 C. Individuals eligible for services pursuant to the
20 Independent Living Act include any individual up to twenty-one (21)
21 years of age who has been in the custody of the Department ~~of Human~~
22 ~~Services~~ or a federally recognized Indian tribe due to abuse or
23 neglect for any nine (9) of the twenty-four (24) months after the
24

1 individual's sixteenth birthday and before the individual's
2 eighteenth birthday.

3 D. Individuals who are eligible for services pursuant to the
4 Independent Living Act and who are between eighteen (18) and twenty-
5 one (21) years of age shall be eligible, ~~when funds become~~
6 ~~available,~~ for Medicaid coverage, provided such individuals were
7 also in the custody of the Department ~~of Human Services~~ or a
8 federally recognized Indian tribe on the date they reached eighteen
9 (18) years of age. ~~The Legislature directs the Oklahoma Health Care~~
10 ~~Authority to submit a State Medicaid Plan Amendment to the federal~~
11 ~~Health Care Financing Administration to provide medical coverage for~~
12 ~~such individuals to become effective fiscal year 2003.~~

13 SECTION 67. AMENDATORY 10 O.S. 2001, Section 7004-1.7,
14 is amended to read as follows:

15 Section 7004-1.7 A. A pilot program to serve children at high
16 risk of abuse and neglect shall be established by the Department of
17 Human Services in consultation with an evaluation team created
18 pursuant to this section if funds are available. ~~The pilot program~~
19 ~~shall begin no later than February 1, 2002, and end no later than~~
20 ~~May 1, 2005.~~

21 B. The pilot program shall:

22 1. Identify the populations of children at high risk of abuse
23 and neglect and the characteristics of those children ~~at high risk~~
24 ~~of abuse and neglect,~~ including, but not limited to, populations in

1 which parental drug and/or alcohol abuse, mental illness, mental
2 and/or physical disability, and domestic abuse are an issue;

3 2. Develop and design programs to provide services to children
4 at high risk of abuse and neglect;

5 3. Develop methods for coordinating state and local services to
6 assist high risk children and their families;

7 4. Allow and provide for participation of both urban and rural
8 concerns in developing and designing such programs;

9 5. Monitor, evaluate, and review the programs implemented to
10 serve populations of children at high risk of abuse and neglect; and

11 6. Include such other areas, programs, services, and
12 information deemed necessary by the Department ~~of Human Services~~ to
13 provide a comprehensive assessment of the needs and programs
14 necessary to provide assistance to children at high risk of abuse
15 and neglect.

16 C. An evaluation team shall determine the effectiveness of the
17 pilot program, and make a ~~preliminary~~ report to the Legislature, ~~no~~
18 ~~later than February 1, 2005~~ and to the Department annually for as
19 long as the program is funded. Such report shall cover:

20 1. Effective programs that will serve children that are at high
21 risk of abuse and neglect;

22 2. Statewide expansion of programs;

23 3. Funding sources;

24 4. Training of professionals to serve such populations;

1 5. Monitoring, evaluating and reviewing continued effectiveness
2 of such programs;

3 6. Special needs of children at risk of abuse and neglect from
4 parental addiction to drugs and alcohol and parental mental illness
5 and mental and/or physical disability and from domestic abuse; and

6 7. Recommendations regarding the issuance of grants and
7 contracts for serving such high-risk populations.

8 D. The evaluation team shall consist of not more than two
9 representatives from the following entities who have expertise in
10 child abuse prevention or a related field and who have an
11 understanding of program evaluation techniques:

12 1. The Department of Human Services;

13 2. The Department of Mental Health and Substance Abuse
14 Services;

15 3. The Oklahoma Commission on Children and Youth;

16 4. The Oklahoma Indian Affairs Commission;

17 5. The Oklahoma Institute for Child Advocacy;

18 6. The Oklahoma Court-Appointed Special Advocate Association;

19 7. The University of Oklahoma; and

20 8. Oklahoma State University.

21 E. 1. Upon receipt of recommendations ~~of the team evaluating~~
22 ~~the pilot project~~ from the evaluation team established pursuant to
23 this section, which ~~indicates~~ indicate that the expansion of the
24 pilot project on a statewide basis would be economically feasible

1 and practical, the Commission for Human Services shall promulgate
2 rules for developing a statewide program serving populations of
3 children at high risk of abuse and neglect, provided funding is
4 available for such expansion.

5 2. Upon promulgation of rules by the Commission, the provisions
6 of this section shall become effective statewide.

7 F. The Department ~~of Human Services~~ may:

8 1. Contract for services necessary to carry out the duties of
9 the Department pursuant to the provisions of this section; and

10 2. Accept the services of volunteer workers or consultants and
11 reimburse them for their necessary expenses pursuant to the State
12 Travel Reimbursement Act.

13 SECTION 68. AMENDATORY Section 7, Chapter 205, O.S.L.
14 2006, as amended by Section 4, Chapter 159, O.S.L. 2008 (10 O.S.
15 Supp. 2008, Section 7004-1.8), is amended to read as follows:

16 Section 7004-1.8 ~~On or before January 1, 2007, the~~ The
17 Department of Human Services shall ~~establish~~ maintain a performance-
18 based incentive compensation program for employees exclusively
19 working as child welfare specialists. All full-time child welfare
20 specialists shall be eligible to participate in the performance-
21 based incentive compensation program. Eligibility factors shall
22 include, but not be limited to, child welfare specialists who have
23 met or exceeded the suggested federal child welfare outcomes,
24 received "exceeds standards" employee evaluations, as defined by the

1 Office of Personnel Management, completed Department-sponsored field
2 training, and obtained an advanced higher education degree in social
3 work or closely related field. The eligibility of a child welfare
4 specialist shall not be based upon the level of seniority that has
5 been obtained by the child welfare specialist. The Oklahoma
6 Commission for Human Services shall promulgate rules as necessary to
7 implement the provisions of this section.

8 SECTION 69. AMENDATORY 10 O.S. 2001, Section 7004-2.1,
9 is amended to read as follows:

10 Section 7004-2.1 A. 1. The Department of Human Services
11 shall, to the extent of funds available, directly or by grant or
12 contract, develop and implement a diversity of community-based
13 services and community-based care for children who are alleged or
14 adjudicated deprived. Community-based services are prevention and
15 remedial services including, but not limited to 7:

- 16 a. home-based counseling, therapy, and crisis
17 intervention services,
- 18 b. nonresidential educational, vocational, social and
19 psychological diagnostic and counseling services,
- 20 c. substance abuse treatment, sexual abuse treatment,
21 emergency shelter and foster care, and other related
22 protection, prevention and treatment services which
23 are provided, whenever practicable, in or near a
24 child's home community.

1 2. If a child is placed with a noncustodial parent, the
2 noncustodial parent's home shall be construed to be the child's home
3 community. Community-based care is care in a foster home, group
4 home, community residential center or similar nonsecure facility
5 consistent with the individualized treatment needs of the child and
6 provided, whenever practicable, in or near a child's home community.

7 3. The Department is authorized to contract with any federal,
8 state, local, or tribal governmental agency, or with any qualified
9 private person, association, or agency to develop, administer,
10 coordinate, or provide community-based services and community-based
11 care.

12 B. The Department shall establish procedures for the letting of
13 grants or contracts, and the conditions and requirements for the
14 receipt of such grants or contracts, for community-based services
15 and community-based care. A copy of ~~such~~ the procedures shall be
16 made available to any member of the general public upon request.

17 C. Requests for proposals developed by the Department shall be
18 based upon documented client and service needs and identified
19 priorities. The request for proposals shall clearly identify the
20 program or services requirements, the population to be served, and
21 performance expectations. The agency shall adopt clear, written
22 guidelines to ensure uniformity in the management, monitoring, and
23 enforcement of contracts for services. If in-state private
24

1 providers are unable or unwilling to respond to the proposal, then
2 out-of-state providers should be encouraged to respond.

3 D. Nothing in this section shall serve to limit the authority
4 of the Department to secure federal funding for community-based
5 services and community-based care or compliance by the Department
6 with federal law and regulations governing the expenditure of such
7 funds.

8 E. Any state-funded grant or contract for the establishment of
9 community residential care or treatment facilities for children
10 shall require, as a condition for receipt of such grant or contract,
11 documented assurance from the agency or organization establishing
12 such facility that appropriate arrangements have been made for
13 providing the educational services to which residents of the
14 facility are entitled pursuant to state and federal law.

15 F. The Department ~~of Human Services~~ is hereby authorized to,
16 and shall, enter into cooperative agreements with the Department of
17 Juvenile Justice for the use by both Departments of existing
18 community-based programs, management information, and client
19 tracking systems, and other shared resources as deemed necessary or
20 appropriate by both Departments.

21 G. 1. The Department ~~of Human Services~~ is hereby authorized to
22 expend a sum not to exceed One Million Four Hundred Thousand Dollars
23 (\$1,400,000.00) from monies appropriated for that purpose from the
24 Human Services Fund during each fiscal year for the purpose of:

1 a. providing subsidy payments to licensed nonprofit child
2 care institutions within the State of Oklahoma to
3 furnish food, clothing, shelter, and upkeep for
4 Oklahoma children, and ~~to assist~~

5 b. assisting the agency in developing a more
6 comprehensive program to meet the needs of each child
7 in the program including, but not limited to, social
8 services, recreational activities and individual and
9 family counseling with the goal of returning the child
10 to his or her family.

11 2. Such subsidy shall be made on a per capital basis not to
12 exceed One Thousand Two Hundred Dollars (\$1,200.00) per year and
13 shall be expended in twelve (12) monthly payments beginning July 1
14 of the fiscal year. Nothing in this section shall preclude an
15 individual from receiving federal matching funds for which he would
16 otherwise be eligible.

17 SECTION 70. AMENDATORY 10 O.S. 2001, Section 7004-3.1,
18 is amended to read as follows:

19 Section 7004-3.1 A. 1. The Department of Human Services is
20 authorized to manage and operate the children's shelter located ~~at~~
21 in Oklahoma City, known and designated as the Pauline Mayer
22 Children's Shelter, and the children's shelter located in Tulsa,
23 known and designated as the Laura Dester Children's Shelter.

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~~ these facilities. ~~Such minimum~~ Minimum
21 qualifications shall be designed to assure that:

22 a. such personnel possess sufficient education, training,
23 experience, and background to provide adequate and
24

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 education, ~~and may~~
9 c. provide facilities for ~~such~~ these 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 71. AMENDATORY 10 O.S. 2001, Section 7004-3.2,
16 as amended by Section 20, Chapter 327, O.S.L. 2002 (10 O.S. Supp.
17 2008, Section 7004-3.2), is amended to read as follows:

18 Section 7004-3.2 A. The ~~Commission for~~ Department of Human
19 Services shall promulgate written rules, ~~outline~~ policies, ~~and~~
20 procedures governing the operation of those facilities operated by
21 or under contract with the Department of ~~Human Services~~ wherein
22 children may be ~~housed~~ placed. ~~Said policies and procedures shall~~
23 ~~include, but not be limited to, standards of cleanliness,~~
24 ~~temperature and lighting, availability of medical and dental care,~~

1 ~~provision of food, furnishings, clothing and toilet articles,~~
2 ~~supervision, appropriate and permissible use of restriction and~~
3 ~~confinement, procedures for enforcing rules of conduct consistent~~
4 ~~with due process of law and visitation privileges.~~

5 B. The policies prescribed shall, at a minimum, ensure that:

6 1. A child shall not be punished by physical force, deprivation
7 of nutritious meals, ~~deprivation of~~ or family visits, or solitary
8 confinement;

9 2. A child shall have the opportunity to participate in
10 physical exercise each day;

11 3. A child shall be allowed ~~daily access to showers and his~~ or
12 her own clothing or individualized clothing ~~which is clean;~~

13 4. A child shall have constant access to writing materials and
14 may send mail without limitation, censorship, or prior reading, and
15 may receive mail without prior reading, except that mail may be
16 opened in the presence of the child, without being read, to inspect
17 for contraband or if authorized by the court for the protection of
18 the child;

19 5. A child shall have ~~reasonable opportunity~~ a right to
20 communicate and to visit with his or her family on a regular basis,
21 and to communicate with persons in the community provided the
22 communication or visitation is in the best interests of the child;
23
24

1 6. A child shall have ~~immediate~~ timely access to medical care
2 as needed, ~~and shall receive necessary psychological and psychiatric~~
3 ~~services;~~

4 7. A child in the custody or care of the Department shall be
5 provided access to an education including teaching, educational
6 materials, and books, ~~provided, that such policies shall provide~~
7 ~~emphasis upon basic literacy skills, including but not limited to~~
8 ~~curricula requirements stressing reading, writing, mathematics,~~
9 ~~science, vocational technical education, and other courses of~~
10 ~~instruction designed to assure that such children will be capable of~~
11 ~~being assimilated into society as productive adults capable of self-~~
12 ~~support and full participation;~~

13 8. A child shall have ~~reasonable~~ a right to access to ~~an~~ the
14 child's attorney ~~upon request;~~

15 9. A child shall be afforded a grievance procedure, including
16 an appeal procedure; ~~and~~

17 10. A child's ~~mental~~ behavioral health needs ~~and mental well-~~
18 ~~being will~~ shall be met, protected, and served through provision of
19 guidance, counseling, and treatment programs, staffed by competent,
20 professionally qualified persons, ~~serving under the supervision of~~
21 ~~qualified mental health professionals as such term is defined by the~~
22 ~~Inpatient Mental Health and Substance Abuse Treatment of Minors Act;~~
23 and

24

1 11. Use of physical force, when authorized, shall be the least
2 force necessary under the circumstances and shall be permitted only
3 under the following circumstances:

- 4 a. for self-protection,
5 b. to separate children who are fighting,
6 c. to restrain children in danger of inflicting harm to
7 themselves or others, or
8 d. to deter children who are in the process of leaving
9 the facility without authorization.

10 C. Any contract or agreement entered into by the Department of
11 ~~Human Services~~ for the residential care and treatment of children in
12 the custody of the Department of ~~Human Services~~ shall provide that
13 the contractor shall comply with the provisions of subsections A and
14 B of this section and ~~the provisions of this part.~~

15 SECTION 72. AMENDATORY 10 O.S. 2001, Section 7004-3.4,
16 as amended by Section 6, Chapter 445, O.S.L. 2002 (10 O.S. Supp.
17 2008, Section 7004-3.4), is amended to read as follows:

18 Section 7004-3.4 A. 1. The Commission for Human Services is
19 authorized and directed to establish the Office of Client Advocacy
20 within the Department and to employ such personnel as may be
21 necessary to carry out the purposes of this section and the duties
22 listed in this section. Such personnel may be dismissed only for
23 cause.

1 ~~1-~~ 2. The chief administrative officer of the Office of Client
2 Advocacy shall be the Advocate General, who shall be an attorney
3 selected from a list of three names submitted by the Oklahoma
4 Commission on Children and Youth. The Advocate General shall be a
5 member of the Oklahoma Bar Association and shall have a minimum of
6 three (3) years' experience as an attorney. The compensation of the
7 Advocate General shall be no less than that of the classification of
8 Attorney III as established in the Merit System of Personnel
9 Administration classification and compensation plan, but shall be an
10 unclassified position.

11 ~~2-~~ 3. The duties and responsibilities of the Advocate General
12 are ~~as follows~~ to:

- 13 a. supervise personnel assigned to the Office of Client
14 Advocacy,
15 b. monitor and review grievance procedures and hearings,
16 c. establish and maintain a fair, simple, and expeditious
17 system for resolution of grievances of:

18 (1) all children in the custody of the Department of
19 Human Services regarding:

- 20 (a) the substance or application of any written
21 or unwritten policy or rule of the
22 Department or ~~of an~~ agent of the Department,
23 or
24

1 (b) any decision or action by an employee or ~~an~~
2 agent of the Department, or of any child in
3 the custody of the Department,

4 (2) foster parents relating to the provision of
5 foster care services pursuant to this section and
6 Section ~~7204.1~~ xxx of this title, and

7 (3) all persons receiving services from the
8 Developmental Disabilities Services Division of
9 the Department of Human Services,

10 d. investigate allegations of abuse, neglect, sexual
11 abuse, and sexual exploitation, as those terms are
12 defined in the Oklahoma ~~Child Abuse Reporting and~~
13 ~~Prevention Act~~ Children's Code, by a ~~caretaker of~~
14 ~~children~~ person responsible for a child, regardless of
15 custody:

16 (1) residing outside their own homes other than
17 children in foster care,

18 (2) in a day treatment program as defined in Section
19 ~~175.20~~ xxx of this title, and submit a report of
20 the results of the investigation to the
21 appropriate district attorney and to the State
22 Department of Health,

1 (3) receiving services from a community services
2 worker as that term is defined in Section 1025.1
3 of Title 56 of the Oklahoma Statutes, and
4 (4) residing in a state institution listed in Section
5 ~~1406~~ xxx of this title,

6 e. establish a system for investigating allegations of
7 ~~caretaker~~ misconduct, by a person responsible for a
8 child, not rising to the level of abuse, neglect,
9 sexual abuse, or sexual exploitation with regard to
10 any child or resident listed in subparagraph d of this
11 paragraph,

12 f. coordinate any hearings or meetings of Departmental
13 administrative review committees conducted as a result
14 of unresolved grievances or as a result of
15 investigations,

16 g. make recommendations to the Director, and provide
17 regular or special reports regarding grievance
18 procedures, hearings and investigations to the
19 Director, the Commission, the Office of Juvenile
20 System Oversight and other appropriate persons as
21 necessary,

22 h. forward to the Office of Juvenile Systems Oversight,
23 for the information of the Director of that office, a
24

1 copy of the final report of any grievance which is not
2 resolved in the favor of the complainant,

3 i. perform such other duties as required by the Director
4 of the Department or the Commission, and

5 j. develop policies and procedures as necessary to
6 implement the duties and responsibilities assigned to
7 the Office of Client Advocacy.

8 B. The Office of Client Advocacy shall make a complete written
9 report of their investigations. The investigation report, together
10 with its recommendations, shall be submitted to the appropriate
11 district attorney's office.

12 C. 1. Except as otherwise provided by the Oklahoma ~~Child Abuse~~
13 ~~Reporting and Prevention Act~~ Children's Code, the reports required
14 by Section ~~7103~~ xxx of this title or any other information acquired
15 pursuant to the Oklahoma ~~Child Abuse Reporting and Prevention Act~~
16 Children's Code shall be confidential and may be disclosed only as
17 provided in Section ~~7111~~ xxx of this title and the Oklahoma
18 Children's Code.

19 ~~1.~~ 2. Except as otherwise provided by the Oklahoma ~~Child Abuse~~
20 ~~Reporting and Prevention Act~~ Children's Code, any violation of the
21 confidentiality requirements of the Oklahoma ~~Child Abuse Reporting~~
22 ~~and Prevention Act~~ Children's Code shall, upon conviction, be a
23 misdemeanor punishable by up to six (6) months in jail, by a fine of
24

1 Five Hundred Dollars (\$500.00), or by both such fine and
2 imprisonment.

3 ~~2-~~ 3. Any records or information disclosed as provided by this
4 subsection shall remain confidential. The use of any information
5 shall be limited to the purpose for which disclosure is authorized.
6 Rules promulgated by the Commission for Human Services shall provide
7 for disclosure of relevant information concerning Office of Client
8 Advocacy investigations to persons or entities acting in an official
9 capacity with regard to the subject of the investigation.

10 ~~3-~~ 4. Nothing in this section shall be construed as prohibiting
11 the Office of Client Advocacy or the Department from disclosing such
12 confidential information as may be necessary to secure appropriate
13 care, treatment, or protection of a child alleged to be abused or
14 neglected.

15 D. 1. The Office of Client Advocacy shall investigate any
16 complaint alleging that an employee of the Department or ~~of~~ a child-
17 placing agency has threatened a foster parent with removal of a
18 child from the foster parent, harassed a foster parent, or refused
19 to place a child in a licensed or certified foster home, or
20 disrupted a child placement as retaliation or discrimination towards
21 a foster parent who has:

22 a. filed a grievance pursuant to Section ~~7213~~ xxx of this
23 title,

24

1 b. provided information to any state official or
2 Department employee, or

3 c. testified, assisted, or otherwise participated in an
4 investigation, proceeding, or hearing against the
5 Department or child-placing agency.

6 2. The provisions of this subsection shall not apply to any
7 complaint by a foster parent regarding the result of a criminal,
8 administrative, or civil proceeding for a violation of any law,
9 rule, or contract provision by that foster parent, or the action
10 taken by the Department or a child-placement agency in conformity
11 with the result of any such proceeding.

12 3. The Office of Client Advocacy shall at all times be granted
13 access to any foster home or any child-placing agency which is
14 certified, authorized, or funded by the Department.

15 SECTION 73. AMENDATORY 10 O.S. 2001, Section 7004-3.5,
16 is amended to read as follows:

17 Section 7004-3.5 A. A youth service shelter facility may
18 provide shelter and care to a minor mother, who is the victim of
19 domestic abuse or is seeking relief from domestic abuse for herself
20 or on behalf of any of her children or both herself and any of her
21 children.

22 B. A youth service shelter facility may provide such shelter or
23 care only during an emergency constituting an immediate danger to
24 the physical health or safety of the minor mother or any of her

1 children or both the minor mother and any of her children. Such
2 shelter or care shall not extend beyond thirty (30) days unless the
3 facility receives an order issued by a court to continue ~~such~~
4 services or the parent or guardian of the minor mother consents to
5 ~~such~~ services.

6 C. The provisions of Section 856 of Title 21 of the Oklahoma
7 Statutes shall not apply to any youth service shelter facility and
8 any person operating such facility with regards to providing shelter
9 and care pursuant to the provisions of this section to a minor
10 mother and any of her children who is a runaway from her parent or
11 legal guardian.

12 D. The show cause hearing provided for in ~~Part 2 of Article III~~
13 ~~of this~~ the Oklahoma Children's Code shall be provided for the minor
14 mother, who is seeking relief from domestic abuse for herself or on
15 behalf of any of her children.

16 SECTION 74. AMENDATORY 10 O.S. 2001, Section 7005-1.1,
17 is amended to read as follows:

18 Section 7005-1.1 A. The court shall make and keep records of
19 all cases brought before it. The court ~~shall~~ may devise and cause
20 to be printed ~~such~~ forms for ~~social and legal~~ records and such other
21 papers as may be required.

22 B. As used in the Oklahoma Children's Code:

23 1. "Records" shall include but not be limited to written or
24 printed documents, papers, logs, reports, files, case notes, films,

1 photographs, audio or visual tape recordings, and shall include
2 information entered into and maintained in an automated or
3 computerized information system;

4 2. "Juvenile court record" means ~~legal and social~~ all records,
5 other than adoption records, including but not limited to agency,
6 law enforcement, and district attorney's records, filed with the
7 court that are related to a child who is the subject of a court
8 proceeding pursuant to the provisions of the Oklahoma Children's
9 Code;

10 3. "Agency record" means records prepared, obtained, or
11 maintained by a public or private agency with regard to a child who
12 is or has been under its care, custody, or supervision or to a
13 family member or other person living in the home of such child and
14 shall include but not be limited to:

15 a. any study, plan, recommendation, assessment, or report
16 made or authorized to be made by such agency for the
17 purpose of determining or describing the history,
18 diagnosis, custody, condition, care, or treatment of
19 such child, or

20 b. ~~any safety analysis records made in the course of any~~
21 ~~investigation or inquiry conducted by an agency to~~
22 ~~determine whether a child is or may be a deprived~~
23 ~~child, a delinquent child, a child in need of~~
24 ~~supervision or a child in need of treatment~~ that have

1 been prepared and obtained in response to a report of
2 alleged child abuse or neglect and include assessment
3 reports and reports to the district attorney with all
4 supporting documentation attached and any addendums;

5 4. "District attorney's records" means any records prepared or
6 obtained by an office of a district attorney relating to juvenile
7 cases and any records prepared or obtained for the prosecution of
8 crimes against children that constitute a legal or social record of
9 a child as defined by this section;

10 5. "Law enforcement records" means any contact, incident or
11 similar reports, arrest records, disposition records, detention
12 records, fingerprints, or photographs related to a child and shall
13 include but not be limited to reports of investigations or inquiries
14 conducted by a law enforcement agency to determine whether a child
15 is or may be subject to the provisions of this title as a deprived
16 child, ~~a delinquent child~~, a child in need of supervision, or a
17 ~~child~~ minor in need of treatment. Law enforcement records
18 pertaining to juveniles shall be maintained separately from records
19 pertaining to adults;

20 6. "Nondirectory education records" means any records
21 maintained by a public or private school, including a technology
22 center school, regarding a child who is or has been a student at the
23 school which are categorized as private or confidential records
24

1 pursuant to the federal ~~Family Educational Rights and Privacy Act of~~
2 ~~1974 and any rules promulgated pursuant to said act~~ and state law;

3 7. "Legal record" means any petition, docket, motion, finding,
4 order, judgment, pleading, paper, or other document, other than
5 social records, filed with the court;

6 8. "Social record" means all records and reports considered
7 closed or confidential by law including, but not limited to, family
8 social studies and histories, medical reports, psychological and
9 psychiatric evaluations or assessments, clinical or other treatment
10 reports or studies, educational records, home studies, and agency
11 records other than legal records filed with the court concerning a
12 child or the child's family, even if attached to court reports
13 prepared by the Department; and

14 9. "Participating agency" means any public or private agency
15 that has entered into a contract or an interagency agreement under
16 the Interlocal Cooperation Act in accordance with the rules and
17 guidelines adopted pursuant to Section 620.6 of this title for the
18 purpose of accessing and sharing information necessary for the care,
19 treatment, and supervision of children and youth.

20 SECTION 75. AMENDATORY 10 O.S. 2001, Section 7005-1.2,
21 is amended to read as follows:

22 Section 7005-1.2 A. Except as provided by this section and
23 except as otherwise specifically provided by state and federal laws,
24

1 the following records are confidential and shall not be open to the
2 general public or inspected or their contents disclosed:

- 3 1. Juvenile court records;
- 4 2. Agency records;
- 5 3. District attorney's records;
- 6 4. Law enforcement records;
- 7 5. Nondirectory education records; and
- 8 6. Social records.

9 B. The limitation of subsection A of this section shall not
10 apply to statistical information and other abstract information
11 obtained pursuant to the provisions of the Oklahoma Children's Code.

12 C. Except as authorized by Section ~~620.6~~ xxx of this title and
13 this article and except as otherwise specifically provided by state
14 and federal laws ~~pertaining to the confidentiality of records and~~
15 ~~information and the inspection, release, disclosure, correction or~~
16 ~~expungement of such information, including, but not limited to,~~
17 ~~state and federal laws~~ pertaining to education records, medical
18 records, drug or alcohol treatment records, law enforcement, or
19 social service records, the records listed in subsection A of this
20 section shall be confidential and shall be inspected, released,
21 disclosed, corrected or expunged only pursuant to an order of the
22 court. ~~Except as otherwise provided in Section 601.6 of this title,~~
23 ~~ne~~ A subpoena or subpoena duces tecum purporting to compel testimony
24 or disclosure of such information or record shall be ~~valid~~ invalid.

1 D. ~~An~~ 1. In a proceeding where the child custody or visitation
2 is at issue, the Department's safety analysis records shall be
3 produced to the court when a parent, legal guardian, or child who is
4 the subject of such record obtains a court order directing the
5 production of the records.

6 2. The person or party seeking the records shall proceed by
7 filing a motion for production of safety analysis records which
8 contains the following averments:

- 9 a. the movant is a parent, legal guardian, or child who
10 is the subject of the safety analysis records,
11 b. child custody or visitation is at issue,
12 c. that upon receipt from the court, the safety analysis
13 records shall be kept confidential and disclosed only
14 to the movant, the movant's attorneys, those persons
15 employed by or acting on behalf of the movant, and the
16 movant's attorneys whose aid is necessary to the
17 prosecution or defense of the child custody or
18 visitation issue, and
19 d. that a copy of the motion is being provided to the
20 parties, the child's attorney, if any, and the
21 guardian ad litem, if any.

22 3. Upon filing the motion for production of safety analysis
23 records, the court may, in its discretion, enter an ex parte order
24

1 for production of safety analysis records that shall be
2 substantially in the following form:

3 CONFIDENTIAL RECORDS DISCLOSURE AND PROTECTIVE ORDER

4 NOW on this day of , 20 , the court finds that child
5 custody or visitation is at issue in the above styled and numbered
6 proceeding and the disclosure of the safety analysis records of the
7 Oklahoma Department of Human Services pursuant to 10 O.S. Section
8 7005-1.2 xxx is necessary and relevant to the court's determination
9 of the child's best interests. The court therefore orders as
10 follows:

11 a. The Oklahoma Department of Human Services
12 ("Department" or "DHS") shall produce a copy of its
13 safety analysis records to this court on or before
14 day of , 20 .

15 b. The Department shall be permitted to redact or omit
16 information in its safety analysis records which may
17 identify the reporter of alleged child abuse or
18 neglect.

19 c. All information contained in the Department's safety
20 analysis records is confidential under Oklahoma law
21 and shall be disclosed only to the parties, the
22 parties' attorneys, and those persons employed by or
23 acting on behalf of the parties and the parties'

24

1 attorneys whose aid is necessary to the prosecution or
2 defense of the child custody or visitation issue.

3 d. No confidential information whether contained in
4 pleadings, briefs, discovery, or other documents shall
5 be filed except under seal with the legend "THIS
6 DOCUMENT CONTAINS CONFIDENTIAL INFORMATION AND IS
7 SUBJECT TO A PROTECTIVE ORDER OF THE COURT".

8 e. No person or entity shall utilize any information
9 contained in the safety analysis records for any
10 purpose other than the prosecution or defense of the
11 child custody or visitation issues in this case.

12 f. The release by counsel or any other person for any
13 reason of identifiers such as social security or tax
14 ID numbers that may be contained in the Department
15 records and which belong to any person or entity is
16 strictly prohibited.

17 g. Any violation of this order shall be subject to
18 prosecution for contempt of court.

19 IT IS SO ORDERED this day of , 20 .

20 4. This subsection shall not apply to:

21 a. deprived child proceedings brought pursuant to the
22 Oklahoma Children's Code,

23 b. discovery of safety analysis records by a person or
24 entity who is not the subject of those records, or

1 c. discovery of safety analysis records in criminal,
2 other civil, or administrative proceedings.

3 5. The party who has obtained a court order for the
4 Department's safety analysis records shall provide the Department
5 with the names and other identifying information concerning the
6 subjects of the safety analysis records.

7 6. Upon receipt of a court order to produce its safety analysis
8 records, the Department shall be given a minimum of five (5)
9 judicial days to deliver the records to the court.

10 7. The safety analysis records provided by the Department to
11 the court pursuant to this subsection shall not be subject to
12 judicial review and shall be released by the court only to the
13 litigants in the case under a protective order.

14 8. A court order entered pursuant to this subsection which
15 purports to require the Department to produce all agency records
16 shall be deemed to require only the production of the Department's
17 safety analysis records.

18 9. An employee of the Department shall not be compelled to
19 testify about the safety analysis records except upon a court order
20 directing such testimony. Any subpoena or subpoena duces tecum
21 purporting to compel disclosure of safety analysis records or
22 testimony concerning such records without a court order shall be
23 invalid.

1 10. Except as provided by this subsection or other law,
2 confidential records may be inspected, released, disclosed,
3 corrected, or expunged only by the procedure set forth in subsection
4 E of this section.

5 E. When confidential records may be relevant in a criminal,
6 civil, or administrative proceeding, an order of the court
7 authorizing the inspection, release, disclosure, correction, or
8 expungement of confidential records shall be entered by the court
9 only after a judicial review of the records and a determination ~~by a~~
10 ~~judge of the district court designated pursuant to this subsection,~~
11 ~~with due regard for the confidentiality of the records and the~~
12 ~~privacy of persons identified in the records, that a compelling~~
13 ~~reason exists and such inspection, release or disclosure is~~
14 ~~necessary for the protection of a legitimate public or private~~
15 ~~interest.~~ of necessity pursuant to the following procedure:

16 ~~1. Except for district attorney's~~ A petition or motion shall
17 be filed with the court describing with specificity the confidential
18 records, ~~any order authorizing~~ being sought and setting forth in
19 detail the compelling reason why the inspection, release,
20 ~~disclosure, release or inspection of such~~ correction, or expungement
21 of confidential records pursuant to this subsection may be
22 ~~conditioned on such terms and restrictions as~~ should be ordered by
23 the court ~~deems necessary and appropriate.~~ A motion that does not

24

1 contain the required specificity or detail may be subject to
2 dismissal by the court;

3 2. Upon the filing of a the petition ~~for an order of the court~~
4 ~~pursuant to this section~~ or motion, the court shall set a date for a
5 hearing and shall ~~provide three (3) judicial days~~ require notice of
6 not less than twenty (20) days to the agency or person holding the
7 records and the person who is the subject of the record if such
8 person is eighteen (18) years of age or older or to the parents of a
9 child less than eighteen (18) years of age who is the subject of the
10 record, to the attorneys, if any, of such person, child or parents
11 and any other interested party as ordered by the court. ~~The hearing~~
12 ~~may be closed at the court's discretion.~~ The court may also enter
13 an ex parte order compelling the person or agency holding the
14 records to either produce the records to the court on or before the
15 date set for hearing or file an objection or appear for the hearing.
16 The court may shorten the time allowed for notice due to exigent
17 circumstances;

18 3. ~~Upon the filing of a petition for an order of the court~~
19 ~~pursuant to this section, the judge of the court having jurisdiction~~
20 ~~to issue the order authorized by this section shall request the~~
21 ~~presiding judge of the judicial district to designate another judge~~
22 ~~to review~~ At the hearing, should the court find that a compelling
23 reason does not exist for the confidential records and make a
24 determination as to whether any information contained in the records

1 ~~may be inspected, released, disclosed, corrected or expunged. Any~~
2 ~~order issued by the judge of the court having jurisdiction to issue~~
3 ~~such order shall be based on and consistent with the determination~~
4 ~~of the judge reviewing~~ to be judicially reviewed, the matter shall
5 be dismissed; otherwise, the court shall order that the confidential
6 records be produced for a judicial review. The hearing may be
7 closed at the discretion of the court; and

8 4. The judicial review of the records shall include a
9 determination, with due regard for the confidentiality of the
10 records and the privacy of persons identified in the records, as to
11 whether an order should be entered authorizing the inspection,
12 release, disclosure, correction, or expungement of the records based
13 upon the need for the protection of a legitimate public or private
14 interest.

