

1 STATE OF OKLAHOMA

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

3 SENATE BILL 339

By: Anderson

4
5
6 AS INTRODUCED

7 An Act relating to children; amending 10 O.S. 2001,
8 Sections 7003-2.4, as last amended by Section 2,
9 Chapter 293, O.S.L. 2008, 7003-5.3, as last amended by
10 Section 2, Chapter 258, O.S.L. 2006, 7003-5.5, as
11 amended by Section 3, Chapter 258, O.S.L. 2006, 7003-
12 5.6, as last amended by Section 2, Chapter 196, O.S.L.
13 2007, 7003-5.6d, as last amended by Section 3, Chapter
14 196, O.S.L. 2007 and 7204 (10 O.S. Supp. 2008,
15 Sections 7003-2.4, 7003-5.3, 7003-5.5, 7003-5.6 and
16 7003-5.6d), which relate to child placement; requiring
17 courts to make certain determinations at specified
18 hearings; directing courts to require completion of
19 certain affidavit; requiring the Office of the Court
20 Administrator to create certain form; directing the
21 Department of Human Services to identify relatives of
22 children in specified circumstances; requiring certain
23 notification; directing the Commission for Human
24 Services to promulgate certain rules; requiring
individual treatment and service plans to include a
plan to ensure the educational stability of a child;
clarifying language; requiring the Department of Human
Services and the Office of Juvenile Affairs to assure
that certain children are receiving appropriate
education; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7003-2.4, as
2 last amended by Section 2, Chapter 293, O.S.L. 2008 (10 O.S. Supp.
3 2008, Section 7003-2.4), is amended to read as follows:

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

8 2. The written notice shall:

- 9 a. inform the parents, legal guardian, or custodian that
10 the child has been removed from the home,
- 11 b. inform the parent, legal guardian, or custodian of the
12 child that an emergency custody hearing to determine
13 custody of the child will occur within two (2) judicial
14 days from the date the child was removed from the home,
15 and
- 16 c. contain information about the:
 - 17 (1) emergency custody hearing process including, but
18 not limited to, the date, time and place that the
19 child was taken into protective or emergency
20 custody,
 - 21 (2) nature of the allegation that led to placement of
22 the child into protective or emergency custody,
 - 23 (3) address and telephone number of the local and
24 county law enforcement agencies,

- 1 (4) phone number of the local child welfare office of
2 the Department of Human Services, and
3 (5) right of the parent, legal guardian or custodian
4 to contact an attorney.

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

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

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

- 22 a. any right of the parent or legal guardian or custodian
23 to testify and present evidence at court hearings,
24

- 1 b. the right to be represented by an attorney at court
2 hearings as authorized by law,
3 c. the consequences of failure to attend any hearings
4 which may be held, and
5 d. the right to appeal and the procedure for appealing the
6 finding of a court on custody issues as authorized by
7 law.

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

- 9 (1) release the child to the child's parent, legal
10 guardian or custodian or other responsible adult
11 without conditions or under such conditions as the
12 court finds reasonably necessary to ensure the
13 health, safety or welfare of the child, or
14 (2) continue the child in or place the child into
15 emergency custody if continuation of the child in
16 the child's home is contrary to the health, safety
17 or welfare of the child,
18 (3) obtain information from the parent, legal guardian
19 or custodian necessary to identify and locate
20 kinship placement resources. If such information
21 indicates that within one (1) year of the
22 emergency custody hearing the child had resided
23 with a grandparent for six (6) months, and that
24 such grandparent was the primary caregiver and

1 provided primary financial support for the child
2 during such time, the court shall provide notice
3 and an opportunity to be heard at future hearings
4 to such grandparent, and

5 (4) require the Department to provide to any custodian
6 or other person caring for the child information
7 on Department of Human Services programs and
8 services available to the child and provide
9 written notice of any further proceedings to any
10 foster or preadoptive parents or relatives
11 providing care for a child, and

12 (5) in accordance with the safety or well-being of any
13 child, determine whether reasonable efforts have
14 been made to:

15 (a) place siblings, who have been removed,
16 together in the same foster care,
17 guardianship or adoptive placement, and

18 (b) provide for frequent visitation or other
19 ongoing interaction in the case of siblings
20 who have been removed and who are not placed
21 together.

