

BILL SUMMARY

MEASURE: PCS for HB 1734

AUTHOR: Representative Peters

SUBJECT: Department of Human Services Audit Recommendations

PROVISIONS: **Section 1.** Amendatory. Provides that the term “child care facility,” as used in the Oklahoma Child Care Facilities Licensing Act, does not include those facilities operated by DHS and licensed by the Oklahoma Commission on Children and Youth (OCCY.)

Section 2. Amendatory. Requires child care facilities operated by DHS to be licensed by OCCY.

Section 3. Amendatory. Authorizes OCCY to establish a system to license child care facilities operated by DHS.

Section 4. Amendatory. Modifies definitions used in the Oklahoma Children’s Code. Defines “risk” as the likelihood that there will be a subsequent incident of child abuse or neglect and defines “safety” to mean the threat of serious harm to a child by abuse or neglect in the very near future.

Section 5. Amendatory. Modifies the conditions under which DHS is responsible for further investigation after making a referral to law enforcement and deletes the requirement that law enforcement provide to the department a written statement explaining why a criminal investigation was not conducted.

Section 6. Amendatory. Requires a peace officer to consult with the department prior to taking a child into protective custody without a court order and provides that a child only be removed from the home when there is an imminent safety threat to the child. Requires DHS to seek court supervised in-home placement of a child who may be at risk of abuse or neglect in the future, but for whom there is not an imminent safety threat. Directs the department to use a safety assessment protocol and risk assessment protocol when conducting an assessment or investigation of an abuse or neglect allegation.

Section 7. Amendatory. Requires the department to establish a Passport Program for children in the custody of the department that includes readily-accessible information about the child’s health, behavioral health and educational history.

Section 8. Amendatory. Requires a showing of good cause before delaying a dispositional hearing and specifies procedures for such hearings.

Section 9. New Law. Outlines the types of dispositional orders that may be made in response to a deprived child proceeding.

Section 10. Amendatory. Provides that the department shall attempt to place a child who is in the department's custody in a group home prior to placing the child in a shelter.

Section 11. Amendatory. Clarifies provisions related to planning and evaluation of the department's programs for children and youth.

Section 12. Amendatory. Requires the department to implement a plan to phase out the use of shelters for children taken into custody and, as an alternative, utilize kinship and emergency foster homes.

Section 13. Amendatory. Directs the department to establish a statewide hotline for the reporting of child abuse and neglect; requires DHS to provide training for employees who will staff the hotline and provides that all reports of abuse or neglect be made via the hotline.

Section 14. Amendatory. Requires the department to visit with a foster child privately at least one time per quarter.

Section 15. New Law. Directs DHS to implement a reorganization plan of the Oklahoma and Tulsa county offices.

Section 16. New Law. Directs the department to establish a formal curriculum of training for workers on the use of safety assessment and risk assessment protocol, training on core job skill requirements and job-specific training.

Section 17. New Law. Requires the department to conduct an area-level needs assessment to determine the needs of children and families within each area and to allocate funding for services based on the results of the assessment.

Section 18. New Law. Directs DHS to transfer the SWIFT adoption program to the Field Operations Division to maximize efficiency and to consolidate all home-based licensing requirements.

Section 19. New Law. Directs the department to contract with the district attorney's office in each county to represent the department in deprived proceedings.

Section 20. New Law. Establishes the Children's Services Oversight Committee to oversee the implementation of recommendations made pursuant to the audit of the department.

Section 21. New Law. Requires DHS to provide a biannual status report to the Children's Services Oversight Committee regarding the implementation of the recommendations.

Section 22. Effective date: November 1, 2009.

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DATE: March 2, 2009