15 ~~E. Any agency or person may seek an order from the juvenile~~
16 ~~court prohibiting the release of information subject to disclosure~~
17 ~~without an order of the court pursuant to Section 620.6 of this~~
18 ~~title and this article. F.~~ The court may, for good cause shown,
19 prohibit the release of such ~~information~~ confidential records or
20 testimony or authorize a release of the confidential information or
21 testimony upon such conditions as the court deems necessary and
22 appropriate, subject to the provisions of ~~subsection D~~ of this
23 section.
24

1 ~~F. The court may authorize a designated person to review~~
2 ~~juvenile court~~ G. Any public or private agency, entity, or
3 professional person required to produce confidential reports and
4 records and collect statistical information and other abstract
5 information for research purposes. Such authorization shall be in
6 writing and state specifically the type of information which may be
7 reviewed.

8 Each person granted permission to inspect confidential reports
9 and records for research purposes shall present a notarized
10 statement to the court stating that the names of children, parents
11 and such other persons required by the court to be confidential will
12 remain confidential pursuant to this section may require payment of
13 fees from the party seeking the records prior to any records being
14 produced, including a research fee not exceeding Twenty Dollars
15 (\$20.00) per hour and a copy fee not to exceed fifty cents (\$0.50)
16 per page and Five Dollars (\$5.00) per copy of each video tape or
17 disk; provided, the court may waive such costs in a criminal action
18 based upon indigence of a defendant. The Department shall not be
19 permitted to assess fees for records produced pursuant to subsection
20 D of this section.

21 ~~G.~~ H. Nothing in Section ~~620.6~~ xxx of this title and this
22 article shall be construed as:

23 1. Authorizing the inspection of records or the disclosure of
24 information contained in records relating to the provision of

1 benefits or services funded, in whole or in part, with federal
2 funds, except in accord with federal statutes and regulations
3 governing the receipt or use of such funds;

4 2. Authorizing the disclosure of papers, records, books or
5 other information relating to the adoption of a child required to be
6 kept confidential. The disclosure of such information shall be
7 governed by the provisions of the Oklahoma Adoption Code;

8 3. Abrogating any privilege, including the attorney-client
9 privilege, or affecting any limitation on such privilege found in
10 any other statutes;

11 4. Limiting or otherwise affecting access of parties to a
12 deprived proceeding to records filed with or submitted to the court;

13 5. Limiting or otherwise affecting access of agencies to
14 information subject to disclosure, review, or inspection by contract
15 or as a condition for the receipt of public funds or participation
16 in any program administered by the agency;

17 6. Prohibiting the Department of Human Services from
18 summarizing the outcome of an investigation to the person who
19 reported a known or suspected instance of child abuse or neglect or
20 to any person providing services to a child who is or is alleged to
21 be a victim of child abuse;

22 7. Authorizing the disclosure of ~~the identity or location~~
23 information of which identifies any person who has reported an
24

1 allegation of known or suspected child abuse or neglect unless such
2 disclosure is specifically ordered by the court; or

3 8. Prohibiting the Department of Human Services from providing
4 a summary of allegations and findings of an investigation involving
5 a child care facility that does not disclose identities but that
6 permits parents to evaluate the facility;

7 9. Prohibiting the disclosure of confidential information to
8 any educational institution, facility, or educator to the extent
9 necessary to enable the educator to better provide educational
10 services and activities for a child and provide for the safety of
11 students; or

12 10. Prohibiting the Department from obtaining, without a court
13 order, nondirectory education records pertaining to a child in the
14 legal custody of the Department.

15 ~~H. The confidential records listed in subsection A of this~~
16 ~~section may be inspected and their contents disclosed without a~~
17 ~~court order to a school district in which the child who is the~~
18 ~~subject of the record is currently enrolled. The inspection of~~
19 ~~records and disclosure authorized by this subsection may be limited~~
20 ~~to summaries or to information directly necessary for the purpose of~~
21 ~~such inspection or disclosure. Upon request by the school district,~~
22 ~~or as otherwise required to be provided by the Department pursuant~~
23 ~~to the Oklahoma Child Abuse Reporting and Prevention Act, the agency~~
24 ~~in possession of the records shall provide the requested information~~

1 ~~to the school district. Any records disclosed as provided by this~~
2 ~~subsection shall remain confidential. The use of any information~~
3 ~~shall be limited to the purposes for which disclosure is authorized.~~

4 SECTION 76. AMENDATORY 10 O.S. 2001, Section 7005-1.3,
5 as amended by Section 1, Chapter 153, O.S.L. 2005 (10 O.S. Supp.
6 2008, Section 7005-1.3), is amended to read as follows:

7 Section 7005-1.3 A. Juvenile court records and Department of
8 Human Services agency records pertaining to a child may be
9 inspected, and their contents shall be disclosed, without a court
10 order to the following persons upon showing of proper credentials
11 and pursuant to their lawful duties:

12 1. The court having the child currently before it in any
13 proceeding pursuant to this title, any district court or tribal
14 court to which such proceedings may be transferred, employees and
15 officers of the court in the performance of their duties, including
16 but not limited to guardians ad litem appointed by the court, and
17 court-appointed special advocates;

18 2. ~~Employees of court appointed special advocate programs, as~~
19 ~~defined in Section 7001-1.3 of this title, in the course of their~~
20 ~~official duties pertaining to recruiting, screening, training,~~
21 ~~assigning cases, supervising and supporting volunteers in their~~
22 ~~roles as guardian ad litem, pursuant to Section 7003-3.7 of this~~
23 ~~title,~~

24

1 ~~3. Members of postadjudication review boards established~~
2 ~~pursuant to the provisions of Section 1116.2 of this title, the~~
3 ~~Child Death Review Board, and multidisciplinary personnel. In~~
4 ~~addition to juvenile court records, members of such postadjudication~~
5 ~~review boards may inspect, without a court order, information that~~
6 ~~includes, but is not limited to:~~

- 7 ~~a. psychological and medical records,~~
- 8 ~~b. placement history and information, including the names~~
9 ~~and addresses of foster parents,~~
- 10 ~~c. family assessments,~~
- 11 ~~d. treatment or service plans, and~~
- 12 ~~e. school records,~~

13 ~~4. A district attorney, United States Attorney, or Attorney~~
14 ~~General of this or another state and the employees of such offices~~
15 ~~in the course of their official duties pursuant to this title or the~~
16 ~~prosecution of crimes against children, or upon their request in~~
17 ~~their official capacity as advisor in a grand jury proceeding;~~

18 ~~5. 3. The attorney representing a child who is the subject of a~~
19 ~~proceeding pursuant to the provisions of this title, including the~~
20 ~~attorney representing a child pursuant to the provisions of~~
21 ~~subsection C of Section 7002-1.2 of this title or representing a~~
22 ~~child pursuant to the provisions of subsection A of Section 7112 of~~
23 ~~this title. Such attorney may also access other records listed in~~
24 ~~subsection A of Section 7005-1.2 of this title for use in the legal~~

1 ~~representation of the child~~ or other proceeding where child custody
2 or visitation is at issue;

3 ~~6.~~ 4. Employees of juvenile bureaus in the course of their
4 official duties pursuant to this title, and employees of the
5 Department of Human Services in the course of their official duties;

6 ~~7.~~ 5. Employees of a law enforcement agency of this or another
7 state or military enclave and employees of a child protective
8 service of another state or military enclave in the course of their
9 official duties pertaining to investigations of a report of known or
10 suspected child abuse or neglect or crimes against children or for
11 the purpose of determining whether to place a child in protective
12 custody;

13 ~~8.~~ ~~Persons and agencies authorized by Section 7005-1.7 of this~~
14 ~~title;~~

15 ~~9.~~ 6. The Oklahoma Commission on Children and Youth as provided
16 by Sections ~~601.2~~ xxx and ~~601.6~~ xxx of this title;

17 ~~10.~~ ~~The Department of Human Services or other public or private~~
18 ~~agency or individual having court ordered custody or custody~~
19 ~~pursuant to Department of Human Services placement of the child who~~
20 ~~is the subject of the record;~~

21 ~~11.~~ 7. The Office of Juvenile Affairs;

22 ~~12.~~ ~~The child who is the subject of the record and the parents,~~
23 ~~legal guardian, custodian or foster parent of such child;~~

24

1 ~~13.~~ 8. A federally recognized Indian tribe in which the child
2 who is the subject of the record is a member or is eligible to
3 become a member of the tribe and is the biological child of a member
4 of an Indian tribe pursuant to the provisions of the Federal Indian
5 Child Welfare Act, ~~P.L. 95-608~~, and the Oklahoma Indian Child
6 Welfare Act; provided such Indian tribe, in the course of its
7 official duties, is:

- 8 a. investigating a report of known or suspected child
9 abuse or neglect or crimes against children or for the
10 purpose of determining whether to place a child in
11 protective custody,
- 12 b. providing services to or for the benefit of a child
13 including, but not limited to, protective, emergency,
14 social and medical services, or
- 15 c. the tribe, the tribal court or the tribal child
16 welfare program has asserted jurisdiction or
17 intervened in any case in which the child is the
18 subject of the proceedings or is a party to the
19 proceedings pursuant to the authority provided in the
20 Oklahoma Indian Child Welfare Act.

21 The records that are to be provided to Indian tribes under this
22 subsection shall include all case records, reports, and documents as
23 defined in Section ~~7005-1.1~~ xxx of this title;

1 ~~14.~~ 9. The Governor or to any person the Governor designates,
2 in writing;

3 ~~15.~~ 10. Any federal official of the United States Department of
4 Health and Human Services;

5 ~~16.~~ 11. Any member of the Legislature approved in writing by
6 the Speaker of the House of Representatives or the President Pro
7 Tempore of the Senate;

8 ~~17.~~ ~~Persons authorized by and in the manner provided in the~~
9 ~~Oklahoma Child Abuse Reporting and Prevention Act,~~

10 ~~18.~~ 12. A foster parent, with regard to records concerning the
11 social, medical, psychological, or educational needs of a child
12 currently placed with that foster parent or of a child being
13 considered for placement with that foster parent;

14 ~~19.~~ 13. An employee of any state or federal corrections or law
15 enforcement agency in the performance of such employee's official
16 duties concerning presentence investigations or supervision of a
17 parent of an alleged or adjudicated deprived child, or the legal
18 guardian, custodian, or any other adult member of the child's home
19 who is responsible for the health, safety, or welfare of the child;
20 and

21 ~~20.~~ 14. An employee of a state agency of this or another state
22 in the performance of such employee's official duties concerning the
23 establishment of paternity or the establishment or enforcement of a
24 child support order or other entitlement for the benefit of a child;

1 provided, disclosure shall be limited to information directly
2 related to the purpose of such disclosure.

3 B. In addition to the persons listed in subsection A of this
4 section, juvenile court records may be inspected, and their contents
5 shall be disclosed, without a court order to the following persons
6 upon showing of proper credentials and pursuant to their lawful
7 duties:

8 1. Employees of court-appointed special advocate programs, as
9 defined in Section 7001-1.3 xxx of this title, in the course of
10 their official duties pertaining to recruiting, screening, training,
11 assigning cases, supervising, and supporting volunteers in their
12 roles as guardian ad litem pursuant to Section 7003-3.7 xxx of this
13 title;

14 2. Members of postadjudication review boards established
15 pursuant to the provisions of Section 1116.2 xxx of this title, the
16 Child Death Review Board, and multidisciplinary personnel. In
17 addition to juvenile court records, members of such postadjudication
18 review boards may inspect, without a court order, information that
19 includes, but is not limited to:

- 20 a. psychological and medical records,
21 b. placement history and information, including the names
22 and addresses of foster parents,
23 c. family assessments,
24 d. treatment or service plans, and

1 e. school records;

2 3. The Department of Human Services or other public or private
3 agency or individual having court-ordered custody or physical
4 custody pursuant to Department placement of the child who is the
5 subject of the record;

6 4. The child who is the subject of the record and the parents,
7 legal guardian, custodian, or foster parent of such child; and

8 5. A person authorized by the court to conduct bona fide
9 research, provided such research may not publish the names or
10 identities of parents, children, or other persons contained in the
11 records.

12 C. In addition to the persons and entities named in subsection
13 A of this section, Department of Human Services agency records may
14 be inspected, and their contents shall be disclosed, without a court
15 order to the following persons upon showing of proper credentials
16 and pursuant to their lawful duties:

17 1. Postadjudicatory review boards, court-appointed special
18 advocates, and members of the Child Death Review Board;

19 2. Any district court which has ordered a home study by the
20 Department in an action for divorce, annulment, custody of a child,
21 or appointment of a legal guardian of a child, or any subsequent
22 proceeding in such actions; provided, however, the Department may
23 limit disclosure in the home study to summaries or to information
24 directly related to the purpose of such disclosure;

1 3. Members of multidisciplinary teams or multidisciplinary
2 personnel designated by the Department, investigating a report of
3 known or suspected child abuse or neglect or providing services to a
4 child or family which is the subject of the report;

5 4. A physician who has before him or her a child whom the
6 physician reasonably suspects may be abused or neglected or any
7 health care or mental health professionals involved in the
8 evaluation or treatment of the child, the child's parents, legal
9 guardian, foster parent, custodian, or other family members;

10 5. Any public or private agency or person authorized by the
11 Department to diagnose, or provide care, treatment, supervision, or
12 other services to a child who is the subject of a report or record
13 of child abuse or neglect; provided, the Department may limit such
14 disclosure to summaries or to information directly necessary for the
15 purpose of such disclosure;

16 6. Any person or agency for research purposes, if all of the
17 following conditions are met:

18 a. the person or agency conducting such research is
19 employed by the State of Oklahoma or is under contract
20 with this state and is authorized by the Department to
21 conduct such research, and

22 b. the person or agency conducting the research ensures
23 that all documents containing identifying information
24 are maintained in secure locations and access to such

1 documents by unauthorized persons is prohibited; that
2 no identifying information is included in documents
3 generated from the research conducted; and that all
4 identifying information is deleted from documents used
5 in the research when the research is completed;

6 7. The Oklahoma Health Care Authority; and

7 8. A medical examiner when such person is determining the cause
8 of death of a child.

9 D. In accordance with the rules promulgated for such purpose
10 pursuant to Section 620.6 of this title, records listed in
11 subsection A of Section ~~7005-1.2~~ xxx of this title may be inspected
12 and their contents disclosed without a court order to participating
13 agencies.

14 ~~C. Records and their contents disclosed without an order of the~~
15 ~~court as provided by this section shall remain confidential. The~~
16 ~~use of such information shall be limited to the purposes for which~~
17 ~~disclosure is authorized. It shall be unlawful and a misdemeanor~~
18 ~~for any person to furnish any record or disclose any information~~
19 ~~contained therein for commercial, political or any other~~
20 ~~unauthorized purpose~~

21 E. Where more than one child is included in a juvenile court
22 record, the court may order the names and information of the other
23 children redacted as a condition of granting access or copies of the

1 record. Alternatively, the court may prohibit disclosure of the
2 record where redaction is not practical or possible.

3 SECTION 77. AMENDATORY 10 O.S. 2001, Section 7005-1.6,
4 is amended to read as follows:

5 Section 7005-1.6 If a child is reported to a law enforcement
6 agency as a missing child, or a custodial parent, legal guardian or
7 legal custodian of a child requests the issuance of a fingerprint
8 card ~~pursuant to the provisions of the Oklahoma Minor Identification~~
9 ~~Act~~, the provisions of the Oklahoma Minor Identification Act shall
10 apply. With the voluntary and informed consent of the parent, legal
11 guardian, or legal custodian of the child, fingerprints obtained and
12 maintained pursuant to the Oklahoma Minor Identification Act may be
13 used by law enforcement officers.

14 SECTION 78. AMENDATORY 10 O.S. 2001, Section 7005-1.8,
15 is amended to read as follows:

16 Section 7005-1.8 Court and agency records required to be
17 maintained, pursuant to law, regarding deprived children shall be
18 maintained by the court or agency until otherwise provided by law.

19 SECTION 79. AMENDATORY Section 4, Chapter 351, O.S.L.
20 2007, as amended by Section 3, Chapter 293, O.S.L. 2008 (10 O.S.
21 Supp. 2008, Section 7005-1.9), is amended to read as follows:

22 Section 7005-1.9 A. For purposes of this section, the term
23 "near death" means the child is in serious or critical condition, as
24 certified by a physician, as a result of abuse or neglect.

1 B. ~~In cases involving the death or near death of a child when~~
2 When a person responsible for ~~the~~ a child has been charged by
3 information or indictment with committing a crime resulting in the
4 death or near death of the child, there shall be a presumption that
5 the best interest of the public ~~will be~~ is served by public
6 disclosure of certain information concerning ~~the~~ :

7 1. The circumstances of the investigation of the death or near
8 death of the child; ~~and any~~

9 2. Any other investigations concerning that child, or other
10 children while living in the same household, within:

11 a. three (3) years of the death or near death, and

12 b. one (1) year after the death or near death ~~concerning~~
13 ~~that child, or other children while living in the same~~
14 ~~household.~~

15 C. 1. At any time subsequent to seven (7) days, but no more
16 than thirty (30) days, of the date the person responsible for the
17 child has been criminally charged, the Department of Human Services,
18 the district attorney, the district court clerk, and the judge
19 having jurisdiction over the case, upon request, shall release
20 certain information to the public as follows:

21 a. a confirmation shall be provided by the Department as
22 to whether a report has been made concerning the
23 alleged victim or other children while living in the
24 same household and whether an investigation has begun,

- 1 b. confirmation shall be provided by the Department as to
2 whether previous reports have been made and the dates
3 thereof, a summary of those previous reports, the
4 dates and outcome of any investigations or actions
5 taken by the Department in response to a previous
6 report of child abuse or neglect, and the specific
7 recommendation made to the district attorney and any
8 subsequent action taken by the district attorney,
9 c. the dates of any judicial proceedings prior to the
10 death or near death of the child,
11 d. recommendations submitted by each participant in
12 writing at the judicial proceedings including
13 recommendations made at the hearing as they relate to
14 custody or placement of a child, and
15 e. the rulings of the court.

16 2. Specific recommendations made and services rendered by the
17 Department described in any progress reports of a pending case
18 submitted to the court may be disclosed by the Department.

19 D. 1. At any time subsequent to seven (7) days after the date
20 the person responsible for the child has been criminally charged,
21 the Oklahoma Commission on Children and Youth shall, upon request,
22 release certain information to the public within sixty (60) days of
23 the request as follows:
24

- 1 a. a confirmation shall be provided by the Commission as
2 to whether a report of suspected child abuse or
3 neglect has been made concerning the alleged victim or
4 other children while living in the same household and
5 whether an investigation has begun,
- 6 b. confirmation shall be provided by the Commission as to
7 whether previous reports of suspected child abuse or
8 neglect have been made and the dates thereof, a
9 summary of those previous reports, the dates and
10 outcome of any investigations or actions taken by the
11 Department and the Commission in response to any
12 previous report of child abuse or neglect, and the
13 specific recommendation made to the district attorney
14 and any subsequent action taken by the district
15 attorney,
- 16 c. the dates of any judicial proceedings prior to the
17 death or near death of the child,
- 18 d. recommendations submitted by the Department and the
19 Commission shall be provided in writing including
20 recommendations made at the hearing as they relate to
21 custody or placement of a child, and
- 22 e. the rulings of the court.
- 23
24

1 2. Specific recommendations made by the Commission described in
2 any progress reports of a pending case submitted to the court may be
3 disclosed by the Commission.

4 E. Any disclosure of information pursuant to this section shall
5 not identify or provide an identifying description of any
6 complainant or reporter of child abuse or neglect, and shall not
7 identify the name of the child victim's siblings or other children
8 living in the same household, the parent or other person responsible
9 for the child, or any other member of the household, other than the
10 person criminally charged.

11 SECTION 80. AMENDATORY 10 O.S. 2001, Section 7006-1.1,
12 is amended to read as follows:

13 Section 7006-1.1 A. ~~Pursuant to the provisions of the Oklahoma~~
14 ~~Children's Code, the finding that a child is delinquent, in need of~~
15 ~~supervision or deprived shall not deprive the parents of the child~~
16 ~~of their parental rights, but a court may terminate the rights of a~~
17 ~~parent to a child in the following situations; provided, however,~~
18 ~~the paramount consideration in proceedings concerning termination of~~
19 ~~parental rights shall be the health, safety or welfare and best~~
20 ~~interests of the child~~ A court shall not terminate the rights of a
21 parent to a child unless:

22 1. The child has been adjudicated to be deprived either prior
23 to or concurrently with a proceeding to terminate parental rights;
24 and

1 2. Termination of parental rights is in the best interests of
2 the child.

3 B. The court may terminate the rights of a parent to a child
4 based upon the following legal grounds:

5 ~~1. Upon a written consent of a parent, including a parent who~~
6 ~~is a minor, acknowledged as provided in paragraph 4 of subsection B~~
7 ~~of Section 7503-2.1 of this title, who desires to terminate such~~
8 ~~parent's parental rights; provided that the court finds that such~~
9 ~~termination is in the best interests of the child~~ the duly
10 acknowledged written consent of a parent, who voluntarily agrees to
11 termination of parental rights.

12 a. The voluntary consent for termination of parental
13 rights shall be signed under oath and recorded before
14 a judge of a court of competent jurisdiction and
15 accompanied by the judge's certificate that the terms
16 and consequences of the consent were fully explained
17 in detail in English and were fully understood by the
18 parent or that the consent was translated into a
19 language that the parent understood.

20 b. A voluntary consent for termination of parental rights
21 is effective when it is signed and may not be revoked
22 except upon clear and convincing evidence that the
23 consent was executed by reason of fraud or duress.

1 c. However, notwithstanding the provisions in this
2 paragraph, in any proceeding for a voluntary
3 termination of parental rights to an Indian child, the
4 consent of the parent may be withdrawn for any reason
5 at any time prior to the entry of a final decree of
6 termination. Any consent given prior to, or within
7 ten (10) days after, the birth of an Indian child
8 shall not be valid;

9 2. A finding that a parent who is entitled to custody of the
10 child has abandoned the child. ~~For purposes of this paragraph the~~
11 ~~term "abandonment" includes, but is not limited to, the following:~~

12 ~~a. the parent has left the child alone or in the care of~~
13 ~~another who is not the parent of the child without~~
14 ~~identifying the child or furnishing a means of~~
15 ~~identification for the child, the whereabouts of the~~
16 ~~parents are unknown, and the child's identity cannot~~
17 ~~be ascertained by the exercise of reasonable~~
18 ~~diligence,~~

19 ~~b. the parent has voluntarily left the child alone or in~~
20 ~~the care of another who is not the parent of the child~~
21 ~~and expressed a willful intent by words, actions, or~~
22 ~~omissions not to return for the child, or~~

23 ~~c. the parent fails to establish and/or maintain a~~
24 ~~substantial and positive relationship with the child~~

1 ~~for a period of six (6) consecutive months out of the~~
2 ~~last fourteen (14) months immediately preceding the~~
3 ~~filing of a petition for termination of parental~~
4 ~~rights. For purposes of this paragraph, "establish~~
5 ~~and/or maintain a substantial and positive~~
6 ~~relationship" includes, but is not limited to:~~

7 ~~(1) frequent and regular contact with the minor~~
8 ~~through frequent and regular visitation and/or~~
9 ~~frequent and regular communication to or with the~~
10 ~~child, and~~

11 ~~(2) the exercise of parental rights and~~
12 ~~responsibilities.~~

13 ~~Incidental or token visits or communications shall not~~
14 ~~be sufficient to establish and/or maintain a~~
15 ~~substantial and positive relationship with the child;~~

16 3. A finding that the child is an abandoned infant;

17 4. A finding that the parent of a child:

18 a. has voluntarily placed physical custody of the child
19 with the Department of Human Services or with a child-
20 placing agency for out-of-home placement,

21 b. has not complied with the placement agreement, and

22 c. has not demonstrated during such period a firm
23 intention to resume physical custody of the child or
24

1 to make permanent legal arrangements for the care of
2 the child;

3 5. A finding that:

- 4 a. ~~the child has been adjudicated to be deprived, and~~
5 b. ~~such condition is caused by or contributed to by acts~~
6 ~~or omissions of the parent, and~~
7 c. ~~termination of parental rights is in the best~~
8 ~~interests of the child, and~~
9 d. the parent has failed to ~~show that~~ correct the
10 condition which led to the deprived adjudication of a
11 the child deprived has been corrected although the
12 parent has been given not less than the time specified
13 by Section 7003-5.5 of this title to correct the
14 condition, and
15 b. the conditions that led to the prior termination of
16 parental rights have not been corrected;

17 6. A finding that ~~a subsequent child has been born to a parent~~
18 ~~whose parental rights to any other child has been terminated by the~~
19 ~~court; provided, that the applicant shall show that the condition~~
20 ~~which led to the making of the finding which resulted in the~~
21 ~~termination of such parent's parental rights to the other child has~~
22 ~~not been corrected. As used in this paragraph, the term "applicant"~~
23 ~~shall include, but not be limited to, a district attorney or the~~
24 child's attorney:

- 1 a. the parent's rights to another child have been
2 terminated, and
3 b. the conditions that led to the prior termination of
4 parental rights have not been corrected;

5 7. A finding that a parent who does not have custody of the
6 child has, ~~for a period of~~ at least six (6) out of the twelve (12)
7 ~~consecutive months out of the last fourteen (14) months~~ immediately
8 preceding the filing of a the petition for termination of parental
9 rights, willfully failed, or refused or has neglected to contribute
10 to the support of ~~such~~ the child:

- 11 a. ~~in substantial compliance with~~ as specified by an
12 order entered by a court of competent jurisdiction
13 adjudicating the duty, amount and manner of support,
14 or
15 b. where an order of child support does not exist,
16 according to ~~such parent's~~ the financial ability of
17 the parent to contribute to ~~such~~ the child's support
18 ~~if no provision for support is provided in an order.~~

19 Incidental or token support shall not be construed or considered in
20 establishing whether a parent has maintained or contributed to the
21 support of the child;

22 8. A ~~conviction in a criminal action pursuant to the provisions~~
23 ~~of Sections 1021.3, 1111 or 1123 of Title 21 of the Oklahoma~~
24 ~~Statutes, or Section 7115 of this title~~ finding that the parent has

1 been convicted in a court of competent jurisdiction in any state of
2 any of the following acts:

3 a. permitting a child to participate in pornography,

4 b. rape, or rape by instrumentation,

5 c. lewd molestation of a child under sixteen (16) years
6 of age,

7 d. child abuse or neglect,

8 e. enabling child abuse or neglect,

9 f. causing the death of a child as a result of the
10 physical or sexual abuse or chronic abuse or chronic
11 neglect of the child,

12 g. causing the death of a sibling of the child as a
13 result of the physical or sexual abuse or chronic
14 abuse or chronic neglect of the child's sibling,

15 h. murder of any child or aiding or abetting, attempting,
16 conspiring, or soliciting to commit murder of any
17 child,

18 i. voluntary manslaughter of any child,

19 j. a felony assault that has resulted in serious bodily
20 injury to the child or another child of the parents,
21 or

22 k. murder or voluntary manslaughter of the child's parent
23 or aiding or abetting, attempting, conspiring, or
24 soliciting to commit murder of the child's parent;

1 9. ~~A conviction in a criminal action that the parent:~~

2 a. ~~caused the death of a child as a result of the~~
3 ~~physical or sexual abuse or chronic abuse or chronic~~
4 ~~neglect of such child,~~

5 b. ~~caused the death of a sibling of the child as a result~~
6 ~~of the physical or sexual abuse or chronic abuse or~~
7 ~~chronic neglect of such sibling,~~

8 c. ~~committed the murder of any child or aided or abetted,~~
9 ~~attempted, conspired or solicited to commit murder of~~
10 ~~any child,~~

11 d. ~~committed voluntary manslaughter of another child of~~
12 ~~the parent, or aided or abetted, attempted, conspired~~
13 ~~or solicited to commit voluntary manslaughter of~~
14 ~~another child of the parent, or~~

15 e. ~~committed a felony assault that has resulted in~~
16 ~~serious bodily injury to the child or another child of~~
17 ~~the parent,~~

18 10. ~~A finding in a deprived child action either that:~~

19 a. the parent has physically or sexually abused or
20 neglected the child or a sibling of ~~such~~ the child or
21 failed to protect the child or a sibling of ~~such~~ the
22 child from ~~physical or sexual~~ abuse or neglect that is
23 heinous or shocking ~~to the court,~~

1 ~~b. the child or sibling of such child has suffered severe~~
2 ~~harm or injury as a result of such physical or sexual~~
3 ~~abuse,~~

4 ~~e.;~~

5 10. A finding that the parent has physically or sexually
6 previously abused or neglected the child or a sibling of such the
7 child or failed to protect the child or a sibling of such the child
8 from physical or sexual abuse or neglect and the child or a sibling
9 of the child has been subjected to subsequent to a previous finding
10 that such parent has physically or sexually abused the child or a
11 sibling of such child or failed to protect the child or a sibling of
12 such child from physical or sexual abuse,

13 ~~d. the child has been adjudicated a deprived child,~~
14 ~~pursuant to the provisions of the Oklahoma Children's~~
15 ~~Code, as a result of a single incident of severe~~
16 ~~sexual abuse, severe neglect or the infliction of~~
17 ~~serious bodily injury or torture to the child, a~~
18 ~~sibling of the child, or a child within the household~~
19 ~~where the child resides, by the parent of the child,~~
20 ~~or~~

21 ~~e. the parent has inflicted chronic abuse, chronic~~
22 ~~neglect or torture on the child, a sibling of the~~
23 ~~child or another child within the household where the~~
24 ~~child resides;~~

1 11. ~~The~~ A finding that the child was conceived as a result of
2 rape or an act committed outside of this state which if committed in
3 ~~this state would constitute rape. This paragraph shall only apply~~
4 ~~to the parent who committed the rape or act and whose child has been~~
5 ~~placed out of the home~~ perpetrated by the parent whose rights are
6 sought to be terminated;

7 12. A finding that ~~all of the following exist:~~

- 8 a. ~~the child has been adjudicated deprived, and~~
- 9 b. ~~custody of the child has been placed outside the home~~
10 ~~of a natural or adoptive parent, guardian or extended~~
11 ~~family member, and~~
- 12 c. ~~the parent whose rights are sought to be terminated~~
13 ~~has been~~ is incarcerated, and
- 14 d. ~~the continuation of parental rights would result in~~
15 ~~harm to the child based on consideration of the~~
16 ~~following factors, among others:~~
 - 17 a. ~~the duration of incarceration and its detrimental~~
18 ~~effect on the parent/child relationship,~~
 - 19 b. ~~any previous incarcerations,~~ convictions resulting in
20 involuntary confinement in a secure facility,
 - 21 c. ~~any~~ the parent's history of criminal behavior,
22 including crimes against children,
 - 23 d. ~~the age of the child,~~

- 1 e. ~~the~~ any evidence of abuse or neglect or failure to
2 protect from abuse or neglect of the child or siblings
3 of the child by the parent, ~~and,~~
4 f. the current relationship between the parent and the
5 child, and
6 g. the manner in which the parent has exercised parental
7 rights and duties in the past, ~~and~~
8 ~~e.~~ ~~termination of parental rights is in the best~~
9 ~~interests of the child.~~

10 Provided, that the incarceration of a parent shall not in and of
11 itself be sufficient to deprive a parent of parental rights;

12 13. A finding that all of the following exist:

- 13 a. ~~the child has been adjudicated deprived~~ parent has a
14 diagnosed cognitive disorder, an extreme physical
15 incapacity, or a medical condition, including
16 behavioral health which renders the parent incapable
17 of adequately and appropriately exercising parental
18 rights, duties, and responsibilities within a
19 reasonable time considering the age of the child, and
20 b. allowing the parent to have custody of would cause the
21 ~~child has been placed outside the home of a natural or~~
22 ~~adoptive parent, guardian or extended family member,~~
23 ~~and~~

- 1 ~~e. the parent whose rights are sought to be terminated~~
2 ~~has a mental illness or mental deficiency, as defined~~
3 ~~by Section 6-201 of Title 43A of the Oklahoma~~
4 ~~Statutes, which renders the parent incapable of~~
5 ~~adequately and appropriately exercising parental~~
6 ~~rights, duties and responsibilities, and~~
- 7 ~~d. the continuation of parental rights would result in~~
8 ~~harm or threatened harm to the child, and~~
- 9 ~~e. the mental illness or mental deficiency of the parent~~
10 ~~is such that it will not respond to treatment, therapy~~
11 ~~or medication and, based upon competent medical~~
12 ~~opinion, the condition will not substantially improve,~~
13 ~~and~~
- 14 ~~f. termination of parental rights is in the best~~
15 ~~interests of the child actual harm or harm in the near~~
16 ~~future.~~

17 ~~Provided, a A parent's refusal or pattern of noncompliance with~~
18 ~~treatment, therapy, medication, or assistance from outside the home~~
19 ~~can be used as evidence that the parent is incapable of adequately~~
20 ~~and appropriately exercising parental rights, duties, and~~
21 ~~responsibilities.~~

22 ~~A finding that a parent has a mental illness or mental~~
23 ~~deficiency diagnosed cognitive disorder, an extreme physical~~
24 ~~incapacity, or a medical condition, including behavioral health or~~

1 substance dependency shall not in and of itself deprive the parent
2 of ~~his or her~~ parental rights; and

3 14. ~~The parent of the child has a history of extensive, abusive~~
4 ~~and chronic use of drugs or alcohol and has resisted treatment for~~
5 ~~this problem during a three-year period immediately prior to the~~
6 ~~filing of the petition which brought that child to the court's~~
7 ~~attention;~~

8 15. ~~A child has been placed in foster care by the Department of~~
9 ~~Human Services for fifteen (15) of the most recent twenty-two (22)~~
10 ~~months preceding the filing of the petition. For purposes of this~~
11 ~~paragraph, a child shall be considered to have entered foster care~~
12 ~~on the earlier of~~ A finding that:

13 a. the condition that led to the deprived adjudication
14 date, or has been the subject of a previous deprived
15 adjudication of this child or a sibling of this child,
16 and

17 b. ~~the date that is sixty (60) days after the date on~~
18 ~~which the child is removed from the home~~ parent has
19 been given an opportunity to correct the conditions
20 which led to the making of the initial deprived
21 action.