22 b. If a child has been removed from the custodial parent
23 of the child and the court, in the best interests of
24 the child, is unable to release the child to the

1 custodial parent, the court shall give priority for
2 placement of the child with the noncustodial parent of
3 the child unless such placement would not be in the
4 child's best interests. If the court cannot place the
5 child with the noncustodial parent, custody shall be
6 consistent with the provisions of Section 21.1 of this
7 title. If custody of the child cannot be made pursuant
8 to the provisions of Section 21.1 of this title, the
9 reason for such determination shall be documented in
10 the court record.

11 C. The court shall order the parent, legal guardian, or
12 custodian to complete an affidavit listing the names, addresses and
13 phone numbers of any parent, whether known or alleged, grandparent,
14 aunt, uncle, brother, sister, half-sibling and first cousin of the
15 child and any comments concerning the appropriateness of the child's
16 potential placement with such relative. If none exist, the court
17 shall further require the parents, legal guardian or custodian to
18 list any other relatives or persons with whom the child has had a
19 substantial relationship or who may be a suitable placement for the
20 child.

21 D. The Office of the Court Administrator shall create an
22 affidavit form and make it available to each court responsible for
23 conducting emergency custody hearings. The affidavit form shall
24 contain a notice to the parent, legal guardian or custodian that

1 failure to identify a parent or relative in a timely manner may
2 result in the child being permanently placed outside of the home of
3 the child's parent or relative. The affidavit form shall also advise
4 the parent, legal guardian or custodian of the penalties associated
5 with perjury and contempt of court. The original completed affidavit
6 shall be filed with the court clerk no later than five (5) days after
7 the hearing or as otherwise directed by the court, and a copy shall
8 be provided to the Department.

9 E. The Department shall, within thirty (30) days of a child's
10 removal, exercise due diligence to identify relatives. Notice shall
11 be provided by the Department to all grandparents and to such other
12 relatives as the court directs. The notice shall advise the
13 relatives:

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

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

19 3. Of the requirements to become a foster family home and the
20 additional services and supports available for children placed in
21 such a home.

22 Relatives shall not be notified if such notification would not be
23 in the best interests of a child due to past or current family or
24

1 domestic violence. The Commission for Human Services may promulgate
2 rules in furtherance of the provisions of this section.

3 F. If it is determined by agreement of the office of the
4 district attorney and the Department of Human Services that a child
5 may be safely returned home prior to an emergency custody hearing,
6 the following form or a substantially similar form shall be completed
7 by the office of the district attorney and the Department and filed
8 of record:

9 IN THE DISTRICT COURT OF _____ COUNTY

10 STATE OF OKLAHOMA

11 IN THE MATTER OF:

12 _____

13 ALLEGED DEPRIVED CHILD (REN)

14 MEMORANDUM

15 CHILD WELFARE WORKER:

16 ASSISTANT DISTRICT ATTORNEY:

17 ___ INVESTIGATION REVEALED ALLEGATIONS NOT CONFIRMED

18 ___ SERVICES WERE OFFERED AND ACCEPTED

19 ___ PARENT/CARETAKER HAS TAKEN APPROPRIATE STEPS TO

20 PROTECT CHILD FROM HARM

21 ___ OTHER:

22 NOTES:

23 CHILD (REN) RELEASED TO:

24 _____

ASSISTANT DISTRICT ATTORNEY

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

DHS CHILD WELFARE WORKER.

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

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

E. H. If a petition is filed within the time period specified in subsection D G of this section, the emergency custody order shall

1 remain in force and effect for not longer than sixty (60) days,
2 except as otherwise provided by this subsection.

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

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

10 2. The parent, legal guardian or custodian of the child, the
11 child's attorney, the district attorney and guardian ad litem if
12 appointed shall be given prior adequate notice of the date, time,
13 place and purpose of any hearing by the court.

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

16 ~~H.~~ K. 1. An order of the court providing for the removal of a
17 child alleged to be deprived from the home of such child shall not be
18 entered unless the court makes a determination:

19 a. that continuation of the child in the child's home is
20 contrary to the health, safety or welfare of the child,
21 and

22 b. as to whether or not reasonable efforts were made to
23 prevent the need for the removal of the child from the
24 child's home, or

1 c. as to whether or not an absence of efforts to prevent
2 the removal of the child from the child's home is
3 reasonable because the removal is due to an alleged
4 emergency and is for the purpose of providing for the
5 health, safety or welfare of the child, or

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

12 2. In all proceedings or actions pursuant to this subsection,
13 the child's health, safety or welfare shall be the paramount concern.