22 B. An order directing the termination of parental rights is a
23 final appealable order.

24

1 C. The provisions of this section shall not apply to adoption
2 proceedings and actions to terminate parental rights which do not
3 involve a petition for deprived status of the child. Such
4 proceedings and actions shall be governed by the Oklahoma Adoption
5 Code.

6 ~~D. 1. A petition for termination of parental rights may be
7 filed by the district attorney or the attorney of a child alleged to
8 be or adjudicated deprived.~~

9 ~~2. A petition for termination of parental rights shall be filed
10 by the district attorney for those petitions required to be filed
11 pursuant to the provisions of Section 7003-4.7 of this title.~~

12 ~~3. If a child's attorney files a petition for the termination
13 of the parental rights of the parents of the child, the district
14 attorney shall join in the petition or motion for those petitions or
15 motions required to be filed by the district attorney pursuant to
16 the provisions of Section 7003-4.7 of this title.~~

17 SECTION 81. AMENDATORY 10 O.S. 2001, Section 7006-1.2,
18 is amended to read as follows:

19 Section 7006-1.2 A. 1. Prior to ~~the~~ a hearing on the
20 ~~application to terminate the~~ petition or motion for termination of
21 parental rights of a parent or putative father filed pursuant to
22 Section 7006-1.1 of this title, notice of the date, time, and place
23 of the hearing on the application and a copy of the application
24 petition or motion to terminate parental rights shall be served upon

1 the parent ~~or putative father~~ who is the subject of the application
2 in the same manner as summons is served in civil cases, not less
3 than fifteen (15) calendar days prior to the hearing termination
4 proceeding by personal delivery, by certified mail, or by
5 publication as provided for in Section 7003-3.5 xxx.

6 2. The notice shall contain the name of the parent, putative
7 father, or, if the father is unknown, the name of the child, the
8 date of birth of the child, the date of the hearing, and the ground
9 or grounds for which application for termination of parental rights
10 is sought. The notice shall apprise the parent or putative father
11 of the parent's legal rights and shall include a clear statement
12 that failure to appear at the hearing shall constitute a denial of
13 interest in the child, which denial may result, without further
14 notice of this proceeding or any subsequent proceeding, in the
15 granting of the application for the termination of the parent's or
16 putative father's parental rights and in the child's adoption
17 following or substantially similar language: "FAILURE TO PERSONALLY
18 APPEAR AT THIS HEARING CONSTITUTES CONSENT TO THE TERMINATION OF
19 YOUR PARENTAL RIGHTS TO THIS CHILD OR THESE CHILDREN. IF YOU FAIL
20 TO APPEAR ON THE DATE AND TIME SPECIFIED, YOU MAY LOSE ALL LEGAL
21 RIGHTS AS A PARENT TO THE CHILD OR CHILDREN NAMED IN THE PETITION OR
22 MOTION ATTACHED TO THIS NOTICE."

23 3. a. ~~If the identity or whereabouts of a parent or putative~~
24 ~~father are unknown, the court must determine whether~~

1 ~~the parent or putative father can be identified or~~
2 ~~located. Following an inquiry pursuant to subsection~~
3 ~~B of this section, if the court finds that the~~
4 ~~identity or whereabouts of the parent or putative~~
5 ~~father cannot be ascertained, and this fact is~~
6 ~~attested to by affidavit of the other parent, legal~~
7 ~~guardian or custodian of the child, it shall order~~
8 ~~that notice be given by publication and, if the~~
9 ~~identity is known, that a copy be mailed to the last-~~
10 ~~known address of the parent or putative father.~~

11 ~~b. (1) If, in an inquiry pursuant to this section, the~~
12 ~~woman who gave birth to the child fails to~~
13 ~~disclose the identity of a possible father or~~
14 ~~reveal his whereabouts, she must be advised that~~
15 ~~a subsequent proceeding for adoption may be~~
16 ~~delayed or subject to challenge if a possible~~
17 ~~father is not given notice of the proceeding and~~
18 ~~that the lack of information about the father's~~
19 ~~medical and genetic history may be detrimental to~~
20 ~~the child.~~

21 ~~(2) In addition, the willful and deliberate~~
22 ~~falsification of the sworn affidavit by the~~
23 ~~parent shall be deemed perjury and shall, upon~~
24

1 conviction thereof, be punishable as otherwise
2 provided by law.

3 e. ~~The notice shall be published once pursuant to the~~
4 ~~laws relating to the service of notice by publication~~
5 ~~in the county in which the action to terminate~~
6 ~~parental rights is brought, and the hearing shall not~~
7 ~~be held for at least~~ Notice shall be served upon the
8 parent not less than fifteen (15) calendar days after
9 ~~the date of publication of the notice. When notice is~~
10 ~~given by publication, an order terminating parental~~
11 ~~rights shall not become final for a period of fifteen~~
12 ~~(15) calendar days from the date of the order~~ prior to
13 the hearing.

14 4. ~~A parent or putative father may waive such person's right to~~
15 ~~notice pursuant to this section. The waiver, signed by the parent~~
16 ~~or putative father, shall include a statement affirming that the~~
17 ~~person signing the waiver understands that the waiver shall~~
18 ~~constitute grounds for the termination of the parental rights of the~~
19 ~~parent or putative father. A putative father may waive his right to~~
20 ~~notice~~ Any actual notice of termination of parental rights shall
21 state that the duty of the parent to support his or her minor child
22 will not be terminated except for adoption as provided by paragraph
23 3 of subsection B of Section 7006-3. xxx of this title.

1 5. The failure of a parent who has been served with notice
2 under this section to personally appear at the hearing shall
3 constitute consent to the termination of parental rights by the
4 parent given notice. When a parent who appears voluntarily or
5 pursuant to notice is directed by the court to personally appear for
6 a subsequent hearing on a specified date, time and location, the
7 failure of that parent to personally appear, or to instruct his or
8 her attorney to proceed in absentia at the trial, shall constitute
9 consent by that parent to termination of his or her parental rights.

10 ~~B. 1. If, at any time in a proceeding for termination of a~~
11 ~~relationship of parent and child, the court finds that a parent, an~~
12 ~~unknown father or putative father of the child may not have received~~
13 ~~notice, the court shall determine whether he or she can be~~
14 ~~identified and his or her whereabouts ascertained. The~~
15 ~~determination must be based on evidence that includes inquiry of~~
16 ~~appropriate persons in an effort to determine the whereabouts of the~~
17 ~~parent or identity of an unknown father or putative father for the~~
18 ~~purpose of providing notice.~~

19 ~~2. The inquiry required by this subsection must include~~
20 ~~whether:~~

- 21 ~~a. the woman who gave birth to the child was married at~~
22 ~~the probable time of conception of the child, or at a~~
23 ~~later time,~~

- 1 ~~b. the woman was cohabitating with a man at the probable~~
2 ~~time of conception of the child,~~
- 3 ~~c. the woman has received payments or promises of~~
4 ~~support, other than from a governmental agency, with~~
5 ~~respect to the child or because of her pregnancy,~~
- 6 ~~d. the woman has named any individual as the father on~~
7 ~~the birth certificate of the child or in connection~~
8 ~~with an application for or receipt of public~~
9 ~~assistance, and~~
- 10 ~~e. any individual has formally or informally acknowledged~~
11 ~~or claimed paternity of the child in a jurisdiction in~~
12 ~~which the woman resided during or since her pregnancy,~~
13 ~~or in which the child has resided or resides, at the~~
14 ~~time of the inquiry.~~

15 ~~3. If inquiry pursuant to the provisions of this subsection~~
16 ~~identifies as the father or putative father of the child an~~
17 ~~individual who has not received notice of the proceeding, the court~~
18 ~~shall require notice to be served upon him pursuant to the~~
19 ~~provisions of A of this section.~~

20 ~~C. When notice is given by publication pursuant to the~~
21 ~~provisions of this section, the order terminating parental rights~~
22 ~~shall contain language in compliance with the requirements of~~
23 ~~Oklahoma District Court Rule 16 The court shall have the power to~~
24 ~~vacate an order terminating parental rights if the parent whose~~

1 parental rights were terminated pursuant to subsection A of this
2 section files a motion to vacate the order within thirty (30) days
3 after the order is filed with the court clerk.

4 2. Notice of the motion shall be given to all the parties and
5 their attorneys and the court shall set the matter for hearing
6 expeditiously.

7 3. The burden of proof is on the defaulting parent to show that
8 he or she had no actual notice of the hearing, or due to unavoidable
9 casualty or misfortune the parent was prevented from either
10 contacting his or her attorney, if any, or from attending the
11 hearing or trial.

12 4. If the motion to vacate the order terminating parental
13 rights due to a failure to appear is found to have merit, the
14 statutory consent shall be set aside and a new trial conducted.

15 SECTION 82. AMENDATORY 10 O.S. 2001, Section 7006-1.3,
16 is amended to read as follows:

17 Section 7006-1.3 A. The termination of parental rights
18 terminates the parent-child relationship, including ~~the~~:

19 1. The parent's right to the custody of the child ~~and the~~;

20 2. The parent's right to visit the child, ~~the~~;

21 3. The parent's right to control the child's training and
22 education, ~~the~~;

23 4. The necessity for the parent to consent to the adoption of
24 the child, ~~the~~;

1 5. The parent's right to the earnings of the child; and ~~the~~

2 6. The parent's right to inherit from or through the child.

3 Provided, that nothing herein shall in any way affect the right of
4 the child to inherit from the parent.

5 B. 1. Except for adoptions as provided in paragraph 3 of this
6 subsection, termination of parental rights shall not terminate the
7 duty of either parent to support his or her minor child.

8 2. ~~Any actual notice of termination of parental rights and~~
9 order terminating parental rights shall indicate that the duty of
10 the parent to support his or her minor child will not be terminated
11 ~~except for adoption~~ unless the child is subsequently adopted as
12 provided by paragraph 3 of this subsection.

13 3. Child support orders shall be entered by the court that
14 terminates parental rights and shall remain in effect until the
15 court of termination receives notice from the placing agency that a
16 final decree of adoption has been entered and then issues an order
17 terminating child support and dismissing the case.

18 SECTION 83. AMENDATORY 10 O.S. 2001, Section 7103, is
19 amended to read as follows:

20 Section 7103. A. 1. Every+

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

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

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

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

3. No privilege or contract shall relieve any person from the requirement of reporting pursuant to this section.

4. The reporting obligations under this section are individual, and no employer, supervisor, or administrator shall ~~impede or inhibit~~ interfere with the reporting obligations of any employee or other person. ~~No employer, supervisor or administrator of any employee or other person required to provide information pursuant to this section shall discharge,~~ or in any manner discriminate or

1 retaliate against, the employee or other person who in good faith
2 ~~provides such reports suspected child abuse reports or information,~~
3 ~~testifies, or is about to testify or neglect, or who provides~~
4 ~~testimony in any proceeding involving child abuse or neglect,~~
5 ~~provided, that the person did not perpetrate or inflict such abuse~~
6 ~~or neglect. Any employer, supervisor or administrator who~~
7 ~~discharges, discriminates or retaliates against the employee or~~
8 ~~other person shall be liable for damages, costs and attorney fees.~~
9 ~~Internal procedures to facilitate child abuse or neglect reporting~~
10 ~~and inform employers, supervisors and administrators of reported~~
11 ~~suspected child abuse or neglect may be established provided that~~
12 ~~they are not inconsistent with the provisions of this section and~~
13 ~~that such procedures shall not relieve the employee or such other~~
14 ~~person from the individual reporting obligations required by this~~
15 ~~section.~~

16 5. ~~Every physician or surgeon making a report of abuse or~~
17 ~~neglect as required by this subsection or examining a child to~~
18 ~~determine the likelihood of abuse or neglect and every hospital or~~
19 ~~related institution in which the child was examined or treated shall~~
20 ~~provide copies of the results of the examination or copies of the~~
21 ~~examination on which the report was based and any other clinical~~
22 ~~notes, x rays, photographs, and other previous or current records~~
23 ~~relevant to the case to law enforcement officers conducting a~~
24 ~~criminal investigation into the case and to employees of the~~

1 ~~Department of Human Services conducting an investigation of alleged~~
2 ~~abuse or neglect in the case.~~

3 B. ~~If the report is not made in writing in the first instance,~~
4 ~~it shall be reduced to writing by the Department of Human Services,~~
5 ~~in accordance with rules promulgated by the Commission for Human~~
6 ~~Services, as soon as may be after it is initially made by telephone~~
7 ~~or otherwise and shall contain the following information:~~

8 1. ~~The names and addresses of the child and the child's parents~~
9 ~~or other persons responsible for the child's health, safety or~~
10 ~~welfare;~~

11 2. ~~The child's age;~~

12 3. ~~The nature and extent of the abuse or neglect, including any~~
13 ~~evidence of previous injuries;~~

14 4. ~~If the child has tested positive for alcohol or a controlled~~
15 ~~dangerous substance; and~~

16 5. ~~Any other information that the maker of the report believes~~
17 ~~might be helpful in establishing the cause of the injuries and the~~
18 ~~identity of the person or persons responsible therefor if such~~
19 ~~information or any part thereof is known to the person making the~~
20 ~~report.~~

21 C. Any person who knowingly and willfully fails to promptly
22 report any incident as provided in this section suspected child
23 abuse or neglect or who interferes with the prompt reporting of
24 suspected child abuse or neglect may be reported by the Department

1 ~~of Human Services~~ to local law enforcement for criminal
2 investigation and, upon conviction thereof, shall be guilty of a
3 misdemeanor.

4 ~~D. C.~~ 1. Any person who knowingly and willfully makes a false
5 report pursuant to the provisions of this section or a report that
6 the person knows lacks factual foundation may be reported by the
7 Department ~~of Human Services~~ to local law enforcement for criminal
8 investigation and, upon conviction thereof, shall be guilty of a
9 misdemeanor.

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

19 ~~E. 1. Nothing in this section shall be construed to mean a~~
20 ~~child is abused or neglected for the sole reason the parent, legal~~
21 ~~guardian or person having custody or control of a child, in good~~
22 ~~faith, selects and depends upon spiritual means alone through~~
23 ~~prayer, in accordance with the tenets and practice of a recognized~~

24

1 ~~church or religious denomination, for the treatment or cure of~~
2 ~~disease or remedial care of such child.~~

3 ~~2. Nothing contained in this subsection shall prevent a court~~
4 ~~from immediately assuming custody of a child, pursuant to the~~
5 ~~Oklahoma Children's Code, and ordering whatever action may be~~
6 ~~necessary, including medical treatment, to protect the child's~~
7 ~~health or welfare.~~

8 F. D. Nothing contained in this section shall be construed to
9 exempt or prohibit any person from reporting any suspected child
10 abuse or neglect pursuant to subsection A of this section.

11 SECTION 84. AMENDATORY Section 15, Chapter 205, O.S.L.
12 2006 (10 O.S. Supp. 2008, Section 7104.1), is amended to read as
13 follows:

14 Section 7104.1 A judge of the district court ~~shall have the~~
15 ~~authority to~~ may request an investigation be conducted by the
16 Oklahoma State Bureau of Investigation or other law enforcement
17 agency in cases where ~~it has been determined~~ the court reasonably
18 believes that criminally injurious conduct including, but not
19 limited to, physical or sexual abuse of a child has occurred.

20 SECTION 85. AMENDATORY 10 O.S. 2001, Section 7105, as
21 amended by Section 2, Chapter 184, O.S.L. 2005 (10 O.S. Supp. 2008,
22 Section 7105), is amended to read as follows:

23 Section 7105. A. Any person ~~participating in good faith and~~
24 ~~exercising due care in the making of a report pursuant to the~~

1 ~~provisions of the Oklahoma Child Abuse Reporting and Prevention Act,~~
2 ~~or any person~~ who, in good faith and exercising due care, reports
3 suspected child abuse or neglect, or who allows access to a child by
4 persons authorized to investigate a report concerning the child
5 shall have immunity from any liability, civil or criminal, that
6 might otherwise be incurred or imposed. Any such participant shall
7 have the same immunity with respect to participation in any judicial
8 proceeding resulting from such report.

9 B. For purposes of any proceeding, civil or criminal, the good
10 faith of any ~~physician, surgeon, osteopathic physician, resident,~~
11 ~~intern, physician's assistant, registered nurse, or any other health~~
12 ~~care professional~~ person in making a report pursuant to the
13 provisions of ~~Section 7104~~ Sections 7103 or 7104 xxx of this title
14 shall be presumed.

15 C. A child advocacy center that is accredited by the National
16 Children's Alliance, and the employees thereof, who are acting in
17 good faith and exercising due care shall have immunity from civil
18 liability that may be incurred or imposed through participation in
19 the investigation process and any judicial proceeding resulting from
20 the investigation process.

21 SECTION 86. AMENDATORY 10 O.S. 2001, Section 7105.1, is
22 amended to read as follows:

23 Section 7105.1 A. ~~The Department of Human Services shall seek~~
24 ~~to promote the safety of children and the integrity and preservation~~

1 ~~of their families by conducting investigations or assessments on a~~
2 ~~priority basis in response to reports of child abuse or neglect.~~

3 B. The Oklahoma Commission on Children and Youth and the
4 Oklahoma Youth Services Association, in cooperation with the
5 Department of Human Services, shall:

6 1. Identify community-based prevention and intervention-related
7 services and facilitate access to such services for children and
8 families at risk of future abuse or neglect; and

9 2. Assist in the development and coordination of community-
10 based programs that work to reduce the potential for abuse and
11 neglect in at-risk families.

12 SECTION 87. AMENDATORY 10 O.S. 2001, Section 7106, as
13 amended by Section 16, Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2008,
14 Section 7106), is amended to read as follows:

15 Section 7106. A. 1. Any county office of the Department of
16 Human Services receiving a child abuse or neglect report ~~as provided~~
17 ~~in Section 7103 of this title~~ shall promptly respond to the report
18 by initiating an investigation of the report or an assessment of the
19 family in accordance with priority guidelines established by the
20 Department ~~of Human Services~~. The Department may ~~assign priorities~~
21 ~~to~~ prioritize reports of alleged child abuse or neglect based on the
22 severity and immediacy of the alleged harm to the child. The
23 Department shall adopt the priority system pursuant to rules
24 promulgated by the Commission for Human Services. The primary

1 purpose of the investigation or assessment shall be the protection
2 of the child.

3 ~~2. The Department, when feasible, shall designate certain staff~~
4 ~~in each county office to only handle reports requiring an~~
5 ~~investigation and shall designate other staff to conduct assessments~~
6 ~~in response to reports which do not require an investigation.~~

7 ~~3. If an investigation or assessment conducted by the~~
8 ~~Department of Human Services in response to any report of child~~
9 ~~abuse or neglect shows that the incident reported was the result of~~
10 ~~the reasonable exercise of parental discipline involving the use of~~
11 ~~ordinary force, including, but not limited to, spanking, switching,~~
12 ~~or paddling, the investigation or assessment will proceed no~~
13 ~~further. If such incident was the result of the reasonable exercise~~
14 ~~of parental discipline involving the use of ordinary force,~~
15 ~~including, but not limited to, spanking, switching or paddling, and~~
16 all records regarding the incident shall be expunged.

17 ~~B. As necessary to complete a thorough investigation or~~
18 ~~assessment, the county office or the Department shall determine:~~

19 ~~1. The nature, extent and cause of the abuse or neglect, if~~
20 ~~applicable;~~

21 ~~2. The identity of the person responsible for the abuse or~~
22 ~~neglect, if applicable;~~

23 ~~3. The names and conditions of any other children in the home;~~
24

1 ~~4. An evaluation of the parents or persons responsible for the~~
2 ~~health, safety or welfare of the child;~~

3 ~~5. The adequacy of the home environment;~~

4 ~~6. The relationship of the child to the parents or persons~~
5 ~~responsible for the health, safety or welfare of the child;~~

6 ~~7. Any service needs of the child and the parents or persons~~
7 ~~responsible for the health, safety or welfare of the child and any~~
8 ~~other children in the home to reduce the potential for abuse and~~
9 ~~neglect; and~~

10 ~~8. All other pertinent data.~~

11 ~~C.~~ 1. The investigation or assessment shall include a visit to
12 the child's home, unless there is reason to believe that there is an
13 extreme safety risk to the child or worker or it appears that the
14 referral has been made in bad faith, and. The visit shall ~~also~~
15 include an interview with and examination of the subject child. ~~The~~
16 ~~interview with and examination of the child~~ and may be conducted at
17 any reasonable time and at any place including, but not limited to,
18 the child's school. ~~It shall be the responsibility of the~~ The
19 ~~Department of Human Services to~~ shall notify the ~~parents of a~~ person
20 responsible for the child's health, safety, and welfare that the
21 child ~~who~~ has been interviewed at a school. The investigation or
22 assessment may include an interview with the child's parents or any
23 other person responsible for a child's health, safety, or welfare
24 and an interview with and examination of any child in the home.

1 2. The investigation or assessment may include a medical,
2 psychological, or psychiatric examination of any child in ~~that~~ the
3 home. If admission to the home, school, or any place where the
4 child may be located cannot be obtained, then the district court
5 having jurisdiction, upon application by the district attorney and
6 upon cause shown, shall order the ~~parents or other persons~~ person
7 responsible for the health, safety, or welfare of the child, or the
8 person in charge of any place where the child may be located, to
9 allow entrance for the interview, the examination, and the
10 investigation or assessment. If the ~~parents or other persons~~ person
11 responsible for the child's health, safety, or welfare ~~de~~ does not
12 consent to a medical, psychological, or psychiatric examination of
13 the child that is requested by the ~~county office or the~~ Department,
14 the district court having jurisdiction, upon application by the
15 district attorney and upon cause shown, shall order the examination
16 to be made at the times and places designated by the court. ~~As~~
17 ~~necessary in the course of conducting an investigation, the~~
18 ~~Department may request and obtain, without a court order, copies of~~
19 ~~the prior medical records of a child including, but not limited to,~~
20 ~~hospital records and medical and dental records. The physician-~~
21 ~~patient privilege shall not constitute grounds for failure to~~
22 ~~produce such records.~~

23 3. The investigation or assessment may include an inquiry into
24 the possibility that the child, ~~a parent~~ or a person responsible for

1 the child's health, safety, or welfare has a history of mental
2 illness. If ~~a parent or~~ the person responsible for the child's
3 health, safety, or welfare does not allow the ~~county office or the~~
4 Department to have access to ~~mental~~ behavioral health records or
5 treatment plans, requested by the ~~county office or the~~ Department,
6 which may ~~relate~~ be relevant to the alleged abuse or neglect, the
7 district court having jurisdiction, upon application by the district
8 attorney and upon good cause shown, shall by order allow the ~~county~~
9 ~~office or the~~ Department to have access to the records pursuant to
10 terms and conditions prescribed by the court.

11 4. a. If the court determines that the ~~parent or person~~
12 ~~responsible for the child's health, safety or welfare~~
13 subject of the behavioral health records is indigent,
14 the court shall appoint an attorney to represent ~~the~~
15 ~~parent or person responsible for the child's health,~~
16 ~~safety or welfare~~ that person at the hearing to obtain
17 ~~mental~~ behavioral health records.

18 b. A ~~parent or~~ person responsible for the child's health,
19 safety, or welfare is entitled to notice and a hearing
20 when the ~~county office or the~~ Department seeks a court
21 order to allow a ~~medical,~~ psychological or psychiatric
22 examination or access to ~~mental~~ behavioral health
23 records.

24

1 c. Access to ~~mental~~ behavioral health records does not
2 constitute a waiver of confidentiality.

3 5. The investigation of a report of sexual abuse or serious
4 physical abuse or both sexual abuse and serious physical abuse shall
5 be conducted, when appropriate and possible, using a
6 multidisciplinary team approach as provided by Section xxx of this
7 title. Law enforcement and the Department shall exchange
8 investigation information.

9 C. 1. Every physician or surgeon making a report of abuse or
10 neglect as required by this section or examining a child to
11 determine the likelihood of abuse or neglect and every hospital or
12 related institution in which the child was examined or treated shall
13 provide copies of the results of the examination or copies of the
14 examination on which the report was based and any other clinical
15 notes, X rays, photographs, and other previous or current records
16 relevant to the case to law enforcement officers conducting a
17 criminal investigation into the case and to employees of the
18 Department conducting an investigation of alleged abuse or neglect
19 in the case.

20 2. As necessary in the course of conducting an investigation,
21 the Department may request and obtain, without a court order, copies
22 of all prior medical records of a child including, but not limited
23 to, hospital records, medical, and dental records. The physician-
24

1 patient privilege shall not constitute grounds for failure to
2 produce such records.

3 ~~D. The Department shall conduct an assessment in response to~~
4 ~~reports initially referred for an investigation, if it is determined~~
5 ~~that a complete investigation is not required.~~

6 ~~E. The Department shall immediately commence an investigation~~
7 ~~if it is determined, at any time during the assessment process, that~~
8 ~~an investigation is warranted as provided for in the priority~~
9 ~~guidelines established by the Department.~~

10 ~~F. If, before the investigation is complete, the opinion of the~~
11 ~~child protective services worker is Department determines that~~
12 ~~immediate removal of the child is necessary to protect the child~~
13 ~~from further abuse or neglect, the child protective services worker~~
14 ~~Department shall recommend that the child be taken into custody~~
15 ~~pursuant to the Oklahoma Children's Code.~~

16 ~~G. 1. E.~~ ~~The county office Department shall make a complete~~
17 ~~written report of the investigation. The investigation report,~~
18 ~~together with its recommendations, shall be submitted to the~~
19 ~~appropriate district attorney's office.~~

20 ~~2. Reports of assessment recommendations shall not be required~~
21 ~~to be submitted to appropriate district attorneys unless such~~
22 ~~district attorneys request that copies of the assessment~~
23 ~~recommendations be submitted to them. Immediately after the~~
24 ~~effective date of this act, the Department shall send written notice~~

1 ~~to all district attorneys in this state informing them of their~~
2 ~~right to request and receive copies of the assessment~~
3 ~~recommendations.~~

4 H. F. The Department, where appropriate and in its discretion,
5 shall identify prevention and intervention-related services
6 available in the community and arrange for such services to be
7 provided to the family when an investigation or assessment indicates
8 the family would benefit from such services, or the Department may
9 provide such services directly. The Department shall ~~thoroughly~~
10 document in the record its attempts to provide, or arrange for the
11 provision of, voluntary services and ~~the reasons these services are~~
12 ~~important to reduce the risk of future abuse or neglect to the child~~
13 shall determine within sixty (60) days whether the family has
14 accessed such services. If the family ~~continues to refuse~~ refuses
15 voluntary services or does not access such services, and it is
16 determined by the ~~child protective services worker~~ Department that
17 ~~the child needs to be protected~~ child's surroundings endanger the
18 health, safety, or welfare of the child, the Department may ~~initiate~~
19 ~~an investigation~~ recommend that the child be placed in protective or
20 emergency custody or that a petition be filed.

21 ~~I. Except as otherwise provided by the Oklahoma Child Abuse~~
22 ~~Reporting and Prevention Act, the investigation of a child abuse or~~
23 ~~neglect report shall comply with the provisions of Section 7003-1.1~~
24 ~~of this title.~~

1 ~~J. G.~~ If the Department has reason to believe that a ~~parent of~~
2 ~~the child or other person~~ responsible for the child's health,
3 safety, and welfare may remove the child from the state before the
4 investigation is completed, the Department may request the district
5 attorney to file an application for a temporary restraining order in
6 any district court in the State of Oklahoma without regard to
7 continuing jurisdiction of the child. ~~After a hearing on the~~
8 ~~application~~ Upon cause shown, the court may enter a temporary
9 restraining order prohibiting the parent or other person from
10 removing the child from the state pending completion of the
11 investigation ~~if the court finds that the county office or the~~
12 ~~Department has probable cause to conduct the investigation.~~

13 ~~K. H.~~ The Director of the Department ~~of Human Services~~ or
14 designee ~~shall have the authority to~~ may request an investigation be
15 conducted by the Oklahoma State Bureau of Investigation or other law
16 enforcement agency in cases where it ~~has been determined~~ reasonably
17 believes that criminally injurious conduct including, but not
18 limited to, physical or sexual abuse of a child has occurred.

19 SECTION 88. AMENDATORY 10 O.S. 2001, Section 7107, is
20 amended to read as follows:

21 Section 7107. A. ~~Except as otherwise provided by the Oklahoma~~
22 ~~Child Abuse Reporting and Prevention Act, the~~ The reports required
23 by ~~Section 7103~~ Article xxx of this title ~~or any~~ and all other
24 information acquired pursuant to the Oklahoma ~~Child Abuse Reporting~~

1 ~~and Prevention Act~~ Children's Code shall be confidential and may be
2 disclosed only as provided ~~in Section 7111 xxx~~ of this title and the
3 ~~Oklahoma Children's~~ by this Code, applicable state or federal law,
4 regulation, or court order.

5 B. ~~Except as otherwise provided by the Oklahoma Child Abuse~~
6 ~~Reporting and Prevention Act, any violation of the confidentiality~~
7 ~~requirements of the Oklahoma Child Abuse Reporting and Prevention~~
8 ~~Act~~ The confidential records and information that are authorized to
9 be disclosed pursuant to this Article xxx shall remain confidential
10 and the use of such information shall be limited to the purposes for
11 which disclosure is authorized. Persons or agencies obtaining
12 records pursuant to this Article xxx are prohibited from disclosing
13 the contents of such records to another person or agency unless
14 specifically authorized to do so by law or by the terms of a court
15 order.

16 C. The disclosure of any confidential records or information
17 made by the Department of Human Services pursuant to law or court
18 order shall not be deemed a waiver of confidentiality or privilege,
19 and any recipient of such records or information shall protect them
20 against unauthorized disclosure and maintain them confidentially and
21 in compliance with state and federal law.

22 D. Any person or agency who knowingly permits, assists, or
23 encourages the release, disclosure, or use of confidential records
24 or information for any commercial, political, or unauthorized

1 purpose may be prosecuted for contempt of court or for a
2 misdemeanor, which shall, upon conviction, be a ~~misdemeanor~~
3 punishable by up to six (6) months in jail, by a fine of Five
4 Hundred Dollars (\$500.00), or by both such fine and imprisonment.

5 SECTION 89. AMENDATORY 10 O.S. 2001, Section 7108, as
6 amended by Section 1, Chapter 435, O.S.L. 2004 (10 O.S. Supp. 2008,
7 Section 7108), is amended to read as follows:

8 Section 7108. ~~A.~~ At the initial time of contact with a ~~parent~~
9 ~~or other~~ person responsible for a child's health, safety, or welfare
10 who is the subject of an investigation pursuant to the Oklahoma
11 ~~Child Abuse Reporting and Prevention Act~~ Children's Code, the ~~child~~
12 ~~protective services worker~~ Department of Human Services shall advise
13 such person of the specific complaint or allegation made against the
14 person. If the ~~worker~~ Department is unable to locate the ~~parent or~~
15 ~~other~~ person, as soon as possible after initiating the investigation
16 of the ~~parent or other~~ person, the ~~child protective services worker~~
17 Department shall provide to the ~~parent or~~ person a brief and easily
18 understood written description of the investigation process. Such
19 notice shall include:

20 1. A statement that the investigation is being undertaken by
21 the Department ~~of Human Services~~ pursuant to the requirements of the
22 Oklahoma ~~Child Abuse Reporting and Prevention Act~~ Children's Code in
23 response to a report of child abuse or neglect;

24

1 2. A statement that the identity of the person who reported the
2 incident of abuse is confidential and may not even be known to the
3 Department since the report could have been made anonymously;

4 3. A statement that the investigation is required by law to be
5 conducted in order to enable the Department ~~of Human Services~~ to
6 identify incidents of abuse or neglect in order to provide
7 protective or preventive social services to families who are in need
8 of such services;

9 4. A statement that, upon completion of the investigation, ~~the~~
10 ~~parent or other person will receive~~ a letter will be sent from the
11 Department which will inform ~~such parent or other~~ the person:

- 12 a. that the Department has found insufficient evidence of
13 abuse or neglect, or
- 14 b. that there appears to be probable cause to suspect the
15 existence of child abuse or neglect in the judgment of
16 the Department;

17 5. An explanation of the procedures of the Department ~~of Human~~
18 ~~Services~~ for conducting an investigation of alleged child abuse or
19 neglect, including:

- 20 a. a description of the circumstances under which the
21 Department would seek to remove the child from the
22 home through the judicial system, and
- 23 b. an explanation that the law requires the Department to
24 refer all reports of ~~alleged criminal~~ child abuse or

1 neglect to a law enforcement agency for a separate
2 determination of whether a criminal violation
3 occurred;

4 6. The procedures to follow if there is a complaint regarding
5 the actions of the Department or to request a review of the findings
6 made by the Department during or at the conclusion of the
7 investigation;

8 7. The person's right to review ~~all~~ records filed with the
9 court ~~concerning the investigation, provided the review shall not~~
10 ~~include the name of the person who filed the report specified in~~
11 ~~Section 7103 of this title, and provided the review would not~~
12 ~~jeopardize an ongoing criminal investigation or adjudicatory hearing~~
13 in the event an action is filed;

14 8. The ~~person's~~ right of the person to seek legal counsel;

15 9. References to the statutory and regulatory provisions
16 governing child abuse and neglect and how the person may obtain
17 copies of those provisions; ~~and~~

18 10. The process the person may use to acquire ~~access to~~
19 visitation with the child if the child is removed from the home; and

20 11. A statement that a failure to appear for court proceedings
21 may result in the termination of the person's parental rights to the
22 child.

1 ~~B. If the Department determines that a family assessment may be~~
2 ~~needed, the Department shall, at the time of the initial contact,~~
3 ~~provide the parent of the child with the following information:~~

4 ~~1. The purpose of the contact with the family;~~

5 ~~2. The name of the child protective services worker responding~~
6 ~~and such person's office telephone number; and~~

7 ~~3. The assessment process to be followed during the~~
8 ~~Department's intervention with the family including the possibility~~
9 ~~that the family may be referred for prevention or intervention-~~
10 ~~related services and that the family may be expected to participate~~
11 ~~in such services.~~

12 SECTION 90. AMENDATORY 10 O.S. 2001, Section 7109, is
13 amended to read as follows:

14 Section 7109. A. The Department of Human Services may provide
15 information to a person or agency that provides professional
16 services such as medical examination of or therapeutic intervention
17 with a victim of abuse or neglect. This information may include,
18 but is not limited to:

19 1. The investigative determination; or

20 2. The services offered and provided.

21 B. The Department shall forward to any hospital or any
22 physician, including, but not limited to, doctors of medicine and
23 dentistry, licensed osteopathic physicians, residents and interns,
24 reporting the abuse or neglect of a child pursuant to Section 7103

1 xxx of this title, information including the investigative
2 determination, the services offered or provided, and such other
3 information deemed necessary by the Department. Such information
4 shall be entered and maintained in the child's medical records.

5 ~~C. 1. The Department of Human Services shall forward to the~~
6 ~~school principal of the school in which a child is enrolled making a~~
7 ~~child abuse report pursuant to Section 7103 of this title a summary~~
8 ~~of any confirmed report of sexual abuse or severe physical abuse of~~
9 ~~the Department concerning the child. The summary shall include a~~
10 ~~brief description of the circumstances of sexual abuse or serious~~
11 ~~physical abuse, the name of the parent or person responsible for the~~
12 ~~child's health or welfare, and the name of a Department employee who~~
13 ~~serves as a contact person regarding the case.~~

14 ~~2. The Department shall not release data that would identify~~
15 ~~the person who made the initial child abuse or neglect report, other~~
16 ~~than an employee of the Department, or who cooperated in a~~
17 ~~subsequent investigation unless a court of competent jurisdiction~~
18 ~~orders release of the information for good cause shown.~~

19 ~~3. The school principal shall forward to the receiving school~~
20 ~~all confirmed reports of sexual abuse and severe physical abuse~~
21 ~~received from the Department whenever a child transfers from one~~
22 ~~school district to another, and shall notify the Department of the~~
23 ~~child's new school, and address, if known.~~

24

1 ~~4. Records maintained and transmitted pursuant to this section~~
2 ~~shall be confidential and shall be maintained and transmitted in the~~
3 ~~same manner as Special Education records or other such records,~~
4 ~~pursuant to Title 70 of the Oklahoma Statutes. Access to such~~
5 ~~records may be made available by the principal or designee to a~~
6 ~~person designated to assist in the treatment of or with services~~
7 ~~provided to the child. Such records shall be destroyed when the~~
8 ~~student reaches eighteen (18) years of age.~~

9 ~~D. The transmission of and access to such records shall not~~
10 ~~constitute a waiver of confidentiality.~~

11 ~~E. It shall be unlawful pursuant to the Oklahoma Child Abuse~~
12 ~~Reporting and Prevention Act for the Commission for Human Services,~~
13 ~~or any employee working under the direction of the Department of~~
14 ~~Human Services, any other public officer or employee, or any court~~
15 ~~appointed special advocate to furnish or permit to be taken off of~~
16 ~~the records any information therein contained for commercial,~~
17 ~~political or any other unauthorized purpose.~~

18 ~~F. Any person to whom disclosure is made shall not disclose to~~
19 ~~any other person reports or other information obtained pursuant to~~
20 ~~this section.~~

21 ~~G. The Department shall submit the summary of confirmed sexual~~
22 ~~abuse or severe physical abuse of a child on forms developed by the~~
23 ~~Department. Such forms shall contain a warning that the information~~
24 ~~contained therein is confidential and may only be released to a~~

1 ~~person designated by the principal to assist in the treatment of or~~
2 ~~with services provided to a child.~~

3 SECTION 91. AMENDATORY 10 O.S. 2001, Section 7110, as
4 last amended by Section 5, Chapter 258, O.S.L. 2006 (10 O.S. Supp.
5 2008, Section 7110), is amended to read as follows:

6 Section 7110. A. 1. In coordination with the Child Abuse
7 Training and Coordination Council, each district attorney shall
8 develop a multidisciplinary child abuse team in each county of the
9 district attorney or in a contiguous group of counties.

10 2. The lead agency for the team shall be chosen by the members
11 of the team. The team shall intervene in reports involving child
12 sexual abuse or child physical abuse or neglect.

13 B. The multidisciplinary child abuse team members shall
14 include, but ~~need~~ not be limited to:

15 1. Mental health professionals licensed pursuant to the laws of
16 this state or licensed professional counselors;

17 2. Police officers or other law enforcement agents with a role
18 in, or experience or training in child abuse and neglect
19 investigation;

20 3. Medical personnel with experience in child abuse and neglect
21 identification;

22 4. Child protective services workers within the Department of
23 Human Services;

24

1 5. Multidisciplinary child abuse team coordinators, or Child
2 Advocacy Center personnel; and

3 6. The district attorney or assistant district attorney.

4 C. 1. To the extent that resources are available to each of
5 the various multidisciplinary child abuse teams throughout the
6 state, the functions of the team shall include, but not be limited
7 to, the following specific functions:

8 a. whenever feasible, law enforcement and child welfare
9 staff shall conduct joint investigations in an effort
10 to effectively respond to child abuse reports,

11 b. develop a written protocol for investigating child
12 sexual abuse and child physical abuse or neglect cases
13 and for interviewing child victims. The purpose of
14 the protocol shall be to ensure coordination and
15 cooperation between all agencies involved so as to
16 increase the efficiency in handling such cases and to
17 minimize the stress created for the allegedly abused
18 child by the legal and investigatory process. In
19 addition, each team shall develop confidentiality
20 statements and interagency agreements signed by member
21 agencies that specify the cooperative effort of the
22 member agencies to the team,

23 c. freestanding multidisciplinary child abuse teams shall
24 be approved by the Child Abuse Training and

1 Coordination Council. The ~~Child Abuse Training and~~
2 ~~Coordination~~ Council shall conduct an annual review of
3 freestanding multidisciplinary teams to ensure that
4 the teams are functioning effectively. Teams not
5 meeting the minimal standards as promulgated by the
6 ~~Child Abuse Training and Coordination~~ Council shall be
7 removed from the list of functioning teams in the
8 state,

9 d. increase communication and collaboration among the
10 professionals responsible for the reporting,
11 investigation, prosecution and treatment of child
12 abuse and neglect cases,

13 e. eliminate duplicative efforts in the investigation and
14 the prosecution of child abuse and neglect cases,

15 f. identify gaps in service or all untapped resources
16 within the community to improve the delivery of
17 services to the victim and family,

18 g. encourage the development of expertise through
19 training. Each team member and those conducting child
20 abuse investigations and interviews of child abuse
21 victims shall be trained in the multidisciplinary team
22 approach, conducting legally sound and age-appropriate
23 interviews, effective investigation techniques and
24 joint investigations as provided through the Child

1 Abuse Training and Coordination Council or other
2 resources,

3 h. formalize a case review process and provide data as
4 requested to the Child Abuse Training and Coordination
5 Council for freestanding teams, and

6 i. standardize investigative procedures for the handling
7 of child abuse and neglect cases.

8 2. All investigations of child sexual abuse and child physical
9 abuse or neglect and interviews of child abuse or neglect victims
10 shall be carried out by appropriate personnel using the protocols
11 and procedures specified in this section.

12 3. If trained personnel are not available in a timely fashion
13 and, in the judgment of a law enforcement officer or the Department
14 of Human Services, there is reasonable cause to believe a delay in
15 investigation or interview of the child victim could place the child
16 in jeopardy of harm or threatened harm to a child's health or
17 welfare, the investigation may proceed without full participation of
18 all personnel. This authority applies only for as long as
19 reasonable danger to the child exists. A reasonable effort to find
20 and provide a trained investigator or interviewer shall be made.

21 D. 1. A multidisciplinary child abuse team may enter into an
22 agreement with the Child Death Review Board within the Oklahoma
23 Commission on Children and Youth and, in accordance with rules
24 promulgated by the Oklahoma Commission on Children and Youth,

1 | conduct case reviews of deaths and near deaths of children within
2 | the geographical area of that multidisciplinary child abuse team.

3 | 2. Any multidisciplinary child abuse team reviewing deaths and
4 | near deaths of children shall prepare and make available to the
5 | public, on an annual basis, a report containing a summary of the
6 | activities of the team relating to the review of the deaths and near
7 | deaths of children and a summary of the extent to which the state
8 | child protection system is coordinated with foster care and adoption
9 | programs and whether the state is efficiently discharging its child
10 | protection responsibilities. The report shall be completed no later
11 | than December 31 of each year.

12 | E. Nothing in this section shall preclude the use of hospital
13 | team reviews for client-specific purposes and multidisciplinary
14 | teams, either of which were in existence prior to July 1, 1995;
15 | provided, however, such teams shall not be subject to the provisions
16 | of paragraph 1 of subsection A of this section.

17 | F. 1. Child advocacy centers shall be classified, based on the
18 | child population of a district attorney's district, as follows:

19 | a. nonurban centers in districts with child populations
20 | that are less than sixty thousand (60,000),

21 | b. midlevel nonurban centers in districts with child
22 | populations equal to or greater than sixty thousand
23 | (60,000), but not including Oklahoma and Tulsa
24 | Counties, and

1 c. urban centers in Oklahoma and Tulsa Counties.

2 2. The multidisciplinary child abuse team used by the child
3 advocacy center for its accreditation shall meet the criteria
4 required by a national association of child advocacy centers and, in
5 addition, the team shall:

6 a. choose a lead agency for the team,

7 b. intervene in reports involving child sexual abuse and
8 may intervene in child physical abuse or neglect,

9 c. promote the joint investigation of child abuse reports
10 between law enforcement and child welfare staff, and

11 d. formalize standardized investigative procedures for
12 the handling of child abuse and neglect cases.

13 G. Multidisciplinary child abuse teams and child advocacy
14 centers shall have full access to any service or treatment plan and
15 any personal data known to the Department which is directly related
16 to the implementation of this section.

17 SECTION 92. AMENDATORY 10 O.S. 2001, Section 7110.1, as
18 amended by Section 3, Chapter 487, O.S.L. 2002 (10 O.S. Supp. 2008,
19 Section 7110.1), is amended to read as follows:

20 Section 7110.1 A. 1. There is hereby created in the
21 Department of Human Services a revolving fund to be designated the
22 "Child Abuse Multidisciplinary Account".

23 2. The account shall be a continuing fund, not subject to
24 fiscal year limitations, and shall consist of all monies received by

1 the Department pursuant to the provisions of this section and
2 Section ~~7110.2~~ xxx of this title.

3 3. All monies accruing to the credit of the fund are hereby
4 appropriated and shall be budgeted and expended by the Department
5 for the purposes provided in Sections ~~7110~~ xxx and ~~7110.2~~ xxx of
6 this title.

7 4. Expenditures from the account shall be made upon warrants
8 issued by the State Treasurer against claims filed as prescribed by
9 law with the Director of State Finance for approval and payment.

10 B. The account shall be administered by the Department for the
11 benefit of children of Oklahoma and made available to eligible:

- 12 1. Coordinated multidisciplinary child abuse teams;
- 13 2. Nonurban child advocacy centers;
- 14 3. Mid-level nonurban child advocacy centers; and
- 15 4. Urban child advocacy centers.

16 C. 1. The Child Abuse Multidisciplinary Account shall consist
17 of:

- 18 a. all monies received by the Department pursuant to the
19 provisions of Section ~~7110.2~~ xxx of this title,
- 20 b. interest attributable to investment of money in the
21 Account, and
- 22 c. money received by the Department in the form of gifts,
23 grants, reimbursements, or from any other source
24 intended to be used for the purposes specified or

1 collected pursuant to the provisions of this section
2 and Section ~~7110~~ xxx of this title.

3 2. The monies deposited in the Child Abuse Multidisciplinary
4 Account shall at no time become monies of the state and shall not
5 become part of the general budget of the Department or any other
6 state agency. Except as otherwise authorized by this section, no
7 monies from the Account shall be transferred for any purpose to any
8 other state agency or any account of the Department or be used for
9 the purpose of contracting with any other state agency or
10 reimbursing any other state agency for any expense.

11 SECTION 93. AMENDATORY 10 O.S. 2001, Section 7110.2, as
12 last amended by Section 6, Chapter 258, O.S.L. 2006 (10 O.S. Supp.
13 2008, Section 7110.2), is amended to read as follows:

14 Section 7110.2 A. ~~1.~~ The Department of Human Services shall
15 allocate monies available in the Child Abuse Multidisciplinary
16 Account (CAMA) ~~-~~

17 ~~2. Funds shall be allocated to:~~

18 ~~a. one~~

19 1. One functioning freestanding multidisciplinary child abuse
20 team per county, as provided in Section ~~7110~~ xxx of this title ~~-~~

21 ~~b. one;~~

22 2. One hospital team pursuant to subsection E of Section ~~7110~~
23 xxx of this title ~~-~~; i and

24 ~~e. one~~

1 3. One child advocacy center, accredited by the National
2 Children's Alliance, per district attorney's district.

3 ~~(1)~~ A child advocacy center shall:

4 a. be eligible for Child Abuse Multidisciplinary Account
5 (CAMA) funding upon accreditation by the National
6 Children's Alliance. ~~In addition, the child advocacy~~
7 ~~center must,~~

8 b. secure a third-year interim review to determine
9 whether the child advocacy center continues to meet
10 the National Children's Alliance standards in effect
11 at the time of its last accreditation. If a child
12 advocacy center fails the third-year review, the
13 center ~~will~~ shall remain eligible for CAMA funding,
14 but ~~must~~ shall have another review conducted in the
15 fourth year. If the child advocacy center fails the
16 fourth-year review, the center shall be ineligible to
17 receive CAMA funding until such time as the center
18 receives reaccreditation from the National Children's
19 Alliance.

20 ~~(2)~~ ~~The accredited center shall,~~ and

21 c. remain the center for the district attorney's district
22 as long as the center is accredited and eligibility is
23 maintained pursuant to the provisions of Section ~~7110~~
24 xxx of this title. If a center does not remain

1 eligible pursuant to the provisions of Section 7110
2 xxx of this title, endorsement by the district
3 attorney as the child advocacy center for the district
4 may be sought by any entity beginning with the
5 calendar year after the center is determined to be
6 ineligible. The two centers in district number (4)
7 and district number (13) that were accredited as of
8 the effective date of this act shall continue to
9 receive funding at the nonurban level. Should one of
10 the exempted centers close or no longer meet the
11 criteria for a child advocacy center pursuant to the
12 provisions of Section 7110 xxx of this title, the
13 center shall not be allowed to reopen in that district
14 or to receive CAMA funds. The remaining center shall
15 become the sole child advocacy center for the district
16 attorney's district.

17 ~~3.~~ B. Funding distribution pursuant to the provisions of this
18 ~~subsection~~ section shall be determined:

19 ~~a.~~ by

20 1. By multiplying the number of applicants in each category by
21 the corresponding weight as follows:

22 ~~(1)~~

23 a. freestanding multidisciplinary child abuse team - 1,

24 ~~(2)~~

1 b. hospital team - 1,

2 ~~(3)~~

3 c. nonurban centers - 4,

4 ~~(4)~~

5 d. mid-level nonurban centers - 6, and

6 ~~(5)~~

7 e. urban centers - 24~~7~~

8 ~~b.~~ adding_i

9 2. Adding together the weighted results for all categories~~7~~

10 ~~e.~~—dividing_i

11 3. Dividing the weighted result for each category by the sum of

12 the weighted results for all categories~~7~~_i and

13 ~~d.~~—equally

14 4. Equally distributing funding to each applicant in the

15 corresponding category based on the amounts obtained by multiplying
16 the total available funding by the calculated percentages.

17 ~~B.~~ C. 1. Pursuant to the provisions of Section ~~7110.1~~ xxx of
18 this title, by January 31, 2003, and by January 31 of each year
19 thereafter, the Department shall disburse monies from the Child
20 Abuse Multidisciplinary Account to eligible multidisciplinary child
21 abuse teams and to eligible child advocacy centers. A child
22 advocacy center ~~must~~ shall be in compliance with the provisions of
23 Section ~~7110~~ xxx of this title to be eligible for Child Abuse
24 Multidisciplinary Account funding. The disbursement shall be a

1 single, annual disbursement, for the collection period of the
2 preceding year beginning October 1 through September 30.

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

7 ~~C.~~ D. A team or center may carry over funding for a period of
8 one (1) year after allocation, such one-year period to begin in
9 January and end in December of the same year; provided, however,
10 funds not used within twenty-four (24) months of the original
11 allocation will be deducted from the contract amount for the next
12 contract year. If a team or center is ineligible for funding in an
13 upcoming year, unused funds from the current or previous years shall
14 be returned to the CAMA account for use in subsequent years.

15 ~~D.~~ E. The Department of Human Services is hereby authorized to
16 receive one half of one percent (0.5%) in administrative costs from
17 the CAMA account.

18 SECTION 94. AMENDATORY 10 O.S. 2001, Section 7111, is
19 amended to read as follows:

20 Section 7111. A. There is hereby established within the
21 Department of Human Services an information system for the
22 maintenance of all reports of child abuse, sexual abuse, and neglect
23 made pursuant to the provisions of the Oklahoma ~~Child Abuse~~
24 ~~Reporting and Prevention Act~~ Children's Code.

1 B. The Division of Children and Family Services of the
2 Department of ~~Human Services~~ shall be responsible for maintaining a
3 suitably cross-indexed system of all the reports.

4 C. The records maintained shall contain, but shall not be
5 limited to:

6 1. All information in the written report required by ~~Section~~
7 ~~7103~~ xxx of this title;

8 2. A record of the final disposition of the report including
9 services offered and services accepted;

10 3. The plan for rehabilitative treatment; and

11 4. Any other relevant information.

12 D. Data and information maintained and related to individual
13 cases shall be confidential and shall be made available only as
14 authorized by state or federal law.

15 E. The Commission for Human Services shall promulgate rules
16 governing the availability of such data and information.

17 F. Rules promulgated by the Commission shall encourage
18 cooperation with other states in exchanging reports in order to
19 effect a national registration system.

20 G. No person shall allow the data and information maintained to
21 be released except as authorized by Article V xxx of the Oklahoma
22 Children's Code.

23 H. Records obtained by the Department shall be maintained by
24 the Department until otherwise provided by law.

1 SECTION 95. AMENDATORY 10 O.S. 2001, Section 7113, is
2 amended to read as follows:

3 Section 7113. In any proceeding resulting from a report made
4 pursuant to ~~the provisions of the Oklahoma Child Abuse Report and~~
5 ~~Prevention Act~~ Section xxx of this title or in any proceeding where
6 such a report or any contents of the report are sought to be
7 introduced into evidence, such report, contents, or other fact
8 related thereto or to the condition of the child or victim who is
9 the subject of the report shall not be excluded on the ground that
10 the matter is or may be the subject of a physician-patient privilege
11 or similar privilege or rule against disclosure.

12 SECTION 96. AMENDATORY 10 O.S. 2001, Section 7115.1, is
13 amended to read as follows:

14 Section 7115.1 A. A parent subject to the provisions of this
15 act shall not be prosecuted for child abandonment or child neglect
16 under the provisions of ~~Sections 851, 852, 853, 858.1 and 858.3 of~~
17 ~~Title 21 of the Oklahoma Statutes, subsections C and D of Section~~
18 ~~7115 of Title 10 of the Oklahoma Statutes, paragraph 3 of subsection~~
19 ~~B of Section 7102 of Title 10 of the Oklahoma Statutes, or any other~~
20 statute which makes child abandonment or child neglect a crime, when
21 the allegations of child abandonment or child neglect are based
22 solely on the relinquishment of ~~a child seven (7) days of age or~~
23 ~~younger~~ an infant to a medical services provider or a child rescuer
24 as defined in this section.

1 B. The following entities shall, without a court order, take
2 possession of a ~~child seven (7) days of age or younger~~ an infant if
3 the ~~child~~ infant is voluntarily delivered to the entity by the
4 parent of the ~~child~~ infant and the parent did not express an intent
5 to return for the ~~child~~ infant:

- 6 1. A medical services provider; or
- 7 2. A child rescuer.

8 C. Any entity identified in subsection B of this section to
9 which a parent seeks to relinquish a ~~child~~ an infant pursuant to the
10 provisions of this section may:

- 11 1. Request, but not demand, any information about the ~~child~~
12 infant that the parent is willing to share. The entity is
13 encouraged to ask about, but not demand, the details of any relevant
14 medical history relating to the ~~child~~ infant or the ~~child's~~ parents
15 of the infant. The entity shall respect the wish of the parent if
16 the parent desires to remain anonymous; and

- 17 2. Provide the parent with printed information relating to the
18 ~~parents'~~ rights of the parents, including both parents, with respect
19 to reunification with the ~~child~~ infant and sources of counseling for
20 the parents, if desired.

21 D. Once a ~~child~~ an infant has been relinquished to any entity
22 identified in subsection B of this section, the entity receiving the
23 ~~child~~ infant shall:

1 1. Perform or provide for the performance of any act necessary
2 to protect the physical health or safety of the ~~child~~ infant; and

3 2. Notify the local office of the Department ~~of Human Services~~
4 that a parent of a ~~child seven (7) days of age or younger~~ an infant,
5 in the best judgment of the receiving entity, has relinquished such
6 ~~child~~ infant and that the entity has taken possession of the ~~child~~
7 infant.

8 E. Upon being made aware that a medical services provider or
9 child rescuer has possession of a ~~child~~ an infant under the
10 provisions of this act, the Department ~~of Human Services~~ shall
11 immediately check with law enforcement authorities to determine if a
12 child has been reported missing and whether the missing child could
13 be the relinquished ~~child~~ infant.

14 F. The Department ~~of Human Services~~ shall design and
15 disseminate:

16 1. A simplified form for the recording of medical or other
17 information that a relinquishing parent wishes to share with the
18 entity to whom the ~~child~~ infant is being relinquished;

19 2. Easily understood printed materials that give information
20 about parents' rights with regard to reunification with a ~~child~~ an
21 infant including, but not limited to, information on how a parent
22 can contact the appropriate entity regarding reunification, and
23 information on sources of counseling for relinquishing parents; and
24

1 3. Media information, including printed material, that creates
2 public awareness about the provisions of this act.

3 G. For purposes of this section:

4 1. "Medical services provider" means a person authorized to
5 practice the healing arts, including a physician's assistant or
6 nurse practitioner, a registered or practical nurse and a nurse
7 aide; and

8 2. "Child rescuer" means any employee or other designated
9 person on duty at a police station, fire station, child protective
10 services agency, hospital, or other medical facility.

11 H. A medical services provider or child rescuer with
12 responsibility for performing duties pursuant to this section shall
13 be immune from any criminal liability that might otherwise result
14 from the entity's actions, if acting in good faith in receiving a
15 relinquished ~~child~~ infant. In addition, such medical provider or
16 child rescuer shall be immune from any civil liability that might
17 otherwise result from merely receiving a relinquished ~~child~~ infant.

18 SECTION 97. AMENDATORY 10 O.S. 2001, Section 7202, is
19 amended to read as follows:

20 Section 7202. ~~For purposes of the Oklahoma Foster Care and Out-~~
21 ~~of-Home Placement Act, it is the intent of the Legislature that:~~

22 ~~1. Parents have a natural, legal and moral right, as well as a~~
23 ~~duty, to care for and support their children, and such rights are~~
24 ~~protected by state and federal laws;~~

1 ~~2. The state has an interest in and a responsibility to~~
2 ~~children whose parents do not adequately provide proper care,~~
3 ~~supervision and protection for them. When circumstances within a~~
4 ~~family threaten a child's safety or welfare, or when such~~
5 ~~circumstances deprive a child of proper parental supervision, the~~
6 ~~state's interest in the child's welfare and in the protection of the~~
7 ~~public takes precedence over the natural right and authority of the~~
8 ~~parent;~~

9 ~~3. Parents have a duty and responsibility to take part in any~~
10 ~~treatment and service plan, or any other order of the court, which~~
11 ~~will enable the return of a child to the child's home or which will~~
12 ~~allow a child to remain in the child's own home when the parent is~~
13 ~~the perpetrator of abuse and neglect;~~

14 ~~4. a.~~

15 ~~A. When a child is placed into foster care, the child shall be~~
16 ~~placed, when the safety and well being of the child can be assured,~~
17 ~~with relatives, or other persons having a kinship relationship with~~
18 ~~the child, who are determined to be suitable, capable and willing to~~
19 ~~serve as caretakers for the child.~~

20 ~~b. For a deprived child, a placement with suitable~~
21 ~~relatives or other persons having a kinship~~
22 ~~relationship with the child shall only be made when~~
23 ~~such placement is in the best interests of the child.~~
24 ~~For a delinquent child or a child in need of~~

1 ~~supervision, a placement with suitable relatives or~~
2 ~~other persons having a kinship relationship with the~~
3 ~~child shall only be made when such placement is in the~~
4 ~~best interests of the child and when such placement is~~
5 ~~consistent with the state's interest in the protection~~
6 ~~of the public.~~

7 e.

8 B. A kinship placement shall be made when the placement that
9 meets the treatment needs of the child and, supports the case plan
10 goals for that child and the child's family;

11 ~~5. Each child shall be assured the care, guidance, and~~
12 ~~supervision in a permanent home or foster home which will serve the~~
13 ~~best interests of the child's moral, emotional, mental, social, and~~
14 ~~physical well being;~~

15 ~~6. When a child is placed in a foster home, the foster parent~~
16 ~~shall be allowed to integrate the child into the family setting,~~
17 ~~make the foster child an integral part of the family, and care for~~
18 ~~the foster child as the foster parent would for the foster parent's~~
19 ~~own child;~~

20 ~~7. When a child is placed in a foster home, the foster parent~~
21 ~~shall have a right to exercise parental substitute authority over~~
22 ~~the child. The ability to exercise parental substitute authority~~
23 ~~shall not be construed to authorize corporal punishment on the~~
24 ~~foster child by the foster parent;~~

1 ~~8. A foster parent has a recognizable interest in the familial~~
2 ~~relationship that the foster parent establishes with a foster child~~
3 ~~who has been in the foster parent's care and custody, and shall~~
4 ~~therefore be considered an essential participant with regard to~~
5 ~~decisions related to the care, supervision, guidance, rearing and~~
6 ~~other foster care services provided to such child;~~

7 ~~9. Permanent placement shall be achieved as soon as possible~~
8 ~~for every child in out of home placement pursuant to the conditions~~
9 ~~and restrictions of the Oklahoma Foster Care and Out of Home~~
10 ~~Placement Act;~~

11 ~~10. a. The best interests of the child shall be the standard~~
12 ~~for recommendations made by the Department of Human~~
13 ~~Services and the courts for deprived action~~
14 ~~determinations with regard to whether a child should~~
15 ~~be reunified with the child's family, should be~~
16 ~~permanently removed from the home, or should remain in~~
17 ~~the home in which the child has been abused or~~
18 ~~neglected.~~

19 ~~b. For delinquent children and children in need of~~
20 ~~supervision, the best interests of the child~~
21 ~~consistent with the state's interest in the protection~~
22 ~~of the public shall be the standard for~~
23 ~~recommendations made by the Department of Juvenile~~
24 ~~Justice and the courts for determinations with regard~~

1 ~~to whether a delinquent child or a child in need of~~
2 ~~supervision should be reunified with the child's~~
3 ~~family, should be permanently removed from the home,~~
4 ~~or should remain in the home;~~

5 ~~11. The goal of reunification of a child who has been~~
6 ~~adjudicated deprived with the parents or any other person~~
7 ~~responsible for the child's welfare shall be abandoned when, after a~~
8 ~~reasonable period of time, pursuant to the conditions and~~
9 ~~restrictions of the Oklahoma Foster Care and Out-of-Home Placement~~
10 ~~Act and the Oklahoma Children's Code, there is sufficient evidence~~
11 ~~that the conduct of the parents toward the child, or the conduct of~~
12 ~~the parents during the child's out of home placement, including, but~~
13 ~~not limited to, compliance with a treatment and service plan or~~
14 ~~court order, is determined not to be in the child's best interests,~~
15 ~~and abandonment of such goal is determined to be in the child's best~~
16 ~~interests. In such cases, the district attorney and the court shall~~
17 ~~provide for termination of parental rights in an expeditious manner~~
18 ~~if the grounds, situations or conditions exist to support~~
19 ~~termination of parental rights and the child is otherwise available~~
20 ~~for adoption;~~

21 ~~12. When two or more children in foster care are siblings,~~
22 ~~every reasonable attempt should be made to place them in the same~~
23 ~~home. In making a permanent placement, such children should be~~
24 ~~placed in the same permanent home or, if the siblings are separated,~~

1 ~~should be allowed contact or visitation with other siblings,~~
2 ~~provided, however, the best interests of each sibling shall be the~~
3 ~~standard for determining whether they should be placed in the same~~
4 ~~foster placement or permanent placement, or allowed contact or~~
5 ~~visitation with other siblings,~~ and is in the best interests of the
6 child; provided however, if the child is determined to be an Indian
7 Child, as defined by the federal and state Indian Child Welfare
8 Acts, the placement preferences specified by Section 1915 of Title
9 25 of the United States Code and Section 40.2 xxx of this title
10 shall apply.

11 SECTION 98. AMENDATORY 10 O.S. 2001, Section 7204, is
12 amended to read as follows:

13 Section 7204. A. ~~The Department of Human Services and the~~
14 ~~Department of Juvenile Justice shall each establish a program of~~
15 ~~foster care for children in the custody of the state agency.~~

16 B. ~~Each Department, in implementing the foster care program~~
17 ~~within its jurisdictional area, shall:~~

18 1. ~~Recruit their respective foster families for children in the~~
19 ~~custody of the state agency;~~

20 2. ~~Contract with foster parents and child placing agencies to~~
21 ~~provide foster care services to children within the custody of the~~
22 ~~state agency;~~

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

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

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

7 6. ~~Assist the staff of all child placing agencies, foster~~
8 ~~parents and foster families by advising them on methods and~~
9 ~~procedures relating to child care, parental substitute authority,~~
10 ~~behavioral management techniques, and improvement of services;~~

11 7. ~~Establish rules and standards for providing foster care~~
12 ~~services in addition to those required by the Oklahoma Child Care~~
13 ~~Facilities Licensing Act;~~

14 8. ~~Require initial and ongoing foster parent training and~~
15 ~~education programs related to the area of parental substitute~~
16 ~~authority and behavioral management techniques, including, but not~~
17 ~~limited to, restraining and holding techniques, parent-child~~
18 ~~conflict resolution techniques, stress management, and any other~~
19 ~~appropriate technique to teach a foster parent how to control~~
20 ~~potentially violent behavior in a manner appropriate to the age and~~
21 ~~development of a foster child;~~

22 9. ~~Provide foster parents with a statewide, toll free telephone~~
23 ~~number, titled the Foster Parent Hotline, for obtaining information~~
24

1 ~~related to foster care services and for the filing of any complaints~~
2 ~~or grievances;~~

3 ~~10. Cooperate, collaborate and assist postadjudication review~~
4 ~~boards in the review of the placement of each child in foster care~~
5 ~~in order to achieve the goals in the treatment and service plan~~
6 ~~required for each child by this title;~~

7 ~~11. Provide for insurance coverage pursuant to the provisions~~
8 ~~of the Oklahoma Foster Care and Out of Home Placement Act;~~

9 ~~12. Provide for collection, through assignment, attachment,~~
10 ~~garnishment, liens, or other legal process, of the cost for out of~~
11 ~~home placement services provided through the state agency from the~~
12 ~~parents, guardian, or other person responsible for the care and~~
13 ~~support of a child in the custody of the state agency;~~

14 ~~13. Cooperate and work with a foster parent in integrating a~~
15 ~~foster child into a foster family setting. The state agency shall~~
16 ~~provide a foster parent with information, on an ongoing basis,~~
17 ~~pertinent to the care, guidance, supervision and rearing of a foster~~
18 ~~child;~~

19 ~~14. Apprise the foster family of changes in laws, rules and~~
20 ~~policy changes on a timely basis;~~

21 ~~15. Cooperate with and help promote foster parent associations.~~
22 ~~The state agency shall provide foster parent associations with data,~~
23 ~~information and guidelines on the obligations, responsibilities and~~
24 ~~opportunities of foster parenting and shall keep the associations~~

1 ~~and members apprised of changes in laws and rules relevant to foster~~
2 ~~parenting;~~

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

8 ~~17. Exercise and perform such other acts as may be necessary to~~
9 ~~implement the Oklahoma Foster Care and Out-of-Home Placement Act.~~

10 ~~C. The Neither the Department of Human Services and the~~
11 ~~Department of Juvenile Justice nor a child-placing agency shall not~~
12 ~~be liable for any costs or expenses expended voluntarily by a foster~~
13 ~~parent for a foster child which are in excess of the funds~~
14 ~~authorized for providing foster care services to the foster child.~~

15 SECTION 99. AMENDATORY 10 O.S. 2001, Section 7204.1, is
16 amended to read as follows:

17 Section 7204.1 A. 1. A foster parent may report to the Office
18 of Client Advocacy of the Department of Human Services an allegation
19 that an employee of the Department or of a child-placing agency has
20 threatened the foster parent with removal of a child from the foster
21 parent, harassed or refused to place a child in a licensed or
22 certified foster home, or disrupted a child placement as retaliation
23 or discrimination towards a foster parent who has:

24

- 1 a. filed a grievance pursuant to Section ~~7213~~ xxx of this
2 title,
3 b. provided information to any state official or
4 Department employee, or
5 c. testified, assisted, or otherwise participated in an
6 investigation, proceeding or hearing against the
7 Department or child-placing agency.

8 2. The provisions of this subsection shall not ~~be construed to~~
9 ~~include any complaints from foster parents resulting from~~
10 ~~administrative, civil or criminal action taken by the employee or~~
11 ~~Department or child placing agency for violations of law or rules,~~
12 ~~or contract provisions by the foster parent~~ apply to any complaint
13 by a foster parent regarding the result of a criminal,
14 administrative, or civil proceeding for a violation of any law,
15 rule, or contract provision by that foster parent, or the action
16 taken by the Department or a child-placing agency in conformity with
17 the result of any such proceeding.

18 3. A reporter shall not be relieved of the duty to report
19 incidents of alleged child abuse or neglect pursuant to the Oklahoma
20 ~~Child Abuse Reporting and Prevention Act~~ Children's Code.