14 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7003-5.3, as
15 last amended by Section 2, Chapter 258, O.S.L. 2006 (10 O.S. Supp.
16 2008, Section 7003-5.3), is amended to read as follows:

17 Section 7003-5.3 A. An individual treatment and service plan
18 shall be filed with the court within thirty (30) days after a child
19 has been adjudicated to be deprived.

20 B. The plan shall be filed by the Department of Human Services
21 or the agency responsible for the supervision of the case, or by the
22 Department or the agency or licensed child-placing agency having
23 custody of the child if the child has been removed from the custody
24 of its lawful parent or parents.

1 C. The treatment and service plan shall be based upon a
2 comprehensive assessment and evaluation of the child and family. The
3 plan shall be:

4 1. Developed with the participation or input of the parent,
5 legal guardian, or custodian of the child, the attorney of the child
6 and the guardian ad litem of the child, if any, and, if appropriate,
7 the child;

8 2. Individualized and specific to each child and the family of
9 the child. The plan shall contain specific time frames;

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

15 4. Subject to modification based on changing circumstances
16 consistent with the correction of the conditions that led to the
17 adjudication of the child; and

18 5. Reasonable, accurate, and in compliance with the requirements
19 of other court orders.

20 D. The individual treatment and service plan shall include, but
21 not be limited to:

22 1. A history of the child and family, including identification
23 of the problems leading to the deprived child adjudication. The
24 statement of the conditions leading to the adjudication shall include

1 a statement of the methods to be used to correct those conditions or
2 to achieve permanent placement of the child;

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

12 3. A schedule of the frequency of services or treatment and the
13 means by which delivery of the services or treatment will be assured
14 or, as necessary, the proposed means by which support services or
15 other assistance will be provided to enable the parent or the child
16 to obtain the services or treatment;

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

18 5. If the child is placed outside the home:

19 a. the services to be provided during and after any such
20 placement,

21 b. the reasons for such placement and a statement as to
22 the unavailability or inappropriateness of local
23 placement, or other good cause, for any placement which
24

1 is not in as close proximity as possible to the home of
2 the child,

3 c. the services to be provided to the child to ensure safe
4 and proper care while in such placement and the
5 projected date of discharge,

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

14 e. if the child is sixteen (16) years of age or older, the
15 services necessary to make the transition from foster
16 care or other community placement to independent living,

17 f. a description of the type of safe and proper placement
18 in which the child is to be placed,

19 g. a description of the initial support obligation to the
20 child, as determined by the court,

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

24

1 i. a discussion of the safety and appropriateness of the
2 child's placement, which placement is intended to be in
3 the least restrictive and most family-like setting
4 available, consistent with the best interests and
5 special needs of the child and in as close proximity as
6 possible to the child's home, and

7 j. a plan for ensuring the educational stability of the
8 child while in out-of-home placement, including:

9 (1) assurances that the placement of the child
10 considers the appropriateness of the current
11 educational setting and the proximity to the
12 school in which the child was enrolled at the time
13 of placement, and

14 (2) where appropriate, an assurance that the
15 Department has coordinated with appropriate local
16 educational agencies to ensure that the child
17 remains in the school in which the child was
18 enrolled at the time of placement, or

19 (3) if remaining in the school in which the child was
20 enrolled at the time of placement is not in the
21 best interests of the child, assurances by the
22 Department and the local educational agencies to
23 provide immediate and appropriate enrollment in a
24

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

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

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

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

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

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

- 17 (1) find an adoptive family or other permanent living
18 arrangement for the child,
19 (2) place the child with an adoptive family, a fit and
20 willing kinship relation, a legal guardian,
21 kinship guardian, or in another planned permanent
22 living arrangement, and
23 (3) finalize the adoption or guardianship, kinship
24 guardianship or other permanent placement.

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

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

9 F. The individual treatment and service plan shall include the
10 following statement:

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

17 G. Whenever a child who is subject to the provisions of this
18 section is committed for inpatient mental health or substance abuse
19 treatment pursuant to the Inpatient Mental Health and Substance Abuse
20 Treatment of Minors Act, the individual treatment and service plan
21 shall be amended as necessary and appropriate, including, but not
22 limited to, identification of the treatment and services to be
23 provided to the child and the child's family upon discharge of the
24 child from inpatient mental health or substance abuse treatment.