21 4. The Advocate General shall establish rules and procedures
22 for evaluating reports of complaints pursuant to paragraph 1 of this
23 subsection and for conducting an investigation of such reports.
24

1 B. 1. The Office of Client Advocacy shall prepare and maintain
2 written records from the reporting source that shall contain the
3 following information to the extent known at the time the report is
4 made:

- 5 a. the names and addresses of the child and the person
6 responsible for the child's welfare,
- 7 b. the nature of the complaint, and
- 8 c. the names of the persons or agencies responsible for
9 the allegations contained in the complaint.

10 2. Any investigation conducted by the Office of Client Advocacy
11 pursuant to such information shall not duplicate and shall be
12 separate from the investigation mandated by the Oklahoma ~~Child Abuse~~
13 ~~Reporting and Prevention Act~~ Children's Code or other investigation
14 of the Department having notice and hearing requirements.

15 3. At the request of the reporter, the Office of Client
16 Advocacy shall keep the identity of the reporter strictly
17 confidential from the operation of the Department, until the
18 Advocate General determines what recommendations shall be made to
19 the Commission for Human Services and to the Director of the
20 Department ~~of Human Services~~.

21 C. The Commission shall ensure that a person making a report in
22 good faith under this section is not adversely affected solely on
23 the basis of having made such report.

1 D. Any person who knowingly and willfully makes a false or
2 frivolous report or complaint or a report that the person knows
3 lacks factual foundation, pursuant to the provisions of this
4 section, may be subject to loss of foster parent certification ~~or~~
5 ~~licensure status.~~

6 SECTION 100. AMENDATORY 10 O.S. 2001, Section 7205, is
7 amended to read as follows:

8 Section 7205. A. Except as otherwise provided by this section,
9 no child in the custody of the Department of Human Services ~~or the~~
10 ~~Department of Juvenile Justice~~ shall be placed with any foster
11 placement unless the foster placement has:

12 1. Has a current license or authorization issued pursuant to
13 the Oklahoma Child Care Facilities Licensing Act; or meets

14 2. Meets licensing standards as required by the Oklahoma Child
15 Care Facilities Licensing Act and is otherwise approved for foster
16 care by the state agency for children within its custody.

17 B. Except as otherwise provided by this section, no person,
18 corporation, or other legal entity shall receive a child for foster
19 care or provide foster care services to a child unless such legal
20 entity has a license or meets licensing standards as required by the
21 Oklahoma Child Care Facilities Licensing Act, and is otherwise
22 approved by the state agency for children within its custody.

23 C. The provisions of this section shall not be construed to
24 prohibit foster placement of children in foster homes licensed or

1 approved by Indian tribes, pursuant to the terms in Section ~~40-8~~ xxx
2 of this title.

3 SECTION 101. AMENDATORY 10 O.S. 2001, Section 7206, as
4 amended by Section 3, Chapter 159, O.S.L. 2008 (10 O.S. Supp. 2008,
5 Section 7206), is amended to read as follows:

6 Section 7206. A. The Department of Human Services, ~~the~~
7 ~~Department of Juvenile Justice~~ or any child-placing agency shall,
8 prior to any ~~out-of-home~~ foster placement, enter into a written
9 contract with the foster care placement provider. The contract
10 shall provide, at a minimum:

11 1. That the state agency and the child-placing agency shall
12 have access at all times to the child and to the foster placement;

13 2. A listing of any specific requirements, specific duties or
14 restrictions in providing foster care services;

15 3. That any foster child shall have access to and be accessible
16 by any court-appointed special advocate for the foster child and the
17 foster child's attorney;

18 4. That the foster care placement provider shall comply with
19 performance standards required pursuant to ~~the Oklahoma Foster Care~~
20 ~~and Out of Home Placement Act~~, the Oklahoma Children's Code, ~~the~~
21 ~~Juvenile Justice Code~~, and the Oklahoma Child Care Facilities
22 Licensing Act;

23 5. Information regarding the amount of payments to be made for
24 foster care services, including but not limited to a description of

1 the process involved in receiving payments, including projected time
2 frames, information related to reimbursements for eligible costs and
3 expenses for which the foster parent may be reimbursed and any
4 information concerning the accessibility and availability of funds
5 for foster parents;

6 6. That any foster child placed with a foster care placement
7 provider shall be released to the state agency or the child-placing
8 agency whenever, in the opinion of the state agency or the child-
9 placing agency, the best interests of the deprived child require
10 such release, ~~or the best interests of the delinquent child or the~~
11 ~~child in need of supervision, consistent with the state's interest~~
12 ~~in the protection of the public, require such release pursuant to~~
13 ~~the Oklahoma Foster Care and Out-of-Home Placement Act; and~~

14 7. Such other information required by the state agency and the
15 child-placing agency.

16 B. The state agency or child-placing agency shall provide the
17 following information to the foster parent at the time of placement,
18 along with a copy of the written contract required pursuant to
19 subsection A of this section:

20 1. The names and telephone numbers of the child's case worker,
21 the foster parents' case worker, the case workers' supervisors, and
22 the contact within the state agency central office, or the name and
23 telephone number of the contact person within the child-placing
24

1 agency and any other medical, psychological, social or other
2 pertinent information relating to foster care;

3 2. A copy of the grievance procedure established by the state
4 agency or the child-placing agency ~~pursuant to the Oklahoma Foster
5 Care and Out-of-Home Placement Act;~~

6 3. The name and telephone number of any foster parent
7 association in the county of residence of the foster parent;

8 4. For foster parents of deprived children, the name and
9 telephone number of any postadjudication review board established in
10 the county of residence of the foster parent or the nearest
11 postadjudication review board and the court having jurisdiction over
12 the child;

13 5. A copy of the statement of foster parent rights;

14 6. Information detailing the ~~foster parents'~~ ability of the
15 foster parent to submit information and written reports to the
16 court, ~~or~~ and to ~~petition~~ request the court ~~directly~~ for review of a
17 decision by the state agency or the child-placing agency to remove a
18 foster child who has been placed with the foster parent, in
19 accordance with the limitations and requirements of Section ~~7208~~ xxx
20 of this title; and

21 7. A copy of the policies and procedures of the Department or
22 child-placing agency which pertain to placement operations of the
23 agency, and which may be necessary to properly inform the out-of-

24

1 home placement providers of the duties, rights and responsibilities
2 of the out-of-home placement providers and the Department.

3 C. 1. In addition to other requirements made pursuant to the
4 Oklahoma Child Care Facilities Licensing Act, each child-placing
5 agency shall maintain supervision of all children placed by the
6 agency in foster placement and shall maintain supervision of and
7 make regular visits to such foster placements.

8 2. The child-placing agency shall visit each foster child no
9 less than once every month with no less than two visits per quarter
10 in the foster placement.

11 3. The child-placing agency shall prepare and maintain a
12 written report of its findings for each visit.

13 4. a. A complete written review of the placement, well-
14 being, and progress of any foster child in foster care
15 with a child-placing agency shall be made by the
16 child-placing agency as required by the ~~state agency~~
17 ~~with which the child-placing agency has a contract~~
18 Department.

19 b. If a child-placing agency is providing foster care
20 services for a child pursuant to a written agreement
21 or contract with the parents or guardian of a child,
22 the child-placing agency shall provide a copy of the
23 written review to the parents or guardian of the
24

1 child. The written agreement or contract shall
2 specify how often the review shall be conducted.

3 SECTION 102. AMENDATORY 10 O.S. 2001, Section 7206.1, is
4 amended to read as follows:

5 Section 7206.1 A. A statement of foster parent's rights shall
6 include, but not be limited to, the right to:

7 1. Be treated with dignity, respect, and consideration as a
8 professional member of the child welfare team;

9 2. Be notified of and be given appropriate, ongoing education
10 and continuing education and training to develop and enhance foster
11 parenting skills;

12 3. Be informed about ways to contact the state agency or the
13 child-placing agency in order to receive information and assistance
14 to access supportive services for any child in the foster parent's
15 care;

16 4. Receive timely financial reimbursement for providing foster
17 care services;

18 5. Be notified of any costs or expenses for which the foster
19 parent may be eligible for reimbursement;

20 6. Be provided a clear, written explanation of the individual
21 treatment and service plan concerning the child in the foster
22 parent's home, listing components of the plan pursuant to the
23 provisions of the Oklahoma Children's Code ~~and the Oklahoma Foster~~
24 ~~Care and Out of Home Placement Act;~~

1 7. Receive, at any time during which a child is placed with the
2 foster parent, additional or necessary information that is relevant
3 to the care of the child;

4 8. Be notified of scheduled review meetings, permanency
5 planning meetings, and special staffing concerning the foster child
6 in order to actively participate in the case planning and decision-
7 making process regarding the child;

8 9. Provide input concerning the plan of services for the child
9 and to have that input be given full consideration in the same
10 manner as information presented by any other professional on the
11 team;

12 10. Communicate with other foster parents in order to share
13 information regarding the foster child. In particular, receive any
14 information concerning the number of times a foster child has been
15 moved and the reasons why, and the names and telephone numbers of
16 the previous foster parent if the previous foster parent has
17 authorized such release;

18 11. Communicate with other professionals who work with the
19 foster child within the context of the team including, but not
20 limited to, therapists, physicians, and teachers;

21 12. Be given, in a timely and consistent manner, any
22 information regarding the child and the child's family which is
23 pertinent to the care and needs of the child and to the making of a
24 permanency plan for the child. Disclosure of information shall be

1 limited to that information which is authorized by the provisions of
2 Article V xxx of the Oklahoma Children's Code for foster parents and
3 ~~Article VII of the Oklahoma Juvenile Code;~~

4 13. Be given reasonable notice of any change in or addition to
5 the services provided to the child pursuant to the child's
6 individual treatment and service plan;

7 14. a. Be given written notice of:

8 (1) plans to terminate the placement of the child
9 with the foster parent pursuant to Section ~~7208~~
10 xxx of this title, and

11 (2) the reasons for the changes or termination in
12 placement, ~~and~~.

13 b. The notice shall be waived only in emergency cases
14 pursuant to Section ~~7208~~ xxx of this title;

15 15. Be notified by the applicable state agency in a timely and
16 complete manner of all court hearings, including notice of the date
17 and time of any court hearing, the name of the judge or hearing
18 officer hearing the case, the location of the hearing, and the court
19 docket number of the case;

20 16. Be informed of decisions made by the court, the state
21 agency or the child-placing agency concerning the child;

22 17. Be considered as a preferred placement option when a foster
23 child who was formerly placed with the foster parent is to reenter
24 foster care at the same level and type of care, if that placement is

1 consistent with the best interest of the child and other children in
2 the foster parent's home;

3 18. Be provided a fair, timely, and impartial investigation of
4 complaints concerning the foster parent's certification;

5 19. Be provided the opportunity to request and receive a fair
6 and impartial hearing regarding decisions that affect certification
7 retention or placement of children in the home;

8 20. Be allowed the right to exercise parental substitute
9 authority;

10 21. Have timely access to the state agency's and child
11 placement agency's appeals process and the right to be free from
12 acts of harassment and retaliation by any other party when
13 exercising the right to appeal;

14 22. Be given the number of the statewide toll-free Foster
15 Parent Hotline established in Section ~~7204~~ xxx of this title; and

16 23. File a grievance and be informed of the process for filing
17 a grievance.

18 B. The Department ~~of Human Services, the Office of Juvenile~~
19 ~~Justice,~~ and a child-placing agency under contract with the
20 Department shall be responsible for implementing this section.

21 C. Nothing in this section shall be construed to create a
22 private right of action or claim on the part of any individual, the
23 Department ~~of Human Services,~~ the Office of Juvenile Affairs, or any
24 child-placing agency.

1 SECTION 103. AMENDATORY 10 O.S. 2001, Section 7207, is
2 amended to read as follows:

3 Section 7207. ~~A.~~ In determining placement of a deprived child
4 in foster care:

5 1. The Department of Human Services or the court, if the court
6 does not place the child with the Department ~~of Human Services~~, and
7 any child-placing agency shall be governed by the best interests of
8 the child; and

9 2. ~~Such~~ The child may express a preference as to placement and
10 the preference may be given with or without the parents, foster
11 parents, guardians, or any other parties being present. The
12 Department ~~of Human Services~~, the court, or the child-placing agency
13 shall determine whether the best interests of the child will be
14 served by the child's preference. The Department ~~of Human Services~~,
15 the court, or the child-placing agency shall not be bound by the
16 child's preference and may consider other facts in determining the
17 placement.

18 ~~B. In determining placement of a delinquent child or a child in~~
19 ~~need of supervision in foster care:~~

20 ~~1. The Department of Juvenile Justice or the court, if the~~
21 ~~court does not place custody of the child with the Department of~~
22 ~~Juvenile Justice, and a child placing agency shall be governed by~~
23 ~~the best interests of the child consistent with the state's interest~~
24 ~~in the protection of the public; and~~

1 ~~2. Such child may express a preference as to placement. The~~
2 ~~Department of Juvenile justice, the court, or the child placing~~
3 ~~agency shall determine whether the best interests of the child,~~
4 ~~consistent with the state's interest in the protection of the~~
5 ~~public, will be served by the child's preference. The state agency,~~
6 ~~the court, or the child placing agency shall not be bound by the~~
7 ~~child's preference and may consider other facts in determining the~~
8 ~~placement.~~

9 ~~C. If a deprived child, a delinquent child or child in need of~~
10 ~~supervision expresses a preference, the preference may be given with~~
11 ~~or without the parents, foster parents, guardians, or any other~~
12 ~~parties being present.~~

13 SECTION 104. AMENDATORY 10 O.S. 2001, Section 7208, as
14 amended by Section 7, Chapter 445, O.S.L. 2002 (10 O.S. Supp. 2008,
15 Section 7208), is amended to read as follows:

16 Section 7208. A. ~~In making placements in foster care, the~~
17 ~~Department of Human Services, the Department of Juvenile Justice and~~
18 ~~any child placing agency shall, if possible, arrange for a~~
19 ~~preplacement visit for any child five (5) years of age or older with~~
20 ~~the persons who will be providing foster care. Persons involved in~~
21 ~~the preplacement visits should make every effort to discuss with the~~
22 ~~child how the care, supervision, and guidance, including, but not~~
23 ~~limited to, parental substitute authority, shall be achieved.~~

1 ~~B.~~ If a child placed in the custody of a child-placing agency
2 or in the custody of a ~~state agency~~ the Department of Human Services
3 by the court has resided with a foster parent for three (3) or more
4 months:

5 1. Except in an emergency, the ~~state agency~~ Department or
6 child-placing agency shall:

7 a. give a minimum of five (5) judicial days' advance
8 notice to the foster ~~care family~~ parent and to the
9 court before removing a child from such ~~family's care~~
10 foster placement, and

11 b. at the time of such notification, provide the foster
12 ~~family~~ parent with a written statement of the reasons
13 for removing a child; ~~and~~

14 2. An oral or written opinion may be provided to the court by a
15 party or foster parent in support of or in opposition to any change
16 in the child's placement that is planned or under consideration by
17 the Department or child-placing agency;

18 3. The court shall resolve any concerns raised by a party or
19 foster parent regarding a planned change in the child's placement
20 during any hearing in which the concerns are brought to the
21 attention of the court or the court may schedule an informal
22 placement review hearing that shall be heard within fifteen (15)
23 judicial days from the date the concerns are brought to the
24 attention of the court. The court may, in its discretion, stay a

1 proposed change in placement until the informal placement review
2 hearing is held; and

3 4. The foster parent shall, at any hearing, be entitled to
4 submit to the court written reports or present testimony concerning
5 the strengths, needs, behavior, important experiences, and
6 relationships of the child, in addition to such other information
7 the court may request.

8 ~~C. B.~~ When a child, ~~under the jurisdiction of a court pursuant~~
9 ~~to the Oklahoma Children's Code,~~ is placed in the custody of the
10 Department ~~of Human Services,~~ or a child, ~~under the jurisdiction of~~
11 ~~a court pursuant to the Juvenile Justice Code is placed in the~~
12 ~~custody of the Department of Juvenile Justice, or is placed in the~~
13 ~~custody of~~ or any child-placing agency, the ~~state agency~~ Department
14 or child-placing agency shall have discretion to determine an
15 appropriate foster placement for the child. Except as provided in
16 this section, the ~~state agency~~ Department or child-placing agency
17 may remove a child in its custody from a foster placement whenever
18 the ~~state agency~~ Department or child-placing agency determines that
19 removal is in the best interests of the deprived child, ~~or the~~
20 ~~delinquent child or the child in need of supervision, consistent~~
21 ~~with the state's interest in the protection of the public.~~

22 ~~D. C.~~ 1. In order to promote stability for foster children and
23 limit repeated movement of such children from one foster placement
24 to another, the ~~state agency~~ Department or child-placing agency,

1 except as otherwise provided by this subsection, shall not change
2 the foster home placement of a child without the approval of the
3 court in the following circumstances:

- 4 a. ~~the child has been moved once since the last court~~
5 ~~hearing~~ court or other party receiving notice from the
6 Department of the movement of the child has filed a
7 written request for an informal hearing, as provided
8 in Section ~~7003-5.4a~~ xxx of this title, ~~or~~
- 9 b. the court has stayed a planned change in a child's
10 placement pending a judicial review due to a verbal or
11 written objection made by a party or by a foster
12 parent during a court proceeding, or
- 13 c. a foster parent with whom the child has resided for
14 more than six (6) months objects, in writing pursuant
15 to the provisions of this subsection, after notice of
16 the removal of the child by the ~~state agency~~
17 Department or the child-placing agency.

18 2. The objection shall be filed with the court by the foster
19 parent and served on the ~~state agency~~ Department or child-placing
20 agency within five (5) judicial days after receipt of the notice
21 from the ~~state agency~~ Department or child-placing agency regarding
22 removal of the child. The court shall provide for notice to other
23 parties in the case.

1 3. Timely filing and service of the objection shall stay
2 removal of the child pending review of the court unless the ~~state~~
3 ~~agency~~ Department's or child-placing agency's stated reason for
4 removal is:

5 a. due to an emergency situation. As used in this
6 ~~subparagraph~~ paragraph, "emergency ~~situation~~" means a
7 removal that is:

8 ~~(1)~~

9 a. pursuant to an order of the court entered during or
10 following a hearing including, but not limited to, an
11 order authorizing placement of a child with a parent
12 or sibling,

13 b. at the request of the foster parent,

14 c. for emergency medical or ~~mental~~ behavioral health
15 treatment,

16 ~~(2)~~

17 d. due to substantial noncompliance by the foster parent
18 with applicable contract requirements and agreements
19 such that the health, safety, or welfare of the child
20 is ~~endangered~~ in imminent danger, or

21 ~~(3)~~

22 e. due to a pending investigation of allegations of abuse
23 or neglect of a child by a foster parent or other
24 person residing in the foster family home, ~~or~~

1 ~~b. reunification with a parent that contributed to the~~
2 ~~child being deprived, with the prior approval of the~~
3 ~~court.~~

4 4. The court shall conduct an informal placement review hearing
5 within fifteen (15) ~~working~~ judicial days on any objection filed by
6 a party or foster parent pursuant to this section. The court may
7 order that the child remain in or be returned to the home of the
8 objecting foster ~~parent's home~~ parent if the court finds that the
9 placement decision of the Department of Human Services or child-
10 placing agency's decision to remove the child agency was arbitrary
11 ~~or was,~~ inconsistent with the child's ~~treatment and service~~
12 permanency plan or not in the best interests of the child.

13 5. At the hearing, the Department of Human Services shall
14 inform the court as to the reason why the foster child is being
15 removed from the foster home. The Department of Human Services
16 shall also inform the court as to the number of times a foster child
17 has been moved within the foster family system.

18 ~~6. The court, in the court record, shall explain the reasons~~
19 ~~why the removal of a foster child from the foster home is in the~~
20 ~~best interests of the foster child.~~

21 ~~E. The Department of Human Services shall not remove a foster~~
22 ~~child from a foster home solely on the grounds that a foster parent~~
23 ~~has exercised substitute parental authority.~~

1 SECTION 105. AMENDATORY 10 O.S. 2001, Section 7209, as
2 last amended by Section 1, Chapter 159, O.S.L. 2008 (10 O.S. Supp.
3 2008, Section 7209), is amended to read as follows:

4 Section 7209. A. 1. Except as otherwise provided by law, the
5 Department of Human Services or the ~~Department of~~ Office of Juvenile
6 Justice Affairs shall not place a child in ~~out-of-home placement a~~
7 foster home prior to completion of:

8 a. a foster parent eligibility assessment on the foster
9 parent applicant,

10 b. a national criminal history records search based upon
11 submission of fingerprints for any adult residing in
12 the home, as required by the Oklahoma Child Care
13 Facilities Licensing Act and the Oklahoma ~~Foster Care~~
14 ~~and Out-of-Home Placement Act~~ Children's Code, and

15 c. a check of any child abuse registry maintained by a
16 state in which the prospective foster parent or any
17 adult living in the home of the prospective foster
18 parent has resided in the preceding five (5) years.

19 Provided, however, the state agencies may place a child in the home
20 of a foster parent, pending completion of the national criminal
21 history records search, if the foster parent and every adult
22 residing in the home of the foster parent have resided in this state
23 for at least five (5) years immediately preceding placement. The
24 director of such state agency or designee may authorize an exception

1 to the fingerprinting requirement for any person residing in the
2 home who has a severe physical condition which precludes such person
3 from being fingerprinted.

4 2. a. The Department ~~of Human Services~~ shall be the lead
5 agency for disseminating fingerprint cards to courts
6 and child-placing agencies for obtaining and
7 requesting a national criminal history records search
8 based upon submission of fingerprints from the
9 Oklahoma State Bureau of Investigation. The
10 ~~Department of~~ Office of Juvenile Justice Affairs may
11 directly request national criminal history records
12 searches as defined by Section 150.9 of Title 74 of
13 the Oklahoma Statutes from the Oklahoma State Bureau
14 of Investigation for the purpose of obtaining the
15 national criminal history of any individual for which
16 such a search is required pursuant to this section.

17 b. Courts and child-placing agencies may request the
18 Department of Human Services to obtain from the
19 Oklahoma State Bureau of Investigation a national
20 criminal history records search based upon submission
21 of fingerprints for foster parents and other persons
22 requiring such search pursuant to the Oklahoma Child
23 Care Facilities Licensing Act and the Oklahoma ~~Foster~~
24 ~~Care and Out of Home Placement Act~~ Children's Code.

1 Any fees charged by the Oklahoma State Bureau of
2 Investigation or the Federal Bureau of Investigation
3 for such searches shall be paid by the requesting
4 entity.

5 c. Either the Department ~~of Human Services~~ or the Office
6 of Juvenile Affairs, whichever is applicable, shall
7 contract with the Oklahoma State Bureau of
8 Investigation to obtain national criminal history
9 records searches based upon submission of
10 fingerprints.

11 d. (1) If the Department ~~of Human Services or the Office~~
12 ~~of Juvenile Affairs~~ is considering placement of a
13 child with an individual in an emergency
14 situation and after normal business hours, the
15 Department may request local law enforcement to
16 conduct a criminal history records search based
17 upon submission of the individual's name, race,
18 sex, date of birth, and social security number.

19 (2) Within five (5) business days of the name-based
20 search, the Department shall submit fingerprints
21 on the individual to the Oklahoma State Bureau of
22 Investigation. In the event the individual
23 refuses to submit to a name-based or fingerprint
24 search, the Department shall either not place or

1 shall remove the child from the individual's
2 home.

3 e. Upon request for a national criminal history records
4 search based upon submission of fingerprints, the
5 Oklahoma State Bureau of Investigation shall forward
6 one set of fingerprints to the Federal Bureau of
7 Investigation for the purpose of conducting such a
8 national criminal history records search.

9 ~~3. The Department of Human Services, pursuant to Section 7003-~~
10 ~~5.3 of this title, and the Department of Juvenile Justice, pursuant~~
11 ~~to Section 7303-5.2 of this title, shall conduct an assessment of~~
12 ~~each child in its custody which shall be designed to establish an~~
13 ~~appropriate treatment and service plan for the child.~~

14 B. ~~1.~~ A child-placing agency shall not place a child who is in
15 the custody of the agency in ~~out-of-home placement~~ a foster home
16 until completion of a foster parent eligibility assessment ~~or~~ and a
17 national criminal history records search based upon submission of
18 fingerprints has been completed for each individual residing in the
19 home in which the child will be placed, as required pursuant to the
20 Oklahoma Child Care Facilities Licensing Act or the Oklahoma ~~Foster~~
21 ~~Care and Out-of-Home Placement Act~~ Children's Code, and a check of
22 any child abuse registry maintained by a state in which the
23 prospective foster parent or any adult living in the home of the
24 prospective foster parent has resided in the past five (5) years;

1 provided, however, the child-placing agency may place a child in a
2 foster family home pending completion of the national criminal
3 history records search if the foster parent and every adult residing
4 in the home have resided in this state for at least five (5) years
5 immediately preceding the placement.

6 ~~2. In addition, a satisfactory assessment of the out of home~~
7 ~~placement shall be conducted by the child placing agency prior to~~
8 ~~foster placement.~~

9 C. 1. Whenever a court awards custody of a child to an
10 individual or a child-placing agency other than the Department of
11 ~~Human Services~~ or the Department of Office of Juvenile Justice
12 Affairs, for placement of the child, the court shall:

13 a. require that when custody is placed with an
14 individual, a foster family eligibility assessment be
15 conducted for the foster parents prior to placement of
16 the child, and

17 b. require that if custody is awarded to a child-placing
18 agency, a foster family eligibility assessment be
19 conducted as required by the Oklahoma Child Care
20 Facilities Licensing Act.

21 2. A child-placing agency other than the Department of ~~Human~~
22 ~~Services~~ or the Office of Juvenile Affairs shall, within thirty (30)
23 days of placement, provide for an assessment of the child for the
24 purpose of establishing an appropriate ~~treatment and~~ individualized

1 service plan for the child. The court shall require the ~~treatment~~
2 ~~and~~ individualized service plan to be completed in substantially the
3 same form and with the same content as required by the Oklahoma
4 Children's Code for a deprived child or as required by the Oklahoma
5 Juvenile ~~Justice~~ Code for a delinquent child or a child in need of
6 supervision.

7 3. The child shall receive a complete medical examination
8 within thirty (30) days of initial placement unless a medical
9 examination was conducted on the child upon the removal of the child
10 and the court finds no need for an additional examination.

11 4. The child may receive such further diagnosis and evaluation
12 as necessary as determined by the court to preserve the physical and
13 mental well-being of the child.

14 D. ~~4.~~ When the court awards custody of a child to an
15 individual or a child-placing agency as provided by this ~~subsection~~
16 section, the individual or child-placing agency shall be responsible
17 for the completion of and costs of the national criminal history
18 records search based upon submission of fingerprints, the foster
19 parent eligibility assessment, the preparation of a treatment and
20 service plan, and the medical examination required by this
21 ~~subsection~~ section.

22 ~~2. The Department of Human Services and the Department of~~
23 ~~Juvenile Justice shall be responsible for the completion of and~~
24 ~~costs of the foster parent eligibility assessment and any national~~

1 ~~criminal history records search based upon submission of~~
2 ~~fingerprints, preparation of a treatment and service plan, and the~~
3 ~~medical examination required by this subsection only for the~~
4 ~~children placed in the custody of the state agency. The state~~
5 ~~agency may provide for reimbursement of such expenses, costs and~~
6 ~~charges so incurred pursuant to the Oklahoma Children's Code and the~~
7 ~~Juvenile Justice Code, as applicable.~~

8 ~~E. 1. Upon any voluntary out of home placement of a child by a~~
9 ~~parent into foster care with a child placing agency, the child-~~
10 ~~placing agency shall conduct an assessment of the child in its~~
11 ~~custody which shall be designed to establish an appropriate plan for~~
12 ~~placement of the child. Following the assessment, the child placing~~
13 ~~agency shall establish an individual treatment and service plan for~~
14 ~~the child. A copy of each plan shall be provided to the child if~~
15 ~~the child is twelve (12) years of age or older and to the child's~~
16 ~~parent or guardian. The plan shall at a minimum:~~

- 17 ~~a. be specific,~~
- 18 ~~b. be in writing,~~
- 19 ~~c. be prepared by the agency in conference with the~~
20 ~~child's parents,~~
- 21 ~~d. state appropriate deadlines,~~
- 22 ~~e. state specific goals for the treatment of the child,~~
- 23 ~~f. describe the conditions or circumstances causing the~~
24 ~~child to be placed in foster care,~~

- 1 g. ~~describe the services that are necessary to remedy and~~
2 ~~that have a reasonable expectation of remedying the~~
3 ~~conditions or circumstances causing the child to be~~
4 ~~placed in foster care,~~
- 5 h. ~~state to whom the services will be delivered and who~~
6 ~~will deliver the services, and~~
- 7 i. ~~prescribe the time the services are expected to begin~~
8 ~~and the time within which expected results can~~
9 ~~reasonably be accomplished.~~

10 2. ~~The child shall receive a complete medical examination~~
11 ~~within thirty (30) days of placement in foster care.~~

12 F. ~~The child may receive such further diagnosis and evaluation~~
13 ~~as is necessary to preserve the physical and mental well-being of~~
14 ~~the child.~~

15 G. ~~Subsequent to initial placement, the child placed in foster~~
16 ~~placement shall have a medical examination, at periodic intervals,~~
17 ~~but not less than once each year.~~

18 H. ~~Prior to any proposed counseling, testing or other treatment~~
19 ~~services, the court or child placing agency shall first determine~~
20 ~~that the proposed services are necessary and appropriate.~~

21 I. 1. ~~If the assessment and medical examination disclose no~~
22 ~~physical, mental or emotional reasons for therapeutic foster care, a~~
23 ~~child voluntarily placed with a child placing agency shall be placed~~
24 ~~in a regular foster family home. If therapeutic foster care is~~

1 ~~required, the child may be placed only in foster homes that are~~
2 ~~certified as therapeutic foster homes pursuant to the Oklahoma Child~~
3 ~~Care Facilities Licensing Act.~~

4 ~~2. No child shall be eligible for any reimbursement through the~~
5 ~~state Medicaid program for placement in therapeutic foster care~~
6 ~~unless such placement has been reviewed and approved pursuant to~~
7 ~~rules regarding medical necessity for therapeutic foster care~~
8 ~~placement promulgated by the Oklahoma Health Care Authority Board.~~

9 SECTION 106. AMENDATORY 10 O.S. 2001, Section 7210, is
10 amended to read as follows:

11 Section 7210. A. The Department of Human Services, ~~the~~
12 ~~Department of Juvenile Justice,~~ and each child-placing agency shall
13 make special efforts to recruit foster ~~placement~~ parents for
14 children in their custody from suitable relatives and kin of the
15 child, and shall make diligent efforts to recruit foster and
16 adoptive families that reflect the ethnic and racial diversity of
17 children for whom foster and adoptive homes are needed. Provided,
18 however, no person shall be denied the opportunity to become a
19 foster or adoptive parent on the basis of the race, color, or
20 national origin of the person, or of the child involved. No child
21 shall be delayed or denied placement into foster care or adoption on
22 the basis of the race, color, or national origin of the adoptive or
23 foster parent, or of the child involved.

24

1 B. Diligent efforts to recruit shall include, but shall not be
2 limited to, contracting and working with community organizations and
3 religious organizations, utilizing local media and other local
4 resources, conducting outreach activities, and increasing the number
5 of minority recruitment staff employed by the Department ~~of Human~~
6 ~~Services, the Department of Juvenile Justice~~ and the child-placing
7 agency.

8 SECTION 107. AMENDATORY 10 O.S. 2001, Section 7211, is
9 amended to read as follows:

10 Section 7211. The Department of Human Services ~~and the~~
11 ~~Department of Juvenile Justice~~ shall cooperate with and shall help
12 promote development of foster parent associations in each county in
13 this state. The state agency shall provide foster parent
14 associations with data, information, and guidelines on the
15 obligations, responsibilities, and opportunities of foster parenting
16 and shall keep the associations and their members apprised of
17 changes in laws and rules relevant to foster parenting.

18 SECTION 108. AMENDATORY 10 O.S. 2001, Section 7212, is
19 amended to read as follows:

20 Section 7212. A. The Department of Human Services, ~~the~~
21 ~~Department of Juvenile Justice~~ and each child-placing agency shall
22 develop:

23 1. A foster care education program to provide training for
24 persons intending to furnish foster care services; and

1 2. Continuing educational programs for foster parents.

2 B. 1. In addition to any other conditions and requirements
3 specified by the state agency or child-placing agency, as
4 applicable, prior to placement of a child in foster placement other
5 than kinship care, each foster parent shall have completed the
6 training approved by the Department ~~of Human Services, the~~
7 ~~Department of Juvenile Justice~~ or the child-placing agency, as
8 appropriate.

9 2. A foster parent providing kinship foster care shall, if
10 possible, complete the training developed by the Department ~~of Human~~
11 ~~Services~~ for kinship foster care prior to placement or at such other
12 times as required by the Department; provided, however, in no event
13 shall ~~such~~ training take place later than one hundred twenty (120)
14 days after placement of the child with ~~such~~ the kinship foster
15 parent. Until a kinship foster parent receives final approval from
16 the Department to provide foster care services to a child, the
17 kinship foster parent shall not be eligible to receive any payment
18 for providing ~~such~~ foster care services.

19 3. Approved training shall require a minimum of twelve (12)
20 hours of study related, but not limited, to physical care,
21 education, learning disabilities, procedures for referral to and
22 receipt of necessary professional services, behavioral assessment
23 and modification, independent-living skills, and procedures for
24 biological parent contact. Such training shall relate to the area

1 of parental substitute authority, behavioral management techniques
2 including, but not limited to, parent-child conflict resolution
3 techniques, stress management, and any other appropriate technique
4 to teach the foster parent how to manage the child's behavior in a
5 manner appropriate to the age and development of the foster child.

6 4. The foster parent or person intending to provide foster care
7 services may complete the training as part of an approved training
8 program offered by a public or private agency with expertise in the
9 provision of child foster care or in related subject areas.

10 ~~5. Within three (3) months of certification, foster parents and~~
11 ~~kinship foster parents must participate in training for behavioral~~
12 ~~management techniques which shall include, but not be limited to~~
13 ~~information regarding restraining and holding techniques, and other~~
14 ~~techniques appropriate for controlling potentially violent behavior~~
15 ~~in a manner appropriate to the age and development of the foster~~
16 ~~child.~~

17 C. In order to assist persons providing kinship foster care,
18 the Department shall immediately refer ~~such~~ kinship foster parents
19 and the child for assistance under the Temporary Assistance for
20 Needy Families Program until the certification and training
21 requirements have been completed.

22 D. Foster parent training programs may include, but need not be
23 limited to, in-service training, workshops and seminars developed by
24 the state agency; seminars and courses offered through public or

1 private education agencies; and workshops, seminars and courses
2 pertaining to behavioral and developmental disabilities and to the
3 development of mutual support services for foster parents.

4 E. The Department ~~of Human Services, the Department of Juvenile~~
5 ~~Justice~~ and each child-placing agency shall provide statewide
6 training, education, and continuing education programs for foster
7 parents.

8 F. The Department ~~of Human Services, the Department of Juvenile~~
9 ~~Justice~~ or each child-placing agency shall notify a foster parent at
10 least ten (10) business days in advance of the statewide scheduling
11 of education, continuing education or foster parent training
12 occurring near the vicinity of the home of a foster parent.

13 G. The Department ~~of Human Services~~ may also provide additional
14 foster care training to a foster parent. A foster parent may
15 request in writing to the Department ~~of Human Services~~ that
16 additional foster parent training be provided.

17 SECTION 109. AMENDATORY 10 O.S. 2001, Section 7213, is
18 amended to read as follows:

19 Section 7213. A. The Department of Human Services, ~~the~~
20 ~~Department of Juvenile Justice~~ and child-placing agencies shall each
21 establish grievance procedures for foster parents with whom such
22 state agencies or child-placing agencies contract.

23
24

1 B. The procedures ~~for foster parents~~ established by ~~each state~~
2 ~~agency and child placing agency~~ shall contain the following minimum
3 requirements:

4 1. Resolution of disputes with foster parents shall be
5 accomplished quickly, informally and at the lowest possible level,
6 but shall provide for access to impartial arbitration by management
7 level personnel within the central office; and

8 2. Prompt resolution of grievances within established time
9 frames.

10 C. ~~Each state agency~~ The Department and child-placing agency
11 shall designate an employee to receive and process foster care
12 grievances.

13 D. ~~Each state agency~~ The Department and child-placing agency
14 shall maintain records of each grievance filed as well as summary
15 information about the number, nature and outcome of all grievances
16 filed. Agencies shall keep records of grievances separate and apart
17 from other foster parent files. A foster parent or a former foster
18 parent shall have a right of access to the ~~grievance~~ record of
19 grievances such person filed after the ~~grievance~~ procedure has been
20 completed.

21 E. 1. Each foster parent shall have the right, without fear of
22 reprisal or discrimination, to present grievances with respect to
23 the providing of foster care services.

1 2. ~~Each state agency~~ The Department shall promptly initiate a
2 plan of corrective discipline including, but not limited to,
3 dismissal of any ~~agency~~ Department employee or cancellation or
4 nonrenewal of the contract of a child-placing agency determined by
5 the state agency, through an investigation to have retaliated or
6 discriminated against a foster parent who has:

7 a. filed a grievance pursuant to the provisions of this
8 section,

9 b. provided information to any official or Department
10 employee, or

11 c. testified, assisted, or otherwise participated in an
12 investigation, proceeding or hearing against the
13 Department or the child-placing agency.

14 3. The provisions of this ~~paragraph~~ subsection shall not be
15 construed to include any complaint by the foster parent resulting
16 from an administrative, civil or criminal action taken by the
17 employee or child-placing agency for violations of law or rules, or
18 contract provisions by the foster parent.

19 SECTION 110. AMENDATORY 10 O.S. 2001, Section 7214, is
20 amended to read as follows:

21 Section 7214. A. The Department of Human Services, ~~including,~~
22 ~~but not limited to, the Developmental Disabilities Services~~
23 ~~Division,~~ may accept a child into voluntary foster care placement
24 when requested by the parent having legal custody of the child or

1 when requested by a child residing in foster care who reaches
2 eighteen (18) years of age and wishes to continue to reside in the
3 foster care home pursuant to the provisions of subsection B of this
4 section.

5 B. 1. Any child may be accepted into voluntary foster care
6 placement with the Department.

7 2. The Department shall inform a parent considering voluntary
8 foster care placement of a child, or the child residing in foster
9 care who attains eighteen (18) years of age and wishes to continue
10 to reside in the foster care home, of the following as applicable:

11 a. a parent who enters a voluntary foster care placement
12 agreement may at any time request that the agency
13 return the child,

14 b. evidence gathered during the time the child is
15 voluntarily placed in foster care may be used at a
16 later time as the basis for a petition alleging that
17 the child is deprived, or as the basis for a petition
18 seeking termination of parental rights,

19 c. the timelines and procedures for voluntary foster care
20 placements.

21 3. Upon acceptance of a child into voluntary foster care
22 placement, the Department shall prepare a notice of placement signed
23 by the parent or the child residing in foster care who reaches
24

1 | eighteen (18) years of age and wishes to continue to reside in the
2 | foster care home.

3 | 4. A period of voluntary foster care placement pursuant to the
4 | provisions of this section shall not exceed ninety (90) days except
5 | as otherwise provided by the ~~Commission for Human Services~~
6 | Department by rule.

7 | 5. Except as otherwise provided by this section or Section
8 | ~~7006-1.1 xxx~~ of ~~Title 10 of the Oklahoma Statutes~~ this title,
9 | voluntary foster care placement pursuant to the conditions and
10 | restrictions of this subsection shall not constitute abandonment, or
11 | abuse or neglect as defined in the Oklahoma Children's Code.

12 | 6. The ~~Commission~~ Department shall promulgate rules for the
13 | purpose of assessing parents for the full or partial cost of
14 | voluntary foster care placement.

15 | ~~C. The Department may:~~

16 | ~~1. Participate in federal programs relating to deprived~~
17 | ~~children and services for such children; and~~

18 | ~~2. Apply for, receive, use and administer federal funds for~~
19 | ~~such purposes.~~

20 | SECTION 111. AMENDATORY 10 O.S. 2001, Section 7218, is
21 | amended to read as follows:

22 | Section 7218. A. For a child in a voluntary foster care
23 | placement pursuant to an agreement between the parent, legal
24 | guardian or custodian of the child and the Developmental

1 Disabilities Services Division of the Department of Human Services
2 if the division determines that such child has been abandoned
3 pursuant to the provisions of Section ~~7006-1.1 of Title 10 of the~~
4 ~~Oklahoma Statutes~~ xxx of this title, such Division may complete a
5 written report of recommendations to the Division of Children and
6 Family Services within the Department. Such report shall specify
7 that the child has been abandoned and shall recommend that the
8 Division of Children and Family Services request the district
9 attorney to file a petition alleging the child to be deprived. If
10 the court determines that the child has been abandoned, reasonable
11 efforts to provide for the return of the child to the child's own
12 home shall not be required. Then the court shall conduct a
13 permanency hearing within thirty (30) days of such determination
14 pursuant to the provision of Section ~~21 7003-5.6d~~ xxx of this act
15 title.

16 B. If the child is subsequently adjudicated deprived, the
17 Developmental Disabilities Services Division and the Division of
18 Children and Family Services shall cooperate and collaborate with
19 regard to the welfare, health and safety of the child in a permanent
20 placement pursuant to the provisions of the Oklahoma Children's
21 Code.

22 SECTION 112. AMENDATORY 10 O.S. 2001, Section 7220, is
23 amended to read as follows:

24

1 Section 7220. A. The Oklahoma Legislature finds and declares
2 that:

3 1. An increasing number of children under the age of eighteen
4 (18) years, including many children who would otherwise be at risk
5 of abuse or neglect, are in the care of a grandparent;

6 2. A principal cause for this increase is an increase in the
7 incidence of parental substance abuse, child abuse, mental illness,
8 poverty, and death, as well as concerted efforts by families and by
9 the child welfare service system to keep children with relatives
10 whenever possible;

11 3. Grandparents providing primary care for at-risk children may
12 experience unique resultant problems, such as financial stress due
13 to limited incomes, emotional difficulties related to dealing with
14 the loss of the child's parents or to the child's unique behaviors,
15 and decreased physical stamina combined with a much higher incidence
16 of chronic illness;

17 4. Many children being raised by grandparents experience one or
18 more of a combination of emotional, behavioral, psychological,
19 academic, or medical problems, especially those born to a substance-
20 abusing mother or those who are at risk of child abuse, neglect, or
21 abandonment; and

22 5. Grandparents providing primary care for children lack
23 appropriate information about the issues of kinship care, the
24 special needs, both physical and psychological, of children born to

1 a substance-abusing mother or who are at risk of child abuse,
2 neglect, or abandonment, and the support resources currently
3 available to them.

4 B. The Department of Human Services shall establish an
5 informational and educational program, including, but not limited
6 to, the area of parental substitute authority, for grandparents who
7 provide primary care for children who are at risk of child abuse,
8 neglect, or abandonment or who were born to substance-abusing
9 mothers. As a part of the program, the Department shall develop,
10 publish, and distribute an informational brochure for grandparents
11 who provide primary care for children who are at risk of child
12 abuse, neglect, or abandonment or who were born to substance-abusing
13 mothers. The information provided under the program authorized by
14 this section may include, but is not limited to, the following:

15 1. The problems experienced by children being raised by
16 grandparents;

17 2. The problems experienced by grandparents providing primary
18 care for children who have special needs;

19 3. The legal system as it relates to children and grandparents;

20 4. The benefits available to children and grandparents
21 providing primary care; and

22 5. A list of support groups and resources located throughout
23 the state.

24

1 C. The brochure may be distributed through hospitals, public
2 health nurses, child protective services, medical professional
3 offices, elementary and secondary schools, senior citizen centers,
4 public libraries, and community action agencies selected by the
5 Department.

6 SECTION 113. AMENDATORY 10 O.S. 2001, Section 7221, as
7 amended by Section 2, Chapter 159, O.S.L. 2008 (10 O.S. Supp. 2008,
8 Section 7221), is amended to read as follows:

9 Section 7221. ~~A. In order to promote the stability and healthy
10 growth of a foster child who has been placed in a foster family
11 home, it is the intent of the Legislature to limit the number of
12 times a foster child is moved within the foster family system.~~

13 ~~B. If there is an allegation of abuse or neglect in a foster
14 home, an investigation of the allegation shall be conducted as
15 required in Section 7106 of this title.~~

16 ~~C. The Department or child-placing agency shall visit each
17 foster child a minimum of one time per month, with no less than two
18 visits per quarter in the foster placement. Required visitations
19 for the foster child are to be made in the home of the foster
20 parent, ~~except as provided in paragraph 2 of subsection C of Section~~
21 ~~7206 of this title. If there is good cause, other than an~~
22 ~~allegation of abuse or neglect, to believe the foster child needs to~~
23 ~~whenever possible and if indicated, the child may be interviewed~~
24 ~~alone without the foster parent present, then the foster parent~~~~

1 ~~shall provide a location in the home where the foster child can be~~
2 ~~questioned without the foster parent's being present.~~

3 SECTION 114. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 21.10 of Title 10, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Upon any voluntary out-of-home placement of a child by a
7 parent into foster care with a child-placing agency, the child-
8 placing agency shall conduct an assessment of the child in its
9 custody which shall be designed to establish an appropriate plan for
10 placement of the child. Following the assessment, the child-placing
11 agency shall establish an individual treatment and service plan for
12 the child. A copy of each plan shall be provided to the child if
13 the child is twelve (12) years of age or older and to the child's
14 parent or guardian. The plan shall at a minimum:

- 15 1. Be specific;
- 16 2. Be in writing;
- 17 3. Be prepared by the agency in conference with the child's
18 parents;
- 19 4. State appropriate deadlines;
- 20 5. State specific goals for the treatment of the child;
- 21 6. Describe the conditions or circumstances causing the child
22 to be placed in foster care;

23
24

1 7. Describe the services that are necessary to remedy and that
2 have a reasonable expectation of remedying the conditions or
3 circumstances causing the child to be placed in foster care;

4 8. State to whom the services will be delivered and who will
5 deliver the services; and

6 9. Prescribe the time the services are expected to begin and
7 the time within which expected results can reasonably be
8 accomplished.

9 B. The child shall receive a complete medical examination
10 within thirty (30) days of placement in foster care.

11 C. The child may receive such further diagnosis and evaluation
12 as is necessary to preserve the physical and mental well-being of
13 the child.

14 D. Subsequent to initial placement, the child placed in foster
15 placement shall have a medical examination, at periodic intervals,
16 but not less than once each year.

17 E. Prior to any proposed counseling, testing, or other
18 treatment services, the court or child-placing agency shall first
19 determine that the proposed services are necessary and appropriate.

20 F. If the assessment and medical examination disclose no
21 physical, mental, or emotional reasons for therapeutic foster care,
22 a child voluntarily placed with a child-placing agency shall be
23 placed in a regular foster family home. If therapeutic foster care
24 is required, the child may be placed only in foster homes that are

1 certified as therapeutic foster homes pursuant to the Oklahoma Child
2 Care Facilities Licensing Act.

3 SECTION 115. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-301 of Title 10A, unless there
5 is created a duplication in numbering, reads as follows:

6 A. For purposes of this section:

7 1. "Routine and ordinary medical care and treatment" includes
8 any necessary medical and dental examinations and treatment, medical
9 screenings, clinical laboratory tests, blood testing, preventative
10 care, health assessments, physical examinations, immunizations,
11 contagious or infectious disease screenings or tests and care
12 required for treatment of illness and injury, including X rays,
13 stitches and casts, but does not include any type of extraordinary
14 care; and

15 2. "Extraordinary medical care and treatment" includes, but is
16 not limited to, surgery, general anesthesia, blood transfusions,
17 invasive or experimental procedures or the provision of psychotropic
18 medications.

19 B. If a child taken into protective custody without a court
20 order requires emergency medical care prior to the emergency custody
21 hearing, and either the treatment is related to the suspected abuse
22 or neglect or the parent or legal guardian is unavailable or
23 unwilling to consent to treatment recommended by a physician, a
24 peace officer, court employee or the court may authorize such

1 treatment as is necessary to safeguard the health or life of the
2 child. Before a peace officer, court employee or the court
3 authorizes treatment based on unavailability of the parent or legal
4 guardian, law enforcement shall exercise diligence in locating the
5 parent or guardian, if known.

6 C. 1. If a child has been placed in the custody of the
7 Department of Human Services, the Department shall have the
8 authority to consent to routine and ordinary medical care and
9 treatment. The Department shall make reasonable attempts to notify
10 the child's parent or legal guardian of the provision of routine and
11 ordinary medical care and treatment and to keep the parent or legal
12 guardian involved in such care.

13 2. In no case shall the Department consent to a child's
14 abortion, sterilization, termination of life support or a "Do Not
15 Resuscitate" order. The court may authorize the withdrawal of life-
16 sustaining medical treatment or the denial of the administration of
17 cardiopulmonary resuscitation on behalf of a child in the
18 Department's custody upon the written recommendation of a licensed
19 physician, after notice to the parties and a hearing.

20 3. Nothing herein shall prevent the Department from
21 authorizing, in writing, any person, foster parent or administrator
22 of a facility into whose care a child in its custody has been
23 entrusted, to consent to routine and ordinary medical care and
24

1 treatment to be rendered to a child upon the advice of a licensed
2 physician, including the continuation of psychotropic medication.

3 D. Consent for a child's extraordinary medical care and
4 treatment shall be obtained from the parent or legal guardian unless
5 the treatment is either related to the abuse or neglect or the
6 parent or legal guardian is unavailable or refuses to consent to
7 such care, in which case in an emergency, based upon recommendation
8 of a physician, the court may enter an ex parte order authorizing
9 such treatment or procedure in order to safeguard the child's health
10 or life. If the recommended extraordinary medical care and
11 treatment is not an emergency, the court shall hold a hearing, upon
12 application by the district attorney and notice to all parties, and
13 may authorize such recommended extraordinary care.

14 E. If a child has been placed in the custody of a person, other
15 than a parent or legal guardian, or an institution or agency other
16 than the Department, the court shall determine the authority of the
17 person, institution, or agency to consent to medical care including
18 routine and ordinary medical care and treatment and extraordinary
19 care. The parent, legal guardian, or person having legal custody
20 shall be responsible for the costs of medical care as determined by
21 the court.

22 SECTION 116. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1-422 of Title 10A, unless there
24 is created a duplication in numbering, reads as follows:

1 A. Within the next two (2) judicial days following the child
2 being taken into protective or emergency custody, the court shall
3 conduct an emergency custody hearing. At the hearing, information
4 may be provided to the court in the form of oral or written reports,
5 affidavits or testimony. Any information having probative value may
6 be received by the court regardless of its admissibility under the
7 Oklahoma Evidence Code. At the hearing the court shall:

8 1. Determine whether facts exist that are sufficient to
9 demonstrate to the court there is reasonable suspicion that the
10 child is in need of immediate protection due to abuse or neglect, or
11 that the circumstances or surroundings of the child are such that
12 continuation in the child's home or in the care or custody of the
13 parent, legal guardian, or custodian would present an imminent
14 danger to the child;

15 2. Advise the parent, legal guardian, or custodian of the child
16 in writing of the following:

- 17 a. any right of the parent, legal guardian, or custodian
18 to testify and present evidence at court hearings,
- 19 b. the right to be represented by an attorney at court
20 hearings,
- 21 c. the consequences of failure to attend any hearings
22 which may be held, and
- 23 d. the right to appeal and procedure for appealing an
24 order of the court;

1 3. Determine custody of the child and order one of the
2 following:

3 a. release of the child to the custody of the child's
4 parent, legal guardian, or custodian from whom the
5 child was removed under any conditions the court finds
6 reasonably necessary to protect the health, safety, or
7 welfare of the child, or

8 b. placement of the child in the custody of a responsible
9 adult or licensed child-placing agency under any
10 conditions the court finds reasonably necessary to
11 protect the health, safety, or welfare of the child,
12 or

13 c. continuance of the child in or placement of the child
14 into the emergency custody of the Department;

15 4. Order the parent, legal guardian, or custodian to complete
16 an affidavit listing the names, addresses, and phone numbers of any
17 parent, whether known or alleged, grandparent, aunt, uncle, brother,
18 sister, half-sibling, and first cousin and any comments concerning
19 the appropriateness of the potential placement of the child with the
20 relative. If no relative exists, the court shall require the
21 parent, legal guardian, or custodian to list any other relatives or
22 persons with whom the child has had a substantial relationship or
23 who may be a suitable placement for the child;

1 5. Direct the parent, legal guardian, or custodian to furnish
2 the Department with a copy of the child's birth certificate within
3 fifteen (15) days from the hearing if a petition is filed, unless
4 otherwise extended by the court; and

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

7 a. place siblings, who have been removed, together in the
8 same foster care, guardianship, or adoptive placement,
9 and

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

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

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

6 a. the child has been or is being removed from the
7 custody of the parent or parents of the child,

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

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

15 2. Relatives shall not be notified if notification would not be
16 in the best interests of a child due to past or current family or
17 domestic violence. The Department may promulgate rules in
18 furtherance of the provisions of this subsection.

19 SECTION 117. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1-423 of Title 10A, unless there
21 is created a duplication in numbering, reads as follows:

22 A. 1. When awarding custody or determining the placement of a
23 child, a preference shall be given to relatives and persons who have
24 a kinship relationship with the child. The Department of Human

1 Services shall make diligent efforts to place the child with such
2 persons and shall report to the court the efforts made to secure
3 that placement. In cases where the Indian Child Welfare Act
4 applies, the placement preferences of the act shall be followed.

5 2. When two or more children are siblings, every reasonable
6 attempt shall be made to place the siblings in the same home. In
7 making a permanent placement, siblings shall be placed in the same
8 permanent home or, if the siblings are separated, shall be allowed
9 contact or visitation with each other; provided, however, the best
10 interests of each sibling shall be the standard for determining the
11 appropriate custodian or placement as well as the contact and
12 visitation with the other siblings.

13 3. In determining the appropriate custodian or placement for a
14 child pursuant to subsection A of this section, the court and the
15 Department shall consider, but not be limited to, the following
16 factors:

17 a. the ability of the person being considered to provide
18 safety for the child, including a willingness to
19 cooperate with any restrictions placed on contact
20 between the child and others, and to prevent others
21 from influencing the child in regard to the
22 allegations of the case,

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- b. the ability of the person being considered to support the efforts of the Department to implement the permanent plan for the child,
- c. the ability of the person being considered to meet the child's physical, emotional, and educational needs, including the child's need to continue in the same school or educational placement,
- d. which person has the closest existing personal relationship with the child if more than one person requests to have the child or ward placed with them pursuant to this section,
- e. the ability of the person being considered to provide a placement for the child's sibling who is also in need of placement or continuation in substitute care,
- f. the wishes of the parent, the relative, and the child, if appropriate,
- g. the ability of the person being considered to care for the child as long as is necessary and to provide a permanent home if necessary, and
- h. the best interests of the child.

B. 1. The Department of Human Services shall consider placement with a relative without delay and shall identify relatives of the child and notify them of the need for temporary placement and the possibility of the need for a permanent out-of-home placement of

1 the child. The relative search shall be reasonable and
2 comprehensive in scope and may continue until a fit and willing
3 relative is identified.

4 2. The relatives shall be notified of the need to keep the
5 Department informed of their current address in order to receive
6 notice when a permanent out-of-home placement is being sought for
7 the child. A relative who fails to provide a current address may
8 forfeit the right to be considered for the child's permanent out-of-
9 home placement.

10 3. A decision by a relative to not participate in the child's
11 placement planning at the beginning of the case or to cooperate with
12 the Department to expedite procedures for placement of the child in
13 the child's home may affect whether that relative will be considered
14 for permanent placement of the child if the child cannot be safely
15 returned to the home of the child's parent or parents.

16 C. 1. If the child's parent refuses to give the Department
17 information sufficient to identify the maternal and paternal
18 relatives of the child, the court shall order the parent or parents
19 of the child, subject to the penalties of perjury and contempt of
20 court, to provide the following information on an affidavit form
21 prepared by the Office of the State Court Administrator and
22 available at each judicial district:

23 a. a list of names, addresses, and telephone numbers of,
24 and any comments concerning the appropriateness of the

1 child's potential placement with every grandparent,
2 aunt, uncle, brother, sister, half-sibling, and first
3 cousin of the child, and/or

4 b. a list of names, addresses, telephone numbers of, and
5 any comments concerning the appropriateness of the
6 child's potential placement with other relatives and
7 kin who have a relationship with the child or other
8 family members.

9 2. The original affidavit form shall be signed and dated by the
10 parent or parents and shall be filed with the court within five (5)
11 business days of the court's order. Copies shall be distributed by
12 the court to parties and to the Department.

13 3. The court shall advise each parent that failure to identify
14 the relatives in a timely manner may result in the child being
15 placed permanently outside of the home of the child's relatives if
16 the child cannot be safely returned to the home of the child's
17 parent or parents.

18 D. The Department, while assessing the relatives for the
19 possibility of placement, shall be authorized to disclose to the
20 relative, as appropriate, the fact that the child is in custody, the
21 alleged reasons for the custody, and the projected date for the
22 child's return home or other permanent placement as well as any
23 other confidential information deemed necessary and appropriate to
24 secure a suitable placement.

1 E. Following an initial placement with a relative, whenever a
2 new placement of the child is made, consideration for placement
3 shall again be given as described in this section to approved
4 relatives who will fulfill the child's reunification or permanent
5 plan requirements. The Department shall consider whether the
6 relative has established and maintained a relationship with the
7 child.

8 F. If the child is not placed with a relative who has been
9 considered for placement pursuant to this section, the Department
10 shall advise the court, in writing, the reasons why that relative
11 was denied and the written reasons shall be made a part of the court
12 record.

13 G. The provisions of this section shall apply to all custody or
14 placement proceedings which concern a child alleged or adjudicated
15 to be deprived including, but not limited to, guardianship and
16 adoption proceedings.

17 SECTION 118. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1-424 of Title 10A, unless there
19 is created a duplication in numbering, reads as follows:

20 A. The office of the district attorney and the Department of
21 Human Services shall maintain records concerning a child in
22 protective custody who is released prior to the emergency custody
23 hearing. The records shall describe the reason for such release.

24

1 B. 1. A petition for a deprived child proceeding shall be
2 filed and a summons issued within seven (7) judicial days from the
3 date the child is taken into custody unless, upon request of the
4 district attorney at the emergency custody hearing, the court
5 determines there are compelling reasons to grant additional time for
6 the filing of the petition for a period of time not to exceed
7 fifteen (15) calendar days from the assumption of custody.

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

13 C. The court may hold additional hearings at such intervals as
14 may be determined necessary by the court to provide for the health,
15 safety, or welfare of the child.

16 D. In scheduling hearings, the court shall give priority to
17 proceedings in which a child is in emergency custody.

18 E. An order of the court providing for the removal of a child
19 alleged to be deprived from the home of the child shall not be
20 entered unless the court makes a determination:

21 1. That continuation of the child in the child's home is
22 contrary to the health, safety, or welfare of the child; and

23 2. As to whether or not reasonable efforts were made to prevent
24 the need for the removal of the child from the child's home; or

1 3. As to whether or not an absence of efforts to prevent the
2 removal of the child from the child's home is reasonable because the
3 removal is due to an alleged emergency and is for the purpose of
4 providing for the health, safety, or welfare of the child; or

5 4. That reasonable efforts to provide for the return of the
6 child to the child's home are not required pursuant to Section 7003-
7 4.6 xxx of Title 10 of the Oklahoma Statutes; provided, however,
8 upon such determination, the court shall inform the parent that a
9 permanency hearing will be held within thirty (30) days from the
10 determination.

11 SECTION 119. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1-425 of Title 10A, unless there
13 is created a duplication in numbering, reads as follows:

14 A. 1. At the emergency custody hearing or when a petition has
15 been filed alleging that a child has been physically or sexually
16 abused, the court may enter an order restraining the alleged
17 perpetrator of the abuse from having contact with the child or
18 attempting to contact the child and requiring the alleged
19 perpetrator to move from the household in which the child resides.
20 The court may issue a restraining order only if the court finds
21 that:

22 a. there is a reasonable suspicion that abuse occurred
23 and that the person to be restrained committed the
24 abuse, and

1 b. the order is in the best interest of the child.

2 2. The court may also enter other appropriate orders including,
3 but not limited to, orders that control contact between the alleged
4 abuser, other children in the home, and any other person.

5 3. The court shall include in an order entered under this
6 subsection the following information about the person to be
7 restrained to the extent known by the court at the time the order is
8 entered:

9 a. name,

10 b. address,

11 c. age and birth date,

12 d. race,

13 e. sex,

14 f. height and weight,

15 g. color of hair and eyes, and

16 h. any other identifying features such as tattoos.

17 4. The court may include in the order a provision that a peace
18 officer accompany the restrained person to the household when it is
19 necessary for the restrained person to remove personal property.

20 B. If the court enters an order under this section:

21 1. The clerk of the court shall provide without charge the
22 number of certified true copies of the order and petition, if
23 available, necessary to effect service and shall deliver the same to
24

1 the sheriff or other person qualified to serve the order for service
2 upon the person to be restrained; and

3 2. The sheriff or other person qualified to serve the order
4 shall serve the person to be restrained personally unless that
5 person is present at the hearing. After accepting the order, if the
6 sheriff or other person cannot complete service within ten (10)
7 days, the sheriff or other person shall file a return to the clerk
8 of the court showing that service was not completed and the reason
9 for the noncompletion.

10 C. Within thirty (30) days after an order is served under this
11 section, the restrained person may file a written request with the
12 court and receive a court hearing on any portion of the order. If
13 the restrained person requests a hearing under this subsection:

14 1. The court shall notify the parties and the restrained person
15 of the date and time of the hearing; and

16 2. The court shall hold a hearing within twenty-one (21) days
17 after the request for hearing is filed with the court and at the
18 conclusion of the hearing may cancel or modify the order.

19 D. 1. Within twenty-four (24) hours of the return of service
20 of the restraining order, the clerk of the issuing court shall send
21 certified copies thereof to all appropriate law enforcement agencies
22 designated by the court. A certified copy of any extension,
23 modification, vacation, cancellation, or consent agreement
24 concerning the restraining order shall be sent by the clerk of the

1 | issuing court to those law enforcement agencies receiving the
2 | original orders pursuant to this section and to any law enforcement
3 | agencies designated by the court.

4 | 2. Any law enforcement agency receiving copies of the documents
5 | listed in paragraph 1 of this subsection shall be required to ensure
6 | that other law enforcement agencies have access twenty-four (24)
7 | hours a day to the information contained in the documents which may
8 | include entry of information about the restraining order in the
9 | National Crime Information Center database.

10 | E. A restraining order issued pursuant to this section remains
11 | in effect for a period of one (1) year or until the order is sooner
12 | modified, amended, or terminated by court order.

13 | F. A court that issued a restraining order under this section
14 | may renew the order for a period of up to one (1) year if the court
15 | finds that there is probable cause to believe the renewal is in the
16 | best interest of the child. The court may renew the order on motion
17 | by the state or the child's attorney alleging facts supporting the
18 | required finding. If the renewal order is granted, subsections B
19 | and C of this section apply.

20 | G. If a restraining order issued pursuant to this section is
21 | terminated before its expiration date, the clerk of the court shall
22 | promptly deliver a true copy of the termination order to the
23 | sheriff. The sheriff shall promptly remove the original order from
24 | the National Crime Information Center database.

1 H. Any person who has been served with the restraining order
2 and is in violation of the restraining order, upon conviction, shall
3 be guilty of a misdemeanor and shall be punished by a fine of not
4 more than One Thousand Dollars (\$1,000.00) or by a term of
5 imprisonment in the county jail of not more than one (1) year, or
6 both such fine and imprisonment.

7 SECTION 120. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1-440 of Title 10A, unless there
9 is created a duplication in numbering, reads as follows:

10 A. The provisions of the Oklahoma Discovery Code and the Rules
11 for District Courts of Oklahoma do not apply to juvenile proceedings
12 except as provided by this section.

13 B. The court may order the parties to exchange information that
14 is not work product and not privileged, including:

15 1. The assessment and investigation records of the Department
16 of Human Services; provided, all information that identifies the
17 reporter of alleged child abuse or neglect shall be redacted;

18 2. Law enforcement reports;

19 3. Any video or audio recording of an interview with the child
20 alleged to be deprived;

21 4. Any exhibit any party intends to introduce at trial; and

22 5. The names of any witnesses any party may call and a synopsis
23 of the expected testimony.

24

1 C. The court may in its discretion enter a scheduling order,
2 order mediation, and conduct status and settlement conferences as
3 needed during deprived proceedings.

4 D. All information produced, exchanged, or used during the
5 pendency of the deprived action is confidential and shall be subject
6 to a protective order. The disclosure or use of the information for
7 any other purpose is prohibited except as permitted by law.

8 SECTION 121. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1-453 of Title 10A, unless there
10 is created a duplication in numbering, reads as follows:

11 A. At any stage of the proceedings, the court may order, or the
12 parties may voluntarily participate in an alternative dispute
13 resolution proceeding which may include:

- 14 1. Family group conferencing;
- 15 2. Mediation; or
- 16 3. A settlement conference.

17 B. If a court orders an alternative dispute resolution
18 proceeding, a party who does not wish to participate may file a
19 motion objecting to the order. Any resolution agreed to by the
20 parties through an alternative dispute resolution proceeding shall
21 not be binding on the court.

22 SECTION 122. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1-457 of Title 10A, unless there
24 is created a duplication in numbering, reads as follows:

1 A. At any stage of a proceeding under the Oklahoma Children's
2 Code:

3 1. The parent or legal guardian, the child's attorney, or the
4 district attorney's office may apply for use immunity for a parent
5 or legal guardian for in-court testimony. The in-court testimony of
6 an immunized parent or legal guardian shall not be used against that
7 parent or legal guardian in a criminal prosecution; provided,
8 however, that the parent or legal guardian may be prosecuted for
9 perjury that occurs during the testimony of the parent or legal
10 guardian in a deprived proceeding;

11 2. The child's attorney or the district attorney's office may
12 apply for use immunity for any records, documents, or other physical
13 objects produced by the immunized parent or legal guardian in the
14 deprived proceeding, production of which was compelled by a court
15 order; and

16 3. The child's attorney or the district attorney's office may
17 apply for use immunity for a parent or legal guardian for any
18 statement that a parent or legal guardian makes in the course of a
19 court-ordered psychological evaluation or treatment program to the
20 professional designated by the Department of Human Services or
21 authorized by the court in furtherance of the court's order. Such
22 immunity shall attach only to those statements made during the
23 course of the actual evaluation or treatment and specifically does
24 not attach to statements made to Department employees, agents, or

1 other representatives in the course of the investigation of alleged
2 child abuse, neglect, or abandonment.

3 B. Any other information available to the professional
4 designated by the Department or authorized by the court to perform
5 the court-ordered evaluation or treatment shall not be the subject
6 of any application or order for immunity.

7 SECTION 123. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1-460 of Title 10A, unless there
9 is created a duplication in numbering, reads as follows:

10 A. The court shall hold an adjudication hearing following the
11 filing of a petition alleging that a child is deprived. The hearing
12 shall be held not more than ninety (90) calendar days following the
13 filing of the petition. The child and the child's parents,
14 guardian, or other legal custodian shall be entitled to not less
15 than twenty (20) days' prior notice of the hearing.

16 B. 1. The child shall be released from emergency custody in
17 the event the adjudication hearing is delayed beyond ninety (90)
18 days from the date the petition is filed unless the court issues a
19 written order with findings of fact supporting a determination that:

- 20 a. there exists reasonable suspicion that the health,
21 safety, or welfare of the child would be in imminent
22 danger if the child were returned to the home, and
23 b. there exists either an exceptional circumstance to
24 support the continuance of the child in emergency

1 custody or the parties and the guardian ad litem, if
2 any, agree to such continuance.

3 2. If the adjudicatory hearing is delayed pursuant to this
4 subsection, the emergency custody order shall expire unless the
5 hearing on the merits of the petition is held within one hundred
6 eighty (180) days after the actual removal of the child.

7 C. The release of a child from emergency custody due to the
8 failure of an adjudication hearing being held within the time frame
9 prescribed by this section shall not deprive the court of
10 jurisdiction over the child and the parties or authority to enter
11 temporary orders the court deems necessary to provide for the
12 health, safety, and welfare of the child pending the hearing on the
13 petition.