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

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

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

22 3. May require testing for substance abuse of the mother, father,
23 legal guardian, custodian, stepparent or other adult person living in
24 the home, on a monthly basis for a twelve-month period following

1 completion of the substance abuse program and after return of the
2 child to a safe home. A positive test of any such person shall be
3 presented to the Department of Human Services and the district
4 attorney.

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

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

18 K. In the event that the parent or parents are unwilling to
19 participate in the development or implementation of the individual
20 treatment and service plan, the Department shall document such
21 unwillingness in writing to the parent or parents and shall file the
22 document with the court.

23 L. The parents, any foster parents of the child, the child's
24 attorney and the guardian ad litem of the child, if any, shall be

1 each provided a copy of the treatment and service plan approved by
2 the court.

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

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

13 2. If the court grants a delay, the court shall state why the
14 delay is necessary and shall state the minimum amount of time needed
15 to resolve any such reasons for the delay. The court shall schedule
16 the dispositional hearing at the earliest possible time following the
17 delay.

18 B. If the child is removed from the custody of the child's
19 parent, the court or the Department of Human Services, as applicable,
20 shall immediately consider concurrent permanency planning, so that
21 permanency may occur at the earliest opportunity. Consideration
22 should be given so that if reunification fails or is delayed, the
23 placement made is the best available placement to provide permanency
24 for the child.

1 C. The following kinds of orders of disposition may be made in
2 respect to wards of the court pursuant to a deprived child
3 proceeding:

4 1. a. The court may place the child under supervision by the
5 Department of Human Services in the child's own home,
6 or in the custody of a suitable person elsewhere. If a
7 child has been removed from the custodial parent of the
8 child and the court, in the best interests of the child,
9 is unable to release the child to the custodial parent,
10 the court shall give priority for placement of the
11 child with the noncustodial parent of the child unless
12 such placement would not be in the child's best
13 interests. If the court cannot place the child with
14 the noncustodial parent, custody shall be consistent
15 with the provisions of Section 21.1 of this title. If
16 custody of the child cannot be made pursuant to the
17 provisions of Section 21.1 of this title, the reason
18 for such determination shall be documented in the court
19 record. The court may require the parent or other
20 person to comply with such conditions as the court may
21 require and to give security by bond, with surety or
22 sureties approved by the court, for compliance with
23 such order.

1 b. If it is consistent with the welfare of the child, the
2 child shall be returned to the child's parent, legal
3 guardian or custodian. Provided, that if it appears to
4 the court that the conduct of the parent, legal
5 guardian, custodian, or that a stepparent or other
6 adult person living in the home has contributed to such
7 deprivation, the court may issue a written order
8 specifying conduct to be followed by such parent, legal
9 guardian, custodian, stepparent or other adult person
10 living in the home with respect to such child. The
11 conduct specified shall be such as would reasonably
12 prevent the child from becoming or continuing to be
13 deprived.

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

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

22 3. The court may place the child in the custody of a private
23 institution or agency, including any institution established and
24 operated by the county, authorized to care for children or to place

1 them in family homes. In placing a child in a private institution or
2 agency, the court shall select one that is licensed by the Department
3 or any other state department supervising or licensing private
4 institutions and agencies; or, if such institution or agency is in
5 another state, by the analogous department of that state. Whenever
6 the court shall place a child in any institution or agency, it shall
7 transmit with the order of commitment a summary of its information
8 concerning the child, and such institution or agency shall give to
9 the court such information concerning the child as the court may at
10 any time require.

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

13 5. The court may place the child in the custody of the
14 Department.

15 6. If the child has been placed outside the home, and it appears
16 to the court that the parent, legal guardian, custodian, stepparent,
17 or other adult person living in the home has contributed to the
18 deprivation of the child, the court may order that the parent, legal
19 guardian, custodian, stepparent, or other adult living in the home be
20 made subject to any treatment or placement plan prescribed by the
21 Department or other person or agency receiving custody of the child.