14 D. At the adjudication hearing, if the court finds that it is
15 in the best interest of the child, the court shall:

16 1. Accept a stipulation by the child's parent, guardian, or
17 other legal custodian that the facts alleged in the petition are
18 true and correct;

19 2. Accept a stipulation by the child's parent, guardian, or
20 other legal custodian that if the state presented its evidence
21 supporting the truth of the factual allegations in the petition to a
22 court of competent jurisdiction, such evidence would be sufficient
23 to meet the state's burden of proving by a preponderance of the
24 evidence that the factual allegations are true and correct; or

1 3. Conduct a nonjury trial to determine whether the state has
2 met its burden of proving by a preponderance of the evidence that
3 the factual allegations in the petition are true and correct.

4 E. 1. A decision determining a child to be deprived in a
5 nonjury trial shall be based on sworn testimony.

6 2. The child, as a party to the proceeding, shall be given the
7 opportunity to cross-examine witnesses and to present a case in
8 chief if desired.

9 SECTION 124. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1-476 of Title 10A, unless there
11 is created a duplication in numbering, reads as follows:

12 A. The following kinds of dispositional orders may be made and
13 shall be in accordance with the best interests of the child:

14 1. a. The court may place the child under protective
15 supervision by the Department in the child's own home
16 with the parent or legal guardian with whom the child
17 was residing at the time the events or conditions
18 arose that brought the child within the jurisdiction
19 of the court, subject to such conditions as the court
20 may prescribe that would reasonably prevent the child
21 from continuing to be deprived.

22 b. The court may place the child with the noncustodial
23 parent, if available, upon completion of a home
24 assessment, unless the court finds that the placement

1 would not be in the best interests of the child. Any
2 party with knowledge of the facts may present evidence
3 to the court regarding whether the placement is in the
4 best interests of the child. If the court places the
5 child with the parent, it may do either of the
6 following:

7 (1) order that the noncustodial parent assume sole
8 custodial responsibilities for the child. The
9 court may also order reasonable visitation and
10 the payment of child support by the child's other
11 parent. The court may then terminate its
12 jurisdiction by entering a final permanency
13 order. The final order entered determining
14 custody, visitation and child support from the
15 deprived action:

16 (a) shall remain in full force and effect and
17 shall control over any custody or child
18 support order entered in an administrative
19 or district court action initiated prior to
20 or during the pendency of the deprived
21 action until such time as it is modified by
22 a subsequent order of the district court,
23 and
24

1 (b) may be docketed and filed in the prior
2 existing or pending administrative or
3 district court action; provided, however, if
4 there is no administrative or district court
5 action then in existence, the surviving
6 order may be used as the sole basis for
7 opening a new administrative or district
8 court action in the same county where the
9 deprived action was pending or in the county
10 where the legal custodian of the child
11 resides. When applicable, the clerk of the
12 juvenile court shall transmit the surviving
13 order to the clerk of the district court of
14 the county where the order is to be filed
15 along with the names and last-known
16 addresses of the parents of the child. The
17 clerk of the district court shall
18 immediately upon receipt open a file without
19 a filing fee, assign a new case number and,
20 when applicable, file the order and send by
21 first-class mail a copy of the order with
22 the new or prior existing case number back
23 to the juvenile court and to the parents of
24 the child at their last-known address. The

1 order shall not be confidential and may be
2 enforced or modified after being docketed
3 and filed in the prior existing or new
4 administrative or district court action, or

5 (2) order that the noncustodial parent assume custody
6 of the child under protective supervision by the
7 Department. The court may order that:

8 (a) reunification services be provided to the
9 parent or legal guardian from whom the child
10 has been or is being removed,

11 (b) services be provided solely to the parent
12 who is assuming physical custody of the
13 child in order to allow that parent to later
14 obtain legal custody without court
15 supervision, or

16 (c) services be provided to both parents, in
17 which case the court shall determine, at a
18 subsequent review hearing, which parent, if
19 either, shall have custody of the child.

20 c. If the court orders the child into the home of a
21 father whose paternity has not been established, the
22 alleged father must cooperate in establishing
23 paternity as a condition for the child's continued
24 placement in the alleged father's home.

1 d. If the court issues an order for protective
2 supervision of the child in the home of a parent, the
3 court may order the following:

4 (1) that a party or other person living in the home
5 vacate the child's home indefinitely or for a
6 specified period of time within forty-eight (48)
7 hours of issuing the order, and/or

8 (2) that a party, a parent, or a legal guardian of
9 the child prevent a particular person from having
10 contact with the child.

11 e. At any time during the deprived child proceedings, the
12 court may issue an order specifying the conduct to be
13 followed by any person living in the home that the
14 court determines would be in the best interests of the
15 child. The conduct specified shall be such as would
16 reasonably prevent the child from continuing to be
17 deprived.

18 f. The order placing the child under supervision by the
19 Department in the child's own home shall remain in
20 effect for a period of one (1) year. In appropriate
21 circumstances, the court may extend or reduce the
22 period of supervision by the Department.

23 2. a. If the court is unable to place the child in the home
24 of a parent, the court shall give a preference for

1 placing temporary custody of the child with a relative
2 as specified in Section xxx of Title 10 of the
3 Oklahoma Statutes, subject to the best interests of
4 the child and the conditions and restrictions
5 specified in Section 7003-8.1 xxx of Title 10 of the
6 Oklahoma Statutes. In determining whether to place
7 temporary custody of the child with a relative, the
8 court may consider the following factors:

- 9 (1) the physical, psychological, educational,
10 medical, and emotional needs of the child,
- 11 (2) the wishes of the parent, the relative, and
12 child, if appropriate,
- 13 (3) whether placement of the siblings and half-
14 siblings can be made in the same home, if that
15 placement is found to be in the best interest of
16 each child,
- 17 (4) the background information of the relative and
18 any other person living in the home, including
19 whether any such person has a prior history of
20 violence, acts of child abuse or neglect, or any
21 other background that would render the home
22 unsuitable,
- 23 (5) the nature and duration of the relationship
24 between the child and the relative, and the

1 relative's desire to care for and to provide
2 long-term permanency for the child if
3 reunification is unsuccessful, and

4 (6) the ability of the relative to do the following:

5 (a) provide a safe, secure, and stable
6 environment for the child,

7 (b) exercise proper and effective care and
8 control of the child,

9 (c) provide a home and the necessities of life
10 for the child,

11 (d) protect the child from his or her parents,

12 (e) facilitate court-ordered reunification
13 efforts with the parent,

14 (f) facilitate visitation with the child's
15 siblings and other relatives, and

16 (g) arrange for appropriate and safe child care,
17 if necessary.

18 b. If more than one appropriate relative requests
19 preferential consideration pursuant to this section,
20 each relative shall be evaluated under the factors
21 enumerated in this paragraph. However, whenever a new
22 temporary custody order regarding the child must be
23 entered, consideration shall again be given as
24 described in this section to relatives who have been

1 found to be suitable and who will fulfill the
2 permanency needs of the child.

3 c. If the court does not place temporary custody of the
4 child with a relative pursuant to this subsection, the
5 court shall state for the record the reasons placement
6 with that relative was denied.

7 3. a. The court may place the child in the custody of a
8 private institution or agency, including any
9 institution established and operated by the county,
10 authorized to care for children or to place them in
11 family homes.

12 b. In placing a child in a private institution or agency,
13 the court shall select one that is licensed by the
14 Department or any other state department supervising
15 or licensing private institutions and agencies; or, if
16 such institution or agency is in another state, by the
17 analogous department of that state.

18 c. Whenever the court shall place a child in any
19 institution or agency, it shall transmit with the
20 order of commitment a summary of its information
21 concerning the child, and such institution or agency
22 shall give to the court such information concerning
23 the child as the court may at any time require.

24

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

3 a. In selecting a placement for a child in its custody,
4 the Department shall make an individualized
5 determination based upon the child's best interests
6 and permanency plan regarding the following placement
7 options:

- 8 (1) a home or facility that meets the preferences
9 specified by the state and federal Indian Child
10 Welfare Act when applicable,
11 (2) the home of a noncustodial parent,
12 (3) the home of a relative approved by the
13 Department,
14 (4) the home of a nonrelative kinship family approved
15 by the Department,
16 (5) an approved foster home in which the child has
17 been previously placed,
18 (6) a suitable nonkinship foster family approved by
19 the Department, and
20 (7) a suitable licensed group home for children.

21 b. (1) Unless the child is placed with relatives or in
22 accord with the federal and state Indian Child
23 Welfare Acts, the child shall be placed, when
24 possible, in the county of residence of the

1 child's parent or legal guardian in order to
2 facilitate reunification of the family.

3 (2) If an appropriate placement is not available in
4 the county of residence of the parent or legal
5 guardian, the child shall be placed in an
6 appropriate home in the nearest proximity to the
7 resident county of the parent or legal guardian.

8 (3) Nothing in this section shall be construed to
9 mean that the child's placements shall correspond
10 in frequency to changes of residence by the
11 parent or legal guardian. In determining whether
12 the child should be moved, the Department shall
13 take into consideration the potential harmful
14 effects of disrupting the placement of the child
15 and the reason of the parent or legal guardian
16 for the move.

17 c. If the child is part of a sibling group, it shall be
18 presumed that placement of the entire sibling group in
19 the same placement is in the best interests of the
20 child and siblings unless the presumption is rebutted
21 by a preponderance of the evidence to the contrary.

22 5. The court may order the Department to coordinate the
23 provision of services provided by other agencies in order that the
24 court-approved permanency plan may be achieved.

1 6. a. If the court determines that reunification services
2 are appropriate for the child and a parent, the court
3 shall allow reasonable visitation with the parent or
4 legal guardian from whose custody the child was
5 removed, unless visitation is not in the best interest
6 of the child, taking into consideration:

- 7 (1) protection of the physical safety of the child,
8 (2) protection of the life of the child,
9 (3) protection of the child from being traumatized by
10 contact with the parent, and
11 (4) the child's expressed wishes.

12 b. A court may not deny visitation based solely on the
13 failure of a parent to prove that the parent has not
14 used legal or illegal substances or complied with an
15 aspect of the court-ordered individualized service
16 plan.

17 7. The court may order a permanent guardianship to be
18 established as more fully set forth in Section xxx of this Code.

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

22 B. Any order entered pursuant to this section shall include:

23 1. A statement informing the child's parent that the
24 consequences of noncompliance with the requirement of the court may

1 include termination of the parent's rights with respect to the
2 child; or

3 2. A statement informing the child's legal guardian or
4 custodian that the consequences of noncompliance with the
5 requirement of the court may include removal of the child from the
6 custody of the legal guardian or custodian.

7 C. 1. In any dispositional order removing a child from the
8 home of the child, the court shall make a determination as to
9 whether, in accordance with the best interests and the health,
10 safety, or welfare of the child, reasonable efforts have been made
11 to provide for the safe return of the child to the child's own home.

12 2. If reasonable efforts are required for the safe return of
13 the child to the child's home, the court shall allow the parent of
14 the child not less than three (3) months to correct the conditions
15 which led to the adjudication of the child as a deprived child;
16 however, the time period for reunification services may not exceed
17 seventeen (17) months from the date that the child was initially
18 removed from the child's home, absent a finding of compelling
19 reasons to the contrary.

20 3. If the court finds that continuation of reasonable efforts
21 to return the child home are inconsistent with the permanency plan
22 for a child, the court shall determine whether reasonable efforts
23 have been made to complete the steps necessary to finalize the
24 permanent placement of the child.

1 4. Reasonable efforts to reunite the child with the child's
2 family shall not be required pursuant to the provisions of Section
3 7003-4.6 xxx of Title 10 of the Oklahoma Statutes.

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

8 E. In accordance with the safety or well-being of any child,
9 the court shall determine in any dispositional order whether
10 reasonable efforts have been made to:

- 11 a. place siblings, who have been removed, together in the
12 same foster care, guardianship, or adoptive placement,
13 and
- 14 b. provide for frequent visitation or other ongoing
15 interaction in the case of siblings who have been
16 removed and who are not placed together.

17 SECTION 125. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1-477 of Title 10A, unless there
19 is created a duplication in numbering, reads as follows:

20 A. In cases where the child has been adjudicated to be deprived
21 due to repeated absence from school, the court may order counseling
22 and treatment for the child and the parents.

23 B. Prior to final disposition, the court shall require
24 verification by the appropriate school district that the child found

1 to be truant has been evaluated for literacy, learning disabilities,
2 developmental disabilities, hearing and visual impairment, and other
3 impediments which could constitute an educational handicap. The
4 results of such assessments or evaluations shall be made available
5 to the court for use by the court in determining the disposition of
6 the case.

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

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

15 SECTION 126. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1-478.1 of Title 10A, unless
17 there is created a duplication in numbering, reads as follows:

18 A. The court may establish a permanent guardianship between a
19 child and a relative or other adult if the guardianship is in the
20 child's best interests and all of the following conditions are
21 substantially satisfied:

- 22 1. The child has been adjudicated to be a deprived child;
- 23 2. The parent has:
 - 24 a. consented to the guardianship,

- b. had his or her parental rights terminated,
- c. failed to substantially correct the conditions that led to the adjudication of the child,
- d. been adjudicated as incompetent or incapacitated by a court,
- e. abandoned the child,
- f. failed to be identified or has not been located despite reasonably diligent efforts to ascertain the whereabouts of the parent, or
- g. died;

3. The child consents to the guardianship if the court finds the child to be of sufficient intelligence, understanding, and experience to provide consent;

4. Termination of the parent's rights is either not legally possible or not in the best interests of the child or adoption is not the permanency plan for the child;

5. The child and the prospective guardian do not require protective supervision or preventive services to ensure the stability of the guardianship;

6. The prospective guardian is committed to providing for the child until the child reaches the age of majority and to preparing the child for adulthood and independence;

1 7. The prospective guardian agrees not to return the child to
2 the care of the person from whom the child was removed nor to allow
3 visitation without the approval of the court; and

4 8. The child has been residing or placed with the proposed
5 guardian for at least the six (6) preceding months or the permanent
6 guardian is a relative with whom the child has a relationship.

7 B. In proceedings for permanent guardianship, the court shall
8 give primary consideration to the physical and behavioral health
9 needs of the child.

10 C. Unless otherwise set forth in the final order of permanent
11 guardianship, a permanent guardian is vested with all of the rights
12 and responsibilities as set forth in Title 30 of the Oklahoma
13 Statutes relating to the powers and duties of a guardian of a minor,
14 other than those rights and responsibilities retained by the child's
15 parent, if any, that are set forth in the decree of permanent
16 guardianship.

17 SECTION 127. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1-478.2 of Title 10A, unless
19 there is created a duplication in numbering, reads as follows:

20 A. The state or child's attorney shall file a motion for
21 permanent guardianship with the juvenile court in the deprived case.
22 The motion shall be verified by the prospective guardian and shall
23 include the following:

24 1. The name, gender, and date of birth of the child;

1 2. The facts and circumstances supporting the grounds for
2 permanent guardianship;

3 3. The name and address of the prospective guardian and a
4 statement that the prospective guardian agrees to accept the duties
5 and responsibilities of guardianship;

6 4. The relationship of the child to the prospective guardian;

7 5. That the prospective guardian understands that the
8 guardianship is intended to be permanent in nature and that the
9 person will be responsible as the guardian until the child reaches
10 the age of majority;

11 6. Whether the child has resided with the prospective guardian
12 prior to the motion being filed, and, if so, the length of time and
13 the circumstances surrounding the child's stay; and

14 7. Whether there exists a loving, emotional tie between the
15 child and the prospective guardian.

16 B. Notice of the hearing as well as a copy of the motion shall
17 be served upon the parties, the Department of Human Services, and
18 the guardian ad litem of the child, if any. Notice shall also be
19 sent to the tribe of an Indian child as defined by the federal
20 Indian Child Welfare Act. Service shall not be required on the
21 parent whose rights have been previously terminated.

22 C. 1. When the child is in the custody of the Department, the
23 Department shall cause an assessment of the proposed guardian's home
24 to be completed and provide a report to the court regarding the

1 suitability of the proposed guardian and whether guardianship is in
2 the best interest of the child. The Department shall promulgate
3 rules in furtherance of the duties imposed by this subsection.
4 However, the prospective guardian shall be responsible to obtain the
5 home assessment if the child is not in the custody of the
6 Department.

7 2. The findings of the home assessment shall be set forth in a
8 written report provided to the court, the state, the child, and the
9 guardian ad litem, if any, before the hearing. The court may
10 require additional information as necessary to make an appropriate
11 decision regarding the permanent guardianship.

12 D. 1. Before issuing an order of permanent guardianship, the
13 court shall find by clear and convincing evidence all of the
14 following:

- 15 a. the factual basis for establishing parental unfitness
16 or unavailability to provide adequate care for the
17 child,
- 18 b. termination of the parent's rights is either not
19 legally possible or not in the child's best interests,
20 or adoption is not the permanency plan for the child,
- 21 c. the child has resided with the permanent guardian for
22 at least six (6) months, or the permanent guardian is
23 a relative with whom the child has a relationship,

24

1 d. a permanent guardianship is in the best interests of
2 the child, and

3 e. the proposed permanent guardian:

4 (1) is emotionally, mentally, physically, and
5 financially suitable to become the permanent
6 guardian,

7 (2) has expressly committed to remain the permanent
8 guardian for the duration of the child's
9 minority, and

10 (3) has expressly demonstrated a clear understanding
11 of the financial implications of becoming a
12 permanent guardian.

13 2. An order of the court vesting permanent guardianship with an
14 individual divests the biological or adoptive parent of legal
15 custody or guardianship of the child, but is not a termination of
16 the parent's rights.

17 E. Upon finding that grounds exist for a permanent
18 guardianship, the court may also order visitation with the parent,
19 siblings, or other relatives of the child if such contact would be
20 in the child's best interests as well as any other provision
21 necessary to provide for the child's continuing safety and well-
22 being. The court shall order the parents to contribute to the
23 support of the child pursuant to child-support guidelines as
24

1 provided for in Sections 118 and 119 of Title 43 of the Oklahoma
2 Statutes.

3 F. 1. An order appointing a permanent guardian shall:

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

11 b. not require periodic reviews by the court thereafter
12 if the parties agree with the assent of the court that
13 the reviews are not necessary to serve the best
14 interests of the child, unless periodic reviews are
15 otherwise required by the court.

16 2. Unless periodic reviews are required, the court may close
17 the case, provided the order of permanent guardianship shall remain
18 in full force and effect subject to the provisions of this
19 subsection.

20 SECTION 128. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-479 of Title 10A, unless there
22 is created a duplication in numbering, reads as follows:

23 A. 1. A motion for modification or termination of the
24 permanent guardianship may be filed by the permanent guardian, the

1 child, or the state. A modification or termination may also be
2 ordered by the court on its own initiative. An order for
3 modification or termination of the permanent guardianship may be
4 entered after notice and opportunity for hearing and shall be based
5 on a finding that there has been a substantial change of material
6 circumstances including, but not limited to, the following:

- 7 a. the child's parent is presently able and willing to
8 properly care for the child,
- 9 b. the child's permanent guardian is unable to properly
10 care for the child,
- 11 c. the child has been abused or neglected while in the
12 care of the permanent guardian, and
- 13 d. the child's permanent guardian is deceased.

14 2. The court shall appoint a guardian ad litem, which may be a
15 court-appointed special advocate, for the child in any proceeding
16 for the termination of permanent guardianship.

17 B. 1. The court may modify or terminate the order granting
18 permanent guardianship upon a finding by clear and convincing
19 evidence that there has been a substantial change in material
20 circumstances and that a modification or termination of the
21 permanent guardianship is in the child's best interest.

22 2. When the modification or termination of the permanent
23 guardianship results in the removal of the child from the home of
24 the guardian, the court shall find that the continuation of the

1 child in the home of the guardian is contrary to the welfare of the
2 child, and whether:

- 3 a. reasonable efforts have been made to prevent the
4 removal of the child from the child's home, or
- 5 b. an absence of efforts to prevent the removal of the
6 child from the child's home is reasonable because the
7 removal is due to an emergency and is for the purpose
8 of providing for the welfare of the child.

9 3. Where the termination of the order granting permanent
10 guardianship is granted for reason of the guardian's abuse, neglect,
11 death, or inability to care for the child, the court shall order the
12 child returned to the legal custody of the Department of Human
13 Services pending further hearing. The Department shall develop a
14 new permanency plan on behalf of the child, which shall be presented
15 to the court within thirty (30) days of the date the permanent
16 guardianship is terminated.

17 4. Unless the parental rights of the child's parent or parents
18 have been terminated, they shall be notified that the legal
19 guardianship has been modified or terminated and shall be entitled
20 to participate in the new permanency planning hearing where the
21 court shall order a new permanency plan appropriate to meet the
22 needs of the child.

23 5. The court may order that reunification services again be
24 provided to the parent or parents if it is in the best interests of

1 the child and consider the parent or parents as custodians with
2 Department supervision if the parent can prove by a preponderance of
3 the evidence that conditions which previously existed at the time of
4 the granting of the permanent guardianship order have been
5 substantially corrected and that reunification is the best
6 alternative for the child.

7 SECTION 129. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1-480 of Title 10A, unless there
9 is created a duplication in numbering, reads as follows:

10 A. At any hearing including, but not limited to, hearings
11 conducted pursuant to Section 7003-8.6 xxx of Title 10 of the
12 Oklahoma Statutes, where it is determined that a child in state
13 custody will be released from state custody, the district attorney
14 or the attorney for the child may give verbal notice to the court of
15 an objection to the order of the court and an intention to seek
16 review of that order based on the grounds that the order of the
17 court releasing the child from state custody creates a serious risk
18 of danger to the health or safety of the child.

19 B. Upon giving such notice, the court issuing the custody order
20 in question shall stay the custody order filing of an application
21 and completion of review as provided in this section. The district
22 attorney or attorney for the child shall file with the presiding
23 judge of the administrative judicial district a written application
24 for review within three (3) judicial days from the custody order.

1 If a written application for review is not filed within such time
2 period, or if a written notice to the trial court withdrawing the
3 objection is filed within that time period, the objection will be
4 deemed abandoned and the stay shall be lifted.

5 C. Each application for review shall be assigned by the
6 presiding judge of the administrative judicial district to a judge
7 within that administrative judicial district with juvenile docket
8 responsibilities. The review shall be completed within five (5)
9 judicial days of the filing of the written application for review.
10 The review conducted by the reviewing judge shall address the
11 question of whether releasing the child from state custody creates a
12 serious risk of danger to the health or safety of the child. The
13 reviewing court shall review the record of the hearing and any other
14 evidence deemed relevant by the reviewing court. At the conclusion
15 of the review, the reviewing court shall issue its findings of fact
16 and conclusions of law and report them to the court issuing the
17 custody order under review.

18 D. A finding by the reviewing court that the order releasing
19 the child from state custody creates a serious risk of danger to the
20 health or safety of the child shall be controlling and the court
21 issuing the order under review shall proceed to enter a different
22 custody order. If the reviewing court finds that the order under
23 review does not create a serious risk of danger to the health or
24 safety of the child and that the order is otherwise appropriate then

1 the court issuing the order under review shall lift the stay and the
2 order shall be subject to appeal as provided in subsection A of this
3 section. The failure of any court to issue the stay mandated by
4 this section shall be subject to immediate mandamus to an
5 appropriate court.

6 SECTION 130. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1-482 of Title 10A, unless there
8 is created a duplication in numbering, reads as follows:

9 If the court determines it would be in the best interests of a
10 child, the court may place the child in the legal custody of the
11 Department of Human Services. Whenever a child is in the custody of
12 the Department, the court shall not have the authority to order a
13 specific placement of the child but shall have the authority to
14 approve or disapprove the specific placement if it does not conform
15 to statutory requirements and the best interests of the child.

16 SECTION 131. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as 1-492 of Title 10A, unless there is
18 created a duplication in numbering, reads as follows:

19 If the court finds from the information presented by the
20 Department of Human Services that the permanency plan for the child
21 should be adoption, the court may order the state to show cause why
22 it should not file a petition or motion to terminate the parent-
23 child legal relationship pursuant to Section xxx of Title 10 of the
24

1 Oklahoma Statutes. Good cause may include, but need not be limited
2 to, any of the following conditions:

3 1. At the option of the Department or by order of the court,
4 the child is properly being cared for by a relative;

5 2. The Department has documented a compelling reason for
6 determining that filing a petition to terminate parental rights
7 would not serve the best interests of the child; or

8 3. The state has not provided to the family of the child,
9 consistent with the time period in the state case plan, such
10 services as the state deems necessary for the safe return of the
11 child to the child's home, if reasonable efforts are required to be
12 made with respect to the child.

13 SECTION 132. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-496 of Title 10A, unless there
15 is created a duplication in numbering, reads as follows:

16 If the court terminates the rights of a parent and places the
17 child with an individual or agency, the court may vest in such
18 individual or agency authority to consent to the adoption of the
19 child. Provided, that when the court places the child with the
20 Department of Human Services, it shall vest the Department with
21 authority to place the child and, upon notice to the court that an
22 adoption petition has been filed concerning the child, vest the
23 Department with authority to consent to the adoption of the child,

24

1 and the jurisdiction of the committing court shall terminate upon a
2 final decree of adoption.

3 SECTION 133. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-497 of Title 10A, unless there
5 is created a duplication in numbering, reads as follows:

6 A. When parental rights are not terminated as a result of a
7 trial, the court shall set the matter for a permanency hearing
8 within thirty (30) days.

9 B. The failure of parental rights to be terminated at trial
10 shall not deprive the court of its continuing jurisdiction over the
11 child, nor shall it require reunification of the child with the
12 parent if the child has been adjudicated to be deprived.

13 SECTION 134. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-498 of Title 10A, unless there
15 is created a duplication in numbering, reads as follows:

16 A. A child may, by application, request the court to reinstate
17 the previously terminated parental rights of his or her parent under
18 the following circumstances:

19 1. The child was previously found to be a deprived child;

20 2. The child's parent's rights were terminated in a proceeding
21 under Title 10 of the Oklahoma Statutes;

22 3. The child has not achieved his or her permanency plan within
23 three (3) years of a final order of termination; and

24

1 4. The child must be at least fifteen (15) years old at the
2 time the application is filed.

3 B. A child shall be represented during the proceeding and shall
4 be provided independent counsel.

5 C. The application shall be signed by the child as well as the
6 child's attorney.

7 D. If, after a preliminary hearing to consider the parent's
8 apparent fitness and interest in reinstatement of parental rights,
9 the court finds by a preponderance of the evidence that the best
10 interests of the child may be served by reinstatement of parental
11 rights, the court shall order that a hearing on the merits of the
12 motion be held.

13 E. The court shall cause prior notice to be given to the
14 Department of Human Services, the child's attorney, and the child.
15 The court shall also order the Department or the child's attorney to
16 give prior notice of any hearing to:

- 17 1. The child's former parent whose parental rights are the
18 subject of the application;
- 19 2. The child's current foster parent or relative guardian;
- 20 3. The child's guardian ad litem; and
- 21 4. The child's tribe, if applicable.

22 F. The child's application shall be dismissed if the parent
23 cannot be located.

24

1 G. The court shall conditionally grant the motion if it finds
2 by clear and convincing evidence that the child has not and is not
3 likely to imminently achieve his or her permanency plan and that
4 reinstatement of parental rights is in the child's best interest.
5 In determining whether reinstatement is in the child's best
6 interest, the court shall consider, but is not limited to, the
7 following:

8 1. Whether the parent whose rights are to be reinstated is a
9 fit parent and has remedied the conditions as provided in the record
10 of the prior termination proceedings and prior termination order;

11 2. The age and maturity of the child, and the ability of the
12 child to express his or her preference;

13 3. Whether the reinstatement of parental rights will present a
14 risk to the health, safety, or welfare of the child; and

15 4. Other material changes in circumstances, if any, that may
16 have occurred which warrant the granting of the petition.

17 H. In determining whether the child has or has not achieved his
18 or her permanency plan, the Department shall provide the court, and
19 the court shall review, information related to any efforts to
20 achieve the permanency plan including efforts to achieve adoption or
21 a permanent guardianship.

22 I. 1. If the court conditionally grants the motion under
23 subsection G of this section, the case shall be continued for six
24 (6) months and a temporary order of reinstatement entered. During

1 this period, the child shall be placed in the custody of the parent.
2 The Department shall develop a permanency plan for the child
3 reflecting the plan to be reunification and shall provide or ensure
4 that transition services are provided to the family as appropriate.

5 2. If the child must be removed from the parent due to abuse or
6 neglect allegations prior to the expiration of the conditional six-
7 month period, the court shall dismiss the application for
8 reinstatement of parental rights if the court finds the allegations
9 have been proven by a preponderance of the evidence.

10 J. The court shall hold a hearing after the child has been
11 placed with the parent for six (6) months. If the placement with
12 the parent has been successful, the court shall enter a final order
13 of reinstatement of parental rights, which shall restore all rights,
14 powers, privileges, immunities, duties, and obligations of the
15 parent to the child, including those relating to custody, control,
16 and support of the child. The court shall close the deprived action
17 and direct the court clerk's office to provide a certified copy of
18 the final order of reinstatement of parental rights to the parent at
19 no cost.

20 K. A proceeding to reinstate parental rights is a separate
21 action from the termination of parental rights proceeding and does
22 not vacate the original termination of parental rights. An order
23 granted under this section reinstates the parental rights to the
24 child and acknowledges that the conditions of the parent and child

1 have changed since the time of the termination of parental rights
2 and that reunification is now appropriate.

3 L. This section is retroactive and shall apply to any child who
4 is under the jurisdiction of the district court as a deprived child
5 at the time of the hearing to reinstate parental rights regardless
6 of the date when parental rights were terminated.

7 M. The state, the Department, and its employees are not liable
8 for civil damages resulting from any act or omission in providing
9 services under this section unless the act or omission constitutes
10 gross negligence. This section does not create any duty and shall
11 not be construed to create a duty where none exists. This section
12 does not create a cause of action against the state, the Department,
13 or its employees concerning the original order of termination of
14 parental rights.

15 SECTION 135. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1-605 of Title 10A, unless there
17 is created a duplication in numbering, reads as follows:

18 Social records as defined by the Oklahoma Children's Code shall
19 not be filed in the court record unless so ordered by the court. If
20 filed in the court record, the social records shall be placed in
21 confidential envelopes in the court file and may only be accessed by
22 the person who is the subject of the records, or attorney for such
23 person, except as provided by Section xxx of Title 10 of the
24 Oklahoma Statutes.

1 SECTION 136. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-706 of Title 10A, unless there
3 is created a duplication in numbering, reads as follows:

4 When two or more children in foster care are siblings, every
5 reasonable attempt should be made to place them in the same home.
6 In making a permanent placement, such children should be placed in
7 the same permanent home or, if the siblings are separated, should be
8 allowed contact or visitation with other siblings; provided,
9 however, the best interests of each sibling shall be the standard
10 for determining whether they should be placed in the same foster
11 placement or permanent placement, or allowed contact or visitation
12 with other siblings.

13 SECTION 137. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-713 of Title 10A, unless there
15 is created a duplication in numbering, reads as follows:

16 A. The Department of Human Services and the Office of Juvenile
17 Affairs shall be responsible for the completion of and costs of the
18 foster parent eligibility assessment and any national criminal
19 history records search based upon submission of fingerprints,
20 preparation of a treatment and service plan, and a medical
21 examination only for the children placed in the custody of the state
22 agency. The state agency may provide for reimbursement of such
23 expenses, costs, and charges so incurred pursuant to the Oklahoma
24 Children's Code or the Oklahoma Juvenile Code, as applicable.

1 B. No child shall be eligible for any reimbursement through the
2 state Medicaid program for placement in therapeutic foster care
3 unless such placement has been reviewed and approved pursuant to
4 rules regarding medical necessity for therapeutic foster care
5 placement promulgated by the Oklahoma Health Care Authority Board.

6 SECTION 138. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1-805 of Title 10A, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The court may issue an order directing the county sheriff or
10 his designee of the county in which the court is located to provide
11 transportation to a child who is the subject of a deprived
12 proceeding, regardless of where the child is placed within the
13 state, for purposes of the following:

14 1. Transferring the child from his or her current placement to
15 a designated inpatient treatment facility, as more further defined
16 in the Inpatient Mental Health and Substance Abuse Treatment of
17 Minors Act;

18 2. Transferring the child from the inpatient treatment facility
19 to court for hearing;

20 3. Transferring the child from an out-of-county placement to
21 court for hearing and returning the child back to the out-of-county
22 placement; and

23 4. Assisting the Department of Human Services in transporting a
24 child from any location to placement when requested by the

1 Department for purposes of ensuring the safekeeping of the child as
2 well as the Department employee.

3 B. 1. The Department shall provide reimbursement to the county
4 sheriff or his designee for necessary and actual expenses for
5 transporting the child as follows:

6 a. a fee for the cost of personal services at the rate of
7 Twelve Dollars (\$12.00) per hour,

8 b. mileage reimbursement for each mile actually traveled
9 at the rate established in the State Travel
10 Reimbursement Act,

11 c. meals for transporting personnel, not to exceed Seven
12 Dollars (\$7.00) per meal, and

13 d. meals for the child being transported, not to exceed
14 Seven Dollars (\$7.00) per meal.

15 2. The Department shall process and mail reimbursement claims
16 within sixty (60) days of receipt. Payments for services provided
17 by the county sheriff's office shall be paid to the county and
18 deposited in the sheriff service fee account.

19 C. The court issuing the transportation order shall make such
20 provision for the transportation and safekeeping of a child as is
21 appropriate in the circumstances.

22 SECTION 139. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1-806 of Title 10A, unless there
24 is created a duplication in numbering, reads as follows:

1 Upon application with the court, the court may order the
2 district attorney's office to pay attorney fees for the child's
3 attorney if:

4 1. The child is in the legal custody of the Department of Human
5 Services;

6 2. The child's guardian ad litem, or the child through the
7 child's attorney:

8 a. requests in writing that the district attorney's
9 office move for the termination of parental rights,

10 b. gives the district attorney's office written notice
11 that if the district attorney's office does not move
12 for termination of parental rights, the child, through
13 the child's attorney, intends to move for the
14 termination of parental rights and seek an award of
15 attorney fees,

16 c. successfully moves for the termination of parental
17 rights, and

18 d. applies to the court for an award of attorney fees;
19 and

20 3. The district attorney's office refuses to join and prosecute
21 the petition or motion for the termination of parental rights or
22 fails to act in a timely manner.