22 7. a. The court may order a child's permanent care and
23 custody transferred to another person, subject to
24 residual parental rights and responsibilities and

1 subject to such orders of the court as deemed necessary
2 for the health, safety or welfare of the child pursuant
3 to the provisions of this paragraph, upon the written
4 consent of both parents of the child or upon the
5 consent of one parent only if:

- 6 (1) the other parent is deceased,
- 7 (2) the other parent has been determined by a court of
8 law to be incompetent or incapacitated,
- 9 (3) the other parent's whereabouts or identity is
10 unknown. This fact shall be attested to by an
11 affidavit of the consenting parent,
- 12 (4) the other parent who is eighteen (18) years of age
13 or older, has signed a statement consenting to the
14 transfer, executed before a notary public,
- 15 (5) the parental rights of the other parent has been
16 terminated,
- 17 (6) the other parent has been or is found by the court
18 of law to be unfit or unable to exercise parental
19 rights and responsibilities for the child based
20 upon situations enumerated in Section 7006-1.1 of
21 this title,
- 22 (7) is or has been subject to the registration
23 requirements of the Oklahoma Sex Offenders
24

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

3 (8) has abandoned the child or is determined by the
4 court to be otherwise unfit to assume custody of
5 the child for any other reason.

6 b. Prior to the entry of an order transferring the
7 permanent care and custody of a child, the court shall
8 receive an investigation and report regarding the
9 background and home of the prospective custodian. Such
10 investigation and report of the prospective custodian
11 shall be made pursuant to the requirements of the
12 Oklahoma Adoption Code. The Department of Human
13 Services shall only be required by the court to make
14 the home study and report as specified by this
15 paragraph in the following circumstances:

16 (1) the Department has previously conducted a home
17 study on the prospective custodian within the past
18 three (3) years, or

19 (2) the child is in the custody or under the legal
20 supervision of the Department.

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

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

- 1 (2) the child marries or is legally emancipated, or
2 (3) the parent who consented to the transfer of the
3 permanent care and custody of the child petitions
4 the court for the recovery of the child and the
5 court finds after evidentiary hearing:
6 (a) the child has been abused or neglected while
7 in the care and custody of the custodian, and
8 (b) it is in the best interests of the child that
9 custody of the child be returned to the
10 parents,
11 (4) the district attorney, attorney for the child, or
12 custodian petitions the court for modification of
13 the order transferring permanent care and custody
14 and the court finds after evidentiary hearing that
15 it is in the best interests of the child for the
16 order to be modified and the custody of the child
17 be given to another person, pursuant to the
18 Oklahoma Guardianship and Conservatorship Act or
19 the Oklahoma Children's Code,
20 (5) the order terminates because of the death or
21 incapacity of the custodian or the death of the
22 child, or
23 (6) the child is adopted.
24

1 d. An order providing for the transfer of the permanent
2 care and custody of a child:

3 (1) shall require that the placement be reviewed
4 within one (1) year after transfer and may require
5 the person to whom custody is transferred to
6 submit any records or reports the court deems
7 necessary for purposes of such review. Such order
8 shall not require the Department to supervise the
9 placement during such period,

10 (2) shall not require periodic reviews by the court
11 thereafter if the parties agree with the assent of
12 the court that such reviews are not necessary to
13 serve the best interests of the child, and

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

20 8. a. When reunification of the family is not recommended or
21 possible, as determined by the court, the court may
22 order a child's permanent care and custody transferred
23 to a kinship guardian subject to residual parental
24 rights and responsibilities and subject to such orders

1 of the court as deemed necessary for the health, safety
2 or welfare of the child. Kinship guardianship shall
3 include, but not be limited to, the following parental
4 responsibilities with respect to a child:

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

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

12 c. The petition for kinship guardianship shall allege
13 that:

- 14 (1) the child is in the legal custody of the
15 Department,
- 16 (2) more than twelve (12) months have passed since the
17 date of the dispositional order placing such child
18 in the legal custody of the Department,
- 19 (3) the parents of the child are presently and for the
20 foreseeable future unable to provide proper and
21 adequate care for the child,
- 22 (4) the prospective kinship guardian consents to the
23 appointment,
- 24

1 (5) the child has resided with the kinship foster
2 parent and there exists a loving and emotional tie
3 between the child and the kinship foster parent,
4 and

5 (6) it would be in the best interests of the child for
6 the petition to be granted.

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

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

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

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

1 h. Upon the entry of an order providing for the transfer
2 of the permanent care and custody of a child to a
3 kinship guardian, the order shall remain in full force
4 and effect until:

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

6 (2) the child is married or legally emancipated,

7 (3) the court finds after evidentiary hearing:

8 (a) the child has been abused or neglected while
9 in the care and custody of the kinship
10 guardian, and

11 (b) it is in the best interests of the child that
12 custody of the child be returned to the
13 parents,

14 (4) the district attorney, an attorney for the child,
15 or the kinship guardian petitions the court for
16 modification of the order transferring permanent
17 care and custody to a kinship guardian and the
18 court finds after evidentiary hearing that it is
19 in the best interests of the child for the order
20 to be modified and the custody of the child be
21 given to another person, pursuant to the Oklahoma
22 Guardianship and Conservatorship Act or the
23 Oklahoma Children's Code,
24

1 (5) the order terminates because of the death or
2 incapacity of the kinship guardian or the death of
3 the child, or

4 (6) the child is adopted.

5 i. An order appointing a kinship guardian shall:

6 (1) require that the placement be reviewed within one
7 (1) year after transfer and may require the
8 kinship guardian to whom custody is transferred to
9 submit any records or reports the court deems
10 necessary for purposes of such review. Such order
11 shall not require the Department to supervise the
12 placement during such period,

13 (2) not require periodic reviews by the court
14 thereafter if the parties agree with the assent of
15 the court that such reviews are not necessary to
16 serve the best interests of the child, unless
17 periodic reviews are otherwise required by the
18 court, and

19 (3) unless periodic reviews are required, the court
20 may close the case, provided the order
21 transferring permanent care and custody to a
22 kinship guardian shall remain in full force and
23 effect subject to the provisions of this
24 subparagraph.

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

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

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

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

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

21 b. reasonable efforts to reunite the family are not
22 feasible, and reasonable efforts are being made to
23 secure an alternate permanent placement for the child.

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

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

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

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

20 2. Prior to final disposition, the court shall require that it
21 be shown by the appropriate school district that a child found to be
22 truant has been evaluated for literacy, learning disabilities, mental
23 retardation, and hearing and visual impairments and other impediments
24 which could constitute an educational handicap. The results of such

1 tests shall be made available to the court for use by the court in
2 determining the disposition of the case.

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

8 4. A deprived adjudication based solely upon repeated absence
9 from school shall not constitute a ground for termination of parental
10 rights.

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

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

18 1. Place siblings, who have been removed, together in the same
19 foster care, guardianship or adoptive placement; and

20 2. Provide for frequent visitation or other ongoing interaction
21 in the case of siblings who have been removed and who are not placed
22 together.

23 J. 1. If reasonable efforts are required for the return of the
24 child to the child's home, the court shall allow the parent of the

1 child not less than three (3) months to correct conditions which led
2 to the adjudication of the child as a deprived child prior to
3 terminating the parental rights of the parent pursuant to the
4 provisions of Section 7006-1.1 of this title.

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

7 3. If the court terminates the rights of a parent and places the
8 child with an individual or agency, the court may invest in such
9 individual or agency authority to consent to the adoption of the
10 child. Provided, that where the court places the child with the
11 Department, it shall vest the Department with authority to place the
12 child and, upon notice to the court that an adoption petition has
13 been filed concerning such child, invest the Department with
14 authority to consent to the adoption of the child, and the
15 jurisdiction of the committing court shall terminate upon final
16 decree of adoption.

17 ~~F.~~ K. 1. When the juvenile court assumes jurisdiction over a
18 child pursuant to Article III of this Code, an order concerning child
19 support or the legal custody of the child that has been previously
20 entered in any other administrative or district court proceeding
21 shall be subject to modification by the juvenile court during the
22 pendency of the deprived action. When the juvenile court terminates
23 its jurisdiction over the child in the deprived action, the most
24 recent order which determines child support or awards legal custody

1 of the child to a parent or other person shall remain in full force
2 and effect and shall control over any prior custody or child support
3 order entered in an administrative or district court 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 clerk
12 of the juvenile court shall transmit the surviving order to the clerk
13 of the district court of the county where the order is to be filed
14 along with the names and last-known addresses of the parents of the
15 child. The clerk of the district court shall immediately upon
16 receipt open a file without a filing fee, assign a new case number
17 and, when applicable, file the order and send by first-class mail a
18 copy of the order with the new or prior existing case number back to
19 the juvenile court and to the parents of the child at their last-
20 known address. The order shall not be confidential and may be
21 enforced or modified after being docketed and filed in the prior
22 existing or new administrative or district court action.