23 SECTION 140. REPEALER 10 O.S. 2001, Section 4, is hereby
24 repealed.

1 SECTION 141. REPEALER 10 O.S. 2001, Section 5.1, is
2 hereby repealed.

3 SECTION 142. REPEALER 10 O.S. 2001, Section 6, is hereby
4 repealed.

5 SECTION 143. REPEALER 10 O.S. 2001, Section 6.5, is
6 hereby repealed.

7 SECTION 144. REPEALER 10 O.S. 2001, Section 7, is hereby
8 repealed.

9 SECTION 145. REPEALER 10 O.S. 2001, Section 8, is hereby
10 repealed.

11 SECTION 146. REPEALER 10 O.S. 2001, Section 9, is hereby
12 repealed.

13 SECTION 147. REPEALER 10 O.S. 2001, Section 10, is
14 hereby repealed.

15 SECTION 148. REPEALER 10 O.S. 2001, Section 11, is
16 hereby repealed.

17 SECTION 149. REPEALER 10 O.S. 2001, Section 12, is
18 hereby repealed.

19 SECTION 150. REPEALER 10 O.S. 2001, Section 14, is
20 hereby repealed.

21 SECTION 151. REPEALER 10 O.S. 2001, Section 16, is
22 hereby repealed.

23 SECTION 152. REPEALER 10 O.S. 2001, Section 17, is
24 hereby repealed.

1 SECTION 153. REPEALER 10 O.S. 2001, Section 18, is
2 hereby repealed.

3 SECTION 154. REPEALER 10 O.S. 2001, Section 21.2, is
4 hereby repealed.

5 SECTION 155. REPEALER 10 O.S. 2001, Section 21.3, is
6 hereby repealed.

7 SECTION 156. REPEALER 10 O.S. 2001, Section 21.3, is
8 hereby repealed.

9 SECTION 157. REPEALER 10 O.S. 2001, Section 21.4, is
10 hereby repealed.

11 SECTION 158. REPEALER 10 O.S. 2001, Section 21.5, as
12 amended by Section 1, Chapter 286, O.S.L. 2006 (10 O.S. Supp. 2008,
13 Section 21.5), is hereby repealed.

14 SECTION 159. REPEALER 10 O.S. 2001, Section 21.6, is
15 hereby repealed.

16 SECTION 160. REPEALER 10 O.S. 2001, Section 23, is
17 hereby repealed.

18 SECTION 161. REPEALER Section 1, Chapter 141, O.S.L.
19 2008 (10 O.S. Supp. 2008, Section 7002-1.3), is hereby repealed.

20 SECTION 162. REPEALER 10 O.S. 2001, Section 7003-2.2, is
21 hereby repealed.

22 SECTION 163. REPEALER 10 O.S. 2001, Section 7003-2.3, is
23 hereby repealed.

24

1 SECTION 164. REPEALER 10 O.S. 2001, Section 7003-7.2, is
2 hereby repealed.

3 SECTION 165. REPEALER 10 O.S. 2001, Section 7004-1.4, is
4 hereby repealed.

5 SECTION 166. REPEALER 10 O.S. 2001, Section 7005-1.4, as
6 last amended by Section 3, Chapter 351, O.S.L. 2007 (10 O.S. Supp.
7 2008, Section 7005-1.4), is hereby repealed.

8 SECTION 167. REPEALER 10 O.S. 2001, Section 7005-1.5, is
9 hereby repealed.

10 SECTION 168. REPEALER 10 O.S. 2001, Section 7005-1.7, is
11 hereby repealed.

12 SECTION 169. REPEALER 10 O.S. 2001, Section 7006-1.4, is
13 hereby repealed.

14 SECTION 170. REPEALER 10 O.S. 2001, Section 7006-1.5, is
15 hereby repealed.

16 SECTION 171. REPEALER 10 O.S. 2001, Section 7006-1.6, is
17 hereby repealed.

18 SECTION 172. REPEALER 10 O.S. 2001, Section 7101, is
19 hereby repealed.

20 SECTION 173. REPEALER 10 O.S. 2001, Section 7102, as
21 last amended by Section 5, Chapter 351, O.S.L. 2007 (10 O.S. Supp.
22 2008, Section 7102), is hereby repealed.

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1 SECTION 174. REPEALER 10 O.S. 2001, Section 7104, as
2 amended by Section 1, Chapter 53, O.S.L. 2005 (10 O.S. Supp. 2008,
3 Section 7104), is hereby repealed.

4 SECTION 175. RECODIFICATION 10 O.S. 2001, Section 5, as
5 amended by Section 1 of this act, shall be recodified as Section xxx
6 of Title 43 of the Oklahoma Statutes, unless there is created a
7 duplication in numbering.

8 SECTION 176. RECODIFICATION 10 O.S. 2001, Section 5.2,
9 shall be recodified as Section xxx of Title 43 of the Oklahoma
10 Statutes, unless there is created a duplication in numbering.

11 SECTION 177. RECODIFICATION 10 O.S. 2001, Section 5A,
12 shall be recodified as Section xxx of Title 43 of the Oklahoma
13 Statutes, unless there is created a duplication in numbering.

14 SECTION 178. RECODIFICATION 10 O.S. 2001, Section 13,
15 shall be recodified as Section xxx of Title 43 of the Oklahoma
16 Statutes, unless there is created a duplication in numbering.

17 SECTION 179. RECODIFICATION 10 O.S. 2001, Section 15,
18 shall be recodified as Section xxx of Title 43 of the Oklahoma
19 Statutes, unless there is created a duplication in numbering.

20 SECTION 180. RECODIFICATION 10 O.S. 2001, Section 17.1,
21 shall be recodified as Section xxx of Title 12 of the Oklahoma
22 Statutes, unless there is created a duplication in numbering.

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1 SECTION 181. RECODIFICATION 10 O.S. 2001, Section 19,
2 shall be recodified as Section xxx of Title 43 of the Oklahoma
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 182. RECODIFICATION 10 O.S. 2001, Section 20,
5 shall be recodified as Section xxx of Title 76 of the Oklahoma
6 Statutes, unless there is created a duplication in numbering.

7 SECTION 183. RECODIFICATION 10 O.S. 2001, Section 21.1,
8 as last amended by Section 2 of this act, shall be recodified as
9 Section xxx of Title 43 of the Oklahoma Statutes, unless there is
10 created a duplication in numbering.

11 SECTION 184. RECODIFICATION 10 O.S. 2001, Section 7001-
12 1.1, as amended by Section 9 of this act, shall be recodified as
13 Section 1-100 of Title 10A of the Oklahoma Statutes, unless there is
14 created a duplication in numbering.

15 SECTION 185. RECODIFICATION 10 O.S. 2001, Section 7001-
16 1.3, as amended by Section 10 of this act, shall be recodified as
17 Section 1-101 of Title 10A of the Oklahoma Statutes, unless there is
18 created a duplication in numbering.

19 SECTION 186. RECODIFICATION 10 O.S. 2001, Section 7002-
20 3.1, as amended by Section 16 of this act, shall be recodified as
21 Section 1-103 of Title 10A of the Oklahoma Statutes, unless there is
22 created a duplication in numbering.

23 SECTION 187. RECODIFICATION 10 O.S. 2001, Section 7001-
24 1.3, as last amended by Section 11 of this act, shall be recodified

1 as Section 1-104 of Title 10A of the Oklahoma Statutes, unless there
2 is created a duplication in numbering.

3 SECTION 188. RECODIFICATION 10 O.S. 2001, Section 7103,
4 as amended by Section 83 of this act, shall be recodified as Section
5 1-200 of Title 10A of the Oklahoma Statutes, unless there is created
6 a duplication in numbering.

7 SECTION 189. RECODIFICATION 10 O.S. 2001, Section 7003-
8 1.1, as amended by Section 17 of this act, shall be recodified as
9 Section 1-201 of Title 10A of the Oklahoma Statutes, unless there is
10 created a duplication in numbering.

11 SECTION 190. RECODIFICATION Section 15, Chapter 205,
12 O.S.L. 2006 (10 O.S. Supp. 2008, Section 7104.1), as amended by
13 Section 84 of this act, shall be recodified as Section 1-202 of
14 Title 10A of the Oklahoma Statutes, unless there is created a
15 duplication in numbering.

16 SECTION 191. RECODIFICATION 10 O.S. 2001, Section 7105,
17 as last amended by Section 85 of this act, shall be recodified as
18 Section 1-203 of Title 10A of the Oklahoma Statutes, unless there is
19 created a duplication in numbering.

20 SECTION 192. RECODIFICATION 10 O.S. 2001, Section 7106,
21 as last amended by Section 87 of this act, shall be recodified as
22 Section 1-204 of Title 10A of the Oklahoma Statutes, unless there is
23 created a duplication in numbering.

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1 SECTION 193. RECODIFICATION 10 O.S. 2001, Section 7108,
2 as last amended by Section 89 of this act, shall be recodified as
3 Section 1-205 of Title 10A of the Oklahoma Statutes, unless there is
4 created a duplication in numbering.

5 SECTION 194. RECODIFICATION 10 O.S. 2001, Section 7109,
6 as amended by Section 90 of this act, shall be recodified as Section
7 1-206 of Title 10A of the Oklahoma Statutes, unless there is created
8 a duplication in numbering.

9 SECTION 195. RECODIFICATION 10 O.S. 2001, Section 7111,
10 as amended by Section 94 of this act, shall be recodified as Section
11 1-207 of Title 10A of the Oklahoma Statutes, unless there is created
12 a duplication in numbering.

13 SECTION 196. RECODIFICATION 10 O.S. 2001, Section
14 7115.1, as amended by Section 96 of this act, shall be recodified as
15 Section 1-208 of Title 10A of the Oklahoma Statutes, unless there is
16 created a duplication in numbering.

17 SECTION 197. RECODIFICATION 10 O.S. 2001, Section 7218,
18 as amended by Section 111 of this act, shall be recodified as
19 Section 1-209 of Title 10A of the Oklahoma Statutes, unless there is
20 created a duplication in numbering.

21 SECTION 198. RECODIFICATION 10 O.S. 2001, Section 170.1,
22 as amended by Section 7 of this act, shall be recodified as Section
23 1-300 of Title 10A of the Oklahoma Statutes, unless there is created
24 a duplication in numbering.

1 SECTION 199. RECODIFICATION 10 O.S. 2001, Section 7003-
2 2.5, as amended by Section 20 of this act, shall be recodified as
3 Section 1-302 of Title 10A of the Oklahoma Statutes, unless there is
4 created a duplication in numbering.

5 SECTION 200. RECODIFICATION 10 O.S. 2001, Section 7002-
6 1.1, as last amended by Section 12 of this act, shall be recodified
7 as Section 1-410 of Title 10A of the Oklahoma Statutes, unless there
8 is created a duplication in numbering.

9 SECTION 201. RECODIFICATION 10 O.S. 2001, Section 7002-
10 1.2, as amended by Section 13 of this act, shall be recodified as
11 Section 1-411 of Title 10A of the Oklahoma Statutes, unless there is
12 created a duplication in numbering.

13 SECTION 202. RECODIFICATION 10 O.S. 2001, Section 7003-
14 2.1, as last amended by Section 18 of this act, shall be recodified
15 as Section 1-421 of Title 10A of the Oklahoma Statutes, unless there
16 is created a duplication in numbering.

17 SECTION 203. RECODIFICATION 10 O.S. 2001, Section 7003-
18 2.4, as last amended by Section 19 of this act, shall be recodified
19 as Section 1-421 of Title 10A of the Oklahoma Statutes, unless there
20 is created a duplication in numbering.

21 SECTION 204. RECODIFICATION 10 O.S. 2001, Section 7003-
22 8.5, as amended by Section 59 of this act, shall be recodified as
23 Section 1-426 of Title 10A of the Oklahoma Statutes, unless there is
24 created a duplication in numbering.

1 SECTION 205. RECODIFICATION 10 O.S. 2001, Section 7003-
2 3.1, as last amended by Section 21 of this act, shall be recodified
3 as Section 1-430 of Title 10A of the Oklahoma Statutes, unless there
4 is created a duplication in numbering.

5 SECTION 206. RECODIFICATION 10 O.S. 2001, Section 7003-
6 3.3, as amended by Section 22 of this act, shall be recodified as
7 Section 1-431 of Title 10A of the Oklahoma Statutes, unless there is
8 created a duplication in numbering.

9 SECTION 207. RECODIFICATION 10 O.S. 2001, Section 7003-
10 3.4, as amended by Section 23 of this act, shall be recodified as
11 Section 1-432 of Title 10A of the Oklahoma Statutes, unless there is
12 created a duplication in numbering.

13 SECTION 208. RECODIFICATION 10 O.S. 2001, Section 7003-
14 3.5, as amended by Section 24 of this act, shall be recodified as
15 Section 1-433 of Title 10A of the Oklahoma Statutes, unless there is
16 created a duplication in numbering.

17 SECTION 209. RECODIFICATION 10 O.S. 2001, Section 7003-
18 3.6, as amended by Section 25 of this act, shall be recodified as
19 Section 1-434 of Title 10A of the Oklahoma Statutes, unless there is
20 created a duplication in numbering.

21 SECTION 210. RECODIFICATION 10 O.S. 2001, Section 7003-
22 3.7, as last amended by Section 26 of this act, shall be recodified
23 as Section 1-435 of Title 10A of the Oklahoma Statutes, unless there
24 is created a duplication in numbering.

1 SECTION 211. RECODIFICATION 10 O.S. 2001, Section 7003-
2 8.4, as amended by Section 58 of this act, shall be recodified as
3 Section 1-450 of Title 10A of the Oklahoma Statutes, unless there is
4 created a duplication in numbering.

5 SECTION 212. RECODIFICATION 10 O.S. 2001, Section 7003-
6 3.8, as last amended by Section 27 of this act, shall be recodified
7 as Section 1-451 of Title 10A of the Oklahoma Statutes, unless there
8 is created a duplication in numbering.

9 SECTION 213. RECODIFICATION 10 O.S. 2001, Section 7003-
10 4.1, as last amended by Section 28 of this act, shall be recodified
11 as Section 1-452 of Title 10A of the Oklahoma Statutes, unless there
12 is created a duplication in numbering.

13 SECTION 214. RECODIFICATION 10 O.S. 2001, Section 7003-
14 4.2, as amended by Section 29 of this act, shall be recodified as
15 Section 1-454 of Title 10A of the Oklahoma Statutes, unless there is
16 created a duplication in numbering.

17 SECTION 215. RECODIFICATION 10 O.S. 2001, Section 7003-
18 4.3, as amended by Section 30 of this act, shall be recodified as
19 Section 1-455 of Title 10A of the Oklahoma Statutes, unless there is
20 created a duplication in numbering.

21 SECTION 216. RECODIFICATION 10 O.S. 2001, Section 7113,
22 as amended by Section 95 of this act, shall be recodified as Section
23 1-456 of Title 10A of the Oklahoma Statutes, unless there is created
24 a duplication in numbering.

1 SECTION 217. RECODIFICATION 10 O.S. 2001, Section 7003-
2 4.4, as amended by Section 31 of this act, shall be recodified as
3 Section 1-461 of Title 10A of the Oklahoma Statutes, unless there is
4 created a duplication in numbering.

5 SECTION 218. RECODIFICATION 10 O.S. 2001, Section 7003-
6 4.5, as amended by Section 32 of this act, shall be recodified as
7 Section 1-462 of Title 10A of the Oklahoma Statutes, unless there is
8 created a duplication in numbering.

9 SECTION 219. RECODIFICATION 10 O.S. 2001, Section 7003-
10 8.7, as last amended by Section 61 of this act, shall be recodified
11 as Section 1-470 of Title 10A of the Oklahoma Statutes, unless there
12 is created a duplication in numbering.

13 SECTION 220. RECODIFICATION Section 2, Chapter 198,
14 O.S.L. 2004 (10 O.S. Supp. 2008, Section 7003-8.8), as last amended
15 by Section 62 of this act, shall be recodified as Section 1-471 of
16 Title 10A of the Oklahoma Statutes, unless there is created a
17 duplication in numbering.

18 SECTION 221. RECODIFICATION 10 O.S. 2001, Section 7003-
19 5.2, as amended by Section 36 of this act, shall be recodified as
20 Section 1-472 of Title 10A of the Oklahoma Statutes, unless there is
21 created a duplication in numbering.

22 SECTION 222. RECODIFICATION 10 O.S. 2001, Section 7003-
23 5.3, as last amended by Section 37 of this act, shall be recodified
24

1 as Section 1-473 of Title 10A of the Oklahoma Statutes, unless there
2 is created a duplication in numbering.

3 SECTION 223. RECODIFICATION 10 O.S. 2001, Section 7003-
4 8.1, as last amended by Section 55 of this act, shall be recodified
5 as Section 1-474 of Title 10A of the Oklahoma Statutes, unless there
6 is created a duplication in numbering.

7 SECTION 224. RECODIFICATION 10 O.S. 2001, Section 7003-
8 5.5, as last amended by Section 40 of this act, shall be recodified
9 as Section 1-475 of Title 10A of the Oklahoma Statutes, unless there
10 is created a duplication in numbering.

11 SECTION 225. RECODIFICATION 10 O.S. 2001, Section 7003-
12 6.2A, as last amended by Section 51 of this act, shall be recodified
13 as Section 1-481 of Title 10A of the Oklahoma Statutes, unless there
14 is created a duplication in numbering.

15 SECTION 226. RECODIFICATION 10 O.S. 2001, Section 7003-
16 5.4a, as amended by Section 39 of this act, shall be recodified as
17 Section 1-483 of Title 10A of the Oklahoma Statutes, unless there is
18 created a duplication in numbering.

19 SECTION 227. RECODIFICATION 10 O.S. 2001, Section 7208,
20 as last amended by Section 104 of this act, shall be recodified as
21 Section 1-484 of Title 10A of the Oklahoma Statutes, unless there is
22 created a duplication in numbering.

23 SECTION 228. RECODIFICATION 10 O.S. 2001, Section 7003-
24 5.5a, as last amended by Section 41 of this act, shall be recodified

1 as Section 1-485 of Title 10A of the Oklahoma Statutes, unless there
2 is created a duplication in numbering.

3 SECTION 229. RECODIFICATION 10 O.S. 2001, Section 7003-
4 5.6, as last amended by Section 42 of this act, shall be recodified
5 as Section 1-486 of Title 10A of the Oklahoma Statutes, unless there
6 is created a duplication in numbering.

7 SECTION 230. RECODIFICATION 10 O.S. 2001, Section 7003-
8 5.6a, as amended by Section 43 of this act, shall be recodified as
9 Section 1-487 of Title 10A of the Oklahoma Statutes, unless there is
10 created a duplication in numbering.

11 SECTION 231. RECODIFICATION 10 O.S. 2001, Section 7003-
12 4.6, as amended by Section 33 of this act, shall be recodified as
13 Section 1-488 of Title 10A of the Oklahoma Statutes, unless there is
14 created a duplication in numbering.

15 SECTION 232. RECODIFICATION 10 O.S. 2001, Section 7003-
16 5.6e, as last amended by Section 46 of this act, shall be recodified
17 as Section 1-489.1 of Title 10A of the Oklahoma Statutes, unless
18 there is created a duplication in numbering.

19 SECTION 233. RECODIFICATION 10 O.S. 2001, Section 7003-
20 5.6d, as last amended by Section 45 of this act, shall be recodified
21 as Section 1-489.2 of Title 10A of the Oklahoma Statutes, unless
22 there is created a duplication in numbering.

23 SECTION 234. RECODIFICATION 10 O.S. 2001, Section 7003-
24 5.6h, as last amended by Section 48 of this act, shall be recodified

1 as Section 1-489.3 of Title 10A of the Oklahoma Statutes, unless
2 there is created a duplication in numbering.

3 SECTION 235. RECODIFICATION 10 O.S. 2001, Section 7003-
4 5.6f, as amended by Section 47 of this act, shall be recodified as
5 Section 1-489.4 of Title 10A of the Oklahoma Statutes, unless there
6 is created a duplication in numbering.

7 SECTION 236. RECODIFICATION 10 O.S. 2001, Section 7003-
8 6.1, as amended by Section 49 of this act, shall be recodified as
9 Section 1-489.5 of Title 10A of the Oklahoma Statutes, unless there
10 is created a duplication in numbering.

11 SECTION 237. RECODIFICATION 10 O.S. 2001, Section 7002-
12 3.1, as amended by Section 16 of this act, shall be recodified as
13 Section 1-490 of Title 10A of the Oklahoma Statutes, unless there is
14 created a duplication in numbering.

15 SECTION 238. RECODIFICATION 10 O.S. 2001, Section 7003-
16 4.7, as last amended by Section 34 of this act, shall be recodified
17 as Section 1-491 of Title 10A of the Oklahoma Statutes, unless there
18 is created a duplication in numbering.

19 SECTION 239. RECODIFICATION 10 O.S. 2001, Section 7006-
20 1.1, as amended by Section 80 of this act, shall be recodified as
21 Section 1-493 of Title 10A of the Oklahoma Statutes, unless there is
22 created a duplication in numbering.

23 SECTION 240. RECODIFICATION 10 O.S. 2001, Section 7006-
24 1.2, as amended by Section 81 of this act, shall be recodified as

1 Section 1-494 of Title 10A of the Oklahoma Statutes, unless there is
2 created a duplication in numbering.

3 SECTION 241. RECODIFICATION 10 O.S. 2001, Section 7006-
4 1.3, as amended by Section 82 of this act, shall be recodified as
5 Section 1-495 of Title 10A of the Oklahoma Statutes, unless there is
6 created a duplication in numbering.

7 SECTION 242. RECODIFICATION 10 O.S. 2001, Section 7003-
8 6.2, as last amended by Section 50 of this act, shall be recodified
9 as Section 1-500 of Title 10A of the Oklahoma Statutes, unless there
10 is created a duplication in numbering.

11 SECTION 243. RECODIFICATION 10 O.S. 2001, Section 7003-
12 6.3, as amended by Section 52 of this act, shall be recodified as
13 Section 1-501 of Title 10A of the Oklahoma Statutes, unless there is
14 created a duplication in numbering.

15 SECTION 244. RECODIFICATION 10 O.S. 2001, Section 7003-
16 6.4, as amended by Section 53 of this act, shall be recodified as
17 Section 1-502 of Title 10A of the Oklahoma Statutes, unless there is
18 created a duplication in numbering.

19 SECTION 245. RECODIFICATION 10 O.S. 2001, Section 7005-
20 1.1, as amended by Section 74 of this act, shall be recodified as
21 Section 1-600 of Title 10A of the Oklahoma Statutes, unless there is
22 created a duplication in numbering.

23 SECTION 246. RECODIFICATION 10 O.S. 2001, Section 7005-
24 1.2, as amended by Section 75 of this act, shall be recodified as

1 Section 1-601 of Title 10 of the Oklahoma Statutes, unless there is
2 created a duplication in numbering.

3 SECTION 247. RECODIFICATION 10 O.S. 2001, Section 7005-
4 1.3, as last amended by Section 76 of this act, shall be recodified
5 as Section 1-602 of Title 10A of the Oklahoma Statutes, unless there
6 is created a duplication in numbering.

7 SECTION 248. RECODIFICATION Section 4, Chapter 351,
8 O.S.L. 2007 (10 O.S. Supp. 2008, Section 7005-1.9), as last amended
9 by Section 79 of this act, shall be recodified as Section 1-604 of
10 Title 10A of the Oklahoma Statutes, unless there is created a
11 duplication in numbering.

12 SECTION 249. RECODIFICATION 10 O.S. 2001, Section 7107,
13 as amended by Section 88 of this act, shall be recodified as Section
14 1-606 of Title 10A of the Oklahoma Statutes, unless there is created
15 a duplication in numbering.

16 SECTION 250. RECODIFICATION 10 O.S. 2001, Section 7005-
17 1.8, as amended by Section 78 of this act, shall be recodified as
18 Section 1-607 of Title 10A of the Oklahoma Statutes, unless there is
19 created a duplication in numbering.

20 SECTION 251. RECODIFICATION 10 O.S. 2001, Section 7003-
21 7.1, as last amended by Section 54 of this act, shall be recodified
22 as Section 1-700 of Title 10A of the Oklahoma Statutes, unless there
23 is created a duplication in numbering.

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1 SECTION 252. RECODIFICATION 10 O.S. 2001, Section 7002-
2 2.1, as amended by Section 14 of this act, shall be recodified as
3 Section 1-701 of Title 10A of the Oklahoma Statutes, unless there is
4 created a duplication in numbering.

5 SECTION 253. RECODIFICATION 10 O.S. 2001, Section 7004-
6 1.1, as amended by Section 63 of this act, shall be recodified as
7 Section 1-702 of Title 10A of the Oklahoma Statutes, unless there is
8 created a duplication in numbering.

9 SECTION 254. RECODIFICATION 10 O.S. 2001, Section 7003-
10 5.4, as amended by Section 38 of this act, shall be recodified as
11 Section 1-703 of Title 10A of the Oklahoma Statutes, unless there is
12 created a duplication in numbering.

13 SECTION 255. RECODIFICATION 10 O.S. 2001, Section 7004-
14 3.2, as last amended by Section 71 of this act, shall be recodified
15 as Section 1-704 of Title 10A of the Oklahoma Statutes, unless there
16 is created a duplication in numbering.

17 SECTION 256. RECODIFICATION 10 O.S. 2001, Section 7202,
18 as amended by Section 97 of this act, shall be recodified as Section
19 1-705 of Title 10A of the Oklahoma Statutes, unless there is created
20 a duplication in numbering.

21 SECTION 257. RECODIFICATION 10 O.S. 2001, Section 7204,
22 as amended by Section 98 of this act, shall be recodified as Section
23 1-706 of Title 10A of the Oklahoma Statutes, unless there is created
24 a duplication in numbering.

1 SECTION 258. RECODIFICATION 10 O.S. 2001, Section 7205,
2 as amended by Section 100 of this act, shall be recodified as
3 Section 1-708 of Title 10A of the Oklahoma Statutes, unless there is
4 created a duplication in numbering.

5 SECTION 259. RECODIFICATION 10 O.S. 2001, Section 7207,
6 as amended by Section 103 of this act, shall be recodified as
7 Section 1-709 of Title 10A of the Oklahoma Statutes, unless there is
8 created a duplication in numbering.

9 SECTION 260. RECODIFICATION 10 O.S. 2001, Section 7209,
10 as last amended by Section 105 of this act, shall be recodified as
11 Section 1-710 of Title 10A of the Oklahoma Statutes, unless there is
12 created a duplication in numbering.

13 SECTION 261. RECODIFICATION 10 O.S. 2001, Section 7214,
14 as amended by Section 110 of this act, shall be recodified as
15 Section 1-711 of Title 10A of the Oklahoma Statutes, unless there is
16 created a duplication in numbering.

17 SECTION 262. RECODIFICATION 10 O.S. 2001, Section 7221,
18 as last amended by Section 113 of this act, shall be recodified as
19 Section 1-712 of Title 10A of the Oklahoma Statutes, unless there is
20 created a duplication in numbering.

21 SECTION 263. RECODIFICATION 10 O.S. 2001, Section 1211,
22 as last amended by Section 8 of this act, shall be recodified as
23 Section 1-800 of Title 10A of the Oklahoma Statutes, unless there is
24 created a duplication in numbering.

1 SECTION 264. RECODIFICATION 10 O.S. 2001, Section 7003-
2 8.6, as amended by Section 60 of this act, shall be recodified as
3 Section 1-801 of Title 10A of the Oklahoma Statutes, unless there is
4 created a duplication in numbering.

5 SECTION 265. RECODIFICATION 10 O.S. 2001, Section 7003-
6 8.2, as amended by Section 56 of this act, shall be recodified as
7 Section 1-802 of Title 10A of the Oklahoma Statutes, unless there is
8 created a duplication in numbering.

9 SECTION 266. RECODIFICATION 10 O.S. 2001, Section 7003-
10 8.3, as amended by Section 57 of this act, shall be recodified as
11 Section 1-803 of Title 10A of the Oklahoma Statutes, unless there is
12 created a duplication in numbering.

13 SECTION 267. RECODIFICATION 10 O.S. 2001, Section 7005-
14 1.6, as amended by Section 77 of this act, shall be recodified as
15 Section 1-804 of Title 10A of the Oklahoma Statutes, unless there is
16 created a duplication in numbering.

17 SECTION 268. RECODIFICATION 10 O.S. 2001, Section 7002-
18 2.2, as amended by Section 15 of this act, shall be recodified as
19 Section 1-807 of Title 10A of the Oklahoma Statutes, unless there is
20 created a duplication in numbering.

21 SECTION 269. RECODIFICATION 10 O.S. 2001, Section
22 7105.1, as amended by Section 86 of this act, shall be recodified as
23 Section 900 of Title 10A of the Oklahoma Statutes, unless there is
24 created a duplication in numbering.

1 SECTION 270. RECODIFICATION 10 O.S. 2001, Section 7110,
2 as last amended by Section 91 of this act, shall be recodified as
3 Section 1-901 of Title 10A of the Oklahoma Statutes, unless there is
4 created a duplication in numbering.

5 SECTION 271. RECODIFICATION 10 O.S. 2001, Section
6 7110.1, as last amended by Section 92 of this act, shall be
7 recodified as Section 1-902 of Title 10A of the Oklahoma Statutes,
8 unless there is created a duplication in numbering.

9 SECTION 272. RECODIFICATION 10 O.S. 2001, Section
10 7110.2, as last amended by Section 93 of this act, shall be
11 recodified as Section 1-903 of Title 10A of the Oklahoma Statutes,
12 unless there is created a duplication in numbering.

13 SECTION 273. RECODIFICATION 10 O.S. 2001, Section 7004-
14 1.3, as amended by Section 64 of this act, shall be recodified as
15 Section 1-904 of Title 10A of the Oklahoma Statutes, unless there is
16 created a duplication in numbering.

17 SECTION 274. RECODIFICATION 10 O.S. 2001, Section 7004-
18 1.5, as amended by Section 65 of this act, shall be recodified as
19 Section 1-905 of Title 10A of the Oklahoma Statutes, unless there is
20 created a duplication in numbering.

21 SECTION 275. RECODIFICATION 10 O.S. 2001, Section 7004-
22 1.6, as amended by Section 66 of this act, shall be recodified as
23 Section 1-906 of Title 10A of the Oklahoma Statutes, unless there is
24 created a duplication in numbering.

1 SECTION 276. RECODIFICATION 10 O.S. 2001, Section 7004-
2 1.7, as amended by Section 67 of this act, shall be recodified as
3 Section 1-907 of Title 10A of the Oklahoma Statutes, unless there is
4 created a duplication in numbering.

5 SECTION 277. RECODIFICATION Section 7, Chapter 205,
6 O.S.L. 2006 (10 O.S. Supp. 2008, Section 7004-1.8), as last amended
7 by Section 68 of this act, shall be recodified as Section 1-908 of
8 Title 10A of the Oklahoma Statutes, unless there is created a
9 duplication in numbering.

10 SECTION 278. RECODIFICATION 10 O.S. 2001, Section 7004-
11 2.1, as amended by Section 69 of this act, shall be recodified as
12 Section 1-909 of Title 10A of the Oklahoma Statutes, unless there is
13 created a duplication in numbering.

14 SECTION 279. RECODIFICATION 10 O.S. 2001, Section 7004-
15 3.1, as amended by Section 70 of this act, shall be recodified as
16 Section 1-910 of Title 10A of the Oklahoma Statutes, unless there is
17 created a duplication in numbering.

18 SECTION 280. RECODIFICATION 10 O.S. 2001, Section 7004-
19 3.4, as last amended by Section 72 of this act, shall be recodified
20 as Section 1-911 of Title 10A of the Oklahoma Statutes, unless there
21 is created a duplication in numbering.

22 SECTION 281. RECODIFICATION 10 O.S. 2001, Section 7004-
23 3.5, as amended by Section 73 of this act, shall be recodified as
24

1 Section 1-912 of Title 10A of the Oklahoma Statutes, unless there is
2 created a duplication in numbering.

3 SECTION 282. RECODIFICATION 10 O.S. 2001, Section 7210,
4 as amended by Section 106 of this act, shall be recodified as
5 Section 1-913 of Title 10A of the Oklahoma Statutes, unless there is
6 created a duplication in numbering.

7 SECTION 283. RECODIFICATION 10 O.S. 2001, Section 7211,
8 as amended by Section 107 of this act, shall be recodified as
9 Section 1-914 of Title 10A of the Oklahoma Statutes, unless there is
10 created a duplication in numbering.

11 SECTION 284. RECODIFICATION 10 O.S. 2001, Section 7212,
12 as amended by Section 108 of this act, shall be recodified as
13 Section 1-915 of Title 10A of the Oklahoma Statutes, unless there is
14 created a duplication in numbering.

15 SECTION 285. RECODIFICATION 10 O.S. 2001, Section
16 7204.1, as amended by Section 99 of this act, shall be recodified as
17 Section 1-916 of Title 10A of the Oklahoma Statutes, unless there is
18 created a duplication in numbering.

19 SECTION 286. RECODIFICATION 10 O.S. 2001, Section 7206,
20 as last amended by Section 101 of this act, shall be recodified as
21 Section 1-917 of Title 10A of the Oklahoma Statutes, unless there is
22 created a duplication in numbering.

23 SECTION 287. RECODIFICATION 10 O.S. 2001, Section
24 7206.1, as amended by Section 102 of this act, shall be recodified

1 as Section 1-918 of Title 10A of the Oklahoma Statutes, unless there
2 is created a duplication in numbering.

3 SECTION 288. RECODIFICATION 10 O.S. 2001, Section 7213,
4 as amended by Section 109 of this act, shall be recodified as
5 Section 1-919 of Title 10A of the Oklahoma Statutes, unless there is
6 created a duplication in numbering.

7 SECTION 289. RECODIFICATION 10 O.S. 2001, Section 7220,
8 as amended by Section 112 of this act, shall be recodified as
9 Section 1-920 of Title 10A of the Oklahoma Statutes, unless there is
10 created a duplication in numbering.

11 SECTION 290. RECODIFICATION 10 O.S. 2001, Section 7003-
12 5.6, as last amended by Section 42 of this act, shall be recodified
13 as Section 1-921 of Title 10A of the Oklahoma Statutes, unless there
14 is created a duplication in numbering.

15 SECTION 291. This act shall become effective November 1, 2009.

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