23

24

1 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7003-5.6, as
2 last amended by Section 2, Chapter 196, O.S.L. 2007 (10 O.S. Supp.
3 2008, Section 7003-5.6), is amended to read as follows:

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

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

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

19 3. The court otherwise terminates jurisdiction.

20 B. The provisions of this section shall also apply to a child
21 who has been removed from the home of the parent or parents, legal
22 guardian or custodian of the child after the child has been returned
23 to that home.

24

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

5 D. In addition to the parties, adequate prior written notice of
6 review hearings shall be provided by the Department pursuant to rules
7 promulgated by the Commission for Human Services to the current
8 foster parents, preadoptive parent, or relative providing care for
9 the child. A right to be heard at such hearings shall be provided by
10 the court to the current foster parent of a child, the child's
11 guardian ad litem, and to any preadoptive parent or relative
12 providing care for the child. Such notice and right to be heard
13 shall not be construed as requiring any foster parent, preadoptive
14 parent or relative to be made a party to such deprived proceedings if
15 not currently a party to the action.

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

21 F. At each review hearing the court shall:

22 1. Determine whether:

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

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

3 (1) have complied with, performed, and completed the
4 terms and conditions of the individual treatment
5 and service plan which are essential and
6 fundamental to the health, safety or welfare of
7 the child as determined by the court,

8 (2) have corrected those conditions which caused the
9 child to be adjudicated and which the court
10 determines to be essential and fundamental to the
11 health, safety or welfare of the child,

12 (3) have made marked progress towards reunification
13 with the child, and

14 (4) have maintained a close and positive relationship
15 with the child,

16 b. the child should continue in out-of-home placement for
17 a specified period. The court shall project a likely
18 date by which the child may be:

19 (1) returned to and safely maintained in the home,

20 (2) placed with a willing and suitable guardian or
21 custodian, or

22 (3) placed for adoption, or other permanent
23 arrangement,
24

- 1 c. the rights of the parent of the child should be
2 terminated and the child placed for adoption, placed
3 with a guardian or custodian, or provided with another
4 permanent arrangement, or
5 d. the child, because of exceptional circumstances, should
6 remain in long-term out-of-home placement as a
7 permanent plan or with a goal of independent living;

8 2. Consider in-state and out-of-state placement options for the
9 child;

10 3. Make a determination as to whether:

- 11 a. reasonable efforts have been made to provide for the
12 safe return of the child to the child's own home. In
13 determining reasonable efforts, the child's health,
14 safety or welfare shall be the paramount concern. If
15 the court determines or has previously determined that
16 reasonable efforts are not required, pursuant to the
17 provisions of Section 7003-4.6 of this title, or that
18 continuation of reasonable efforts to reunite the child
19 with the child's family is inconsistent with the
20 permanency plan for the child, the court shall
21 determine if reasonable efforts are being made to place
22 the child in a timely manner in accordance with the
23 permanency plan and to complete steps necessary to
24 finalize permanent placement for the child, ~~and~~

1 b. where appropriate, when the child is sixteen (16) years
2 of age or older, services are being provided that will
3 assist the child in making the transition from foster
4 care to independent living, and shall also inquire, or
5 cause inquiry to be made of the child, regarding any
6 proposed independent living plan,

7 c. in accordance with the safety or well-being of any
8 child, reasonable efforts have been made to:

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

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

15 d. during the ninety-day period immediately prior to the
16 date on which the child in the Department's custody
17 will attain eighteen (18) years of age, the Department,
18 and, as appropriate, other representatives of the child,
19 is providing the child with assistance and support in
20 developing an appropriate transition plan that is
21 personalized at the direction of the child, that
22 includes specific options on housing, health insurance,
23 education, local opportunities for mentors and
24 continuing support services and workforce supports and

1 employment services, and that is as detailed as the
2 child may elect;

3 4. Determine the safety of the child and consider fully all
4 relevant prior and current information including, but not limited to,
5 the report or reports submitted pursuant to Sections 7208 and 7003-
6 5.6a of this title;

7 5. Inquire as to the nature and extent of services being
8 provided the child and parent or parents of the child and shall
9 direct that additional services be provided if necessary to ensure
10 the safety of the child and to protect the child from further
11 physical, mental, or emotional harm, or to correct the conditions
12 that led to the adjudication; and

13 6. Order such modification to the existing individual treatment
14 and service plan as the court determines to be in the best interests
15 of the child and necessary for the correction of the conditions that
16 led to the adjudication of the child.

17 SECTION 5. AMENDATORY 10 O.S. 2001, Section 7003-5.6d, as
18 last amended by Section 3, Chapter 196, O.S.L. 2007 (10 O.S. Supp.
19 2008, Section 7003-5.6d), is amended to read as follows:

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

- 22 a. six (6) months after placing the child in out-of-home
23 placement and every six (6) months thereafter, and
24

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

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

7 a. the adjudication date, or

8 b. the date that is sixty (60) days after the date on
9 which the child is removed from the home.

10 B. A permanency hearing may be held concurrently with a
11 dispositional or review hearing. All permanency decisions must be in
12 writing and in accordance with the health, safety or welfare of the
13 child and the long-term best interests of the child. In the case of
14 a child who will not be returned to the parent, the hearing shall
15 consider in-state and out-of-state permanent placement 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 current
19 foster parents and to any preadoptive parent or relative providing
20 care for the child. A right to be heard at such hearing shall be
21 provided by the court to the current foster parents of a child, the
22 child's guardian ad litem, and to any preadoptive parent or relative
23 providing care for the child. Such notice and right to be heard
24

1 shall not be construed as requiring any foster parent, preadoptive
2 parent or relative to be made a party to such action.

3 D. At the hearing, the court shall determine the most suitable
4 permanency plan based on the child's need for a permanent placement
5 as indicated by the recommended permanency plan or other evidence
6 submitted and shall also, in an age-appropriate manner, inquire or
7 cause inquiry to be made of the child regarding the proposed
8 permanency plan and if the child is age sixteen (16) or older, the
9 independent living plan. The court shall determine whether:

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

16 a. the parent, legal guardian or custodian has made marked
17 progress towards reunification with the child, and has
18 maintained a close and positive relationship with the
19 child, and

20 b. the parties have complied with, performed and completed
21 those terms and conditions of the court-ordered
22 individual treatment and service plan and have
23 corrected those conditions which caused the child to be
24

1 adjudicated which are essential and fundamental to the
2 health, safety and welfare of the child;

3 2. A plan for the guardianship or kinship guardianship of the
4 child should be approved;

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

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

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

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

- 17 a. place siblings, who have been removed, together in the
18 same foster care, guardianship or adoptive placement,
19 and
20 b. provide for frequent visitation or other ongoing
21 interaction in the case of siblings who have been
22 removed and who are not placed together.

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

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

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

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

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

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

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

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

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

22 6. Assist the staff of all child-placing agencies, foster
23 parents and foster families by advising them on methods and
24

1 procedures relating to child care, parental substitute authority,
2 behavioral management techniques, and improvement of services;

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

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

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

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

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

24

1 12. Provide for collection, through assignment, attachment,
2 garnishment, liens, or other legal process, of the cost for out-of-
3 home placement services provided through the state agency from the
4 parents, guardian, or other person responsible for the care and
5 support of a child in the custody of the state agency;

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

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

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

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

23
24

1 17. Assure that each child who has attained the minimum age for
2 compulsory school attendance and who is eligible for Title IV-E
3 foster care payment is:

4 a. enrolled in an institution which provides elementary or
5 secondary education as determined under the law of the
6 state or other jurisdiction in which the institution is
7 located,

8 b. instructed in elementary or secondary education at home
9 as authorized by laws governing home schooling or other
10 jurisdiction in which the home is located,

11 c. in an independent study elementary or secondary
12 education program in accordance with the law of the
13 state or other jurisdiction in which the program is
14 located which is administered by the local school or
15 school district, or

16 d. incapable of attending school on a full-time basis due
17 to a documented medical condition supported by regular
18 updates; and

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

21 C. The Department of Human Services and the ~~Department of~~
22 ~~Juvenile Justice~~ Office of Juvenile Affairs shall not be liable for
23 any costs or expenses expended voluntarily by a foster parent for a
24

1 foster child which are in excess of the funds authorized for
2 providing foster care services to the foster child.

3 SECTION 7. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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