

1 ENGROSSED SENATE
2 BILL NO. 1183

By: Burrage of the Senate

3 and

4 Nollan of the House

5
6 [motor vehicle reports - obtaining records for DHS -
7 emergency]

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9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 10 O.S. 2011, Section 7505-5.3, is
12 amended to read as follows:

13 Section 7505-5.3. A. A home study satisfying Section 7505-5.1
14 or 7505-5.2 of this title must include at a minimum the following:

15 1. An appropriate inquiry to determine whether the proposed
16 home is a suitable one for the minor; and any other circumstances
17 and conditions which may have a bearing on the adoption and of which
18 the court should have knowledge; and in this entire matter of
19 investigation, the court is specifically authorized to exercise
20 judicial knowledge and discretion;

21 2. Documentation of at least one individual interview with each
22 parent, each school-age child and any other household member, one
23 joint interview, a home visit, and three written references;

24

1 3. Verification that the home is a healthy, safe environment in
2 which to raise a minor, as well as verification of marital status,
3 employment, income, access to medical care, physical health and
4 history; and

5 4. A review of a criminal background check and a child abuse
6 and neglect information system check.

7 a. A background check shall be required for adoptive
8 parents and all other household members eighteen (18)
9 years of age and older, consisting of a review of a
10 national fingerprint-based criminal background check,
11 a search of the Department of Corrections' files
12 maintained pursuant to the Sex Offenders Registration
13 Act, and a search of the child abuse and neglect
14 information system maintained for review by authorized
15 entities by the Department of Human Services.

16 b. A Department of Public Safety Motor Vehicle Report
17 shall be required for adoptive parents and all other
18 adult household members when the child to be adopted
19 is in the legal custody of the Department of Human
20 Services.

21 c. For each adoptive parent or other household member
22 eighteen (18) years of age or older who has not
23 maintained continuous residency in the state for five
24 (5) years prior to the home study or home study

1 update, a child abuse registry check shall be required
2 from every other state in which the prospective
3 adoptive parent or other adult household member has
4 resided during such five-year period.

5 ~~e.~~

6 d. Each prospective adoptive parent or other household
7 member eighteen (18) years of age or older shall be
8 required to cooperate with the requirements of the
9 Department of Human Services and the Oklahoma State
10 Bureau of Investigation with regard to the criminal
11 background check and child abuse check, including but
12 not limited to signing a release of information
13 allowing the release of the results of any search to
14 the agency or person conducting the home study or home
15 study update.

16 ~~d.~~

17 e. Upon completion of the criminal record checks and
18 child abuse and neglect checks, the Department of
19 Human Services and the Oklahoma State Bureau of
20 Investigation shall forward all information obtained
21 to the agency or other person authorized in Section
22 7505-5.4 of this title to conduct home study
23 investigations who has requested the background
24 searches.

1 B. A home study which is being updated or brought current in
2 accordance with subsection A of Section 7505-5.1 of this title shall
3 document appropriate inquiry into changes in the family situation
4 since the last home study, a home visit, at least one joint
5 interview, information on any children added to the family,
6 experiences, if any, of the adoptive parents as parents since the
7 last study, verification of current physical health, and three
8 current letters of reference.

9 C. An updated home study as described in subsection B of this
10 section shall include a review of criminal background checks and
11 child abuse and neglect checks as described in subsection A of this
12 section. However, when a national fingerprint background check has
13 been done within the five (5) years previous to the completion of
14 the updated home study and the results are available for review by
15 the home study investigator, then a name-based search of the records
16 of the Oklahoma State Bureau of Investigation on the adoptive
17 parents and other household residents over the age of eighteen (18)
18 for whom the fingerprint background check has been performed shall
19 satisfy the requirements for a criminal background check for
20 purposes of a home study update.

21 D. 1. A preplacement home study or update which is being used
22 solely for purposes of international adoption shall not require a
23 national fingerprint-based criminal background search in addition to
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1 the one required by the United States Immigration and Naturalization
2 Service.

3 2. Such an international home study shall contain a review of a
4 state criminal background check, a search of the Department of
5 Corrections' files maintained pursuant to the Sex Offenders
6 Registration Act, and a search of the child abuse and neglect
7 information system maintained for review by authorized entities by
8 the Department of Human Services.

9 3. An international home study or home study update as
10 described in this section must include a statement that the home
11 study recommendation is for international adoption purposes only and
12 may not be used as the basis for a domestic adoption without the
13 addition of a review of the results of a national fingerprint-based
14 criminal background search if such would be required by subparagraph
15 ~~b~~ c of paragraph 4 of subsection A of this section.

16 E. The report of such home study or home study update shall
17 become a part of the files in the case and shall contain a definite
18 recommendation for or against the proposed adoption and the reasons
19 therefor.

20 F. Following issuance of an interlocutory decree of adoption,
21 or if the interlocutory decree is waived, prior to issuance of a
22 final decree, the investigator conducting the home study or another
23 investigator who meets the qualifications specified in Section 7505-
24 5.4 of this title, shall observe the minor in the proposed adoptive

1 home and report in writing to the court on any circumstances or
2 conditions which may have a bearing on the granting of a final
3 adoption decree. If the interlocutory decree was not waived, the
4 investigator must certify that the final examination described in
5 this subsection has been made since the granting of the
6 interlocutory order. This supplemental report shall include a
7 determination as to the legal availability or status of the minor
8 for adoption and shall be filed prior to the final decree of
9 adoption.

10 SECTION 2. AMENDATORY 10A O.S. 2011, Section 1-7-111, is
11 amended to read as follows:

12 Section 1-7-111. A. 1. Except as otherwise provided by law,
13 the Department of Human Services or the Office of Juvenile Affairs
14 shall not place a child in a foster home prior to completion of:

15 a. a foster parent eligibility assessment on the foster
16 parent applicant,

17 b. a national criminal history records search based upon
18 submission of fingerprints for any adult residing in
19 the home, as required by the Oklahoma Child Care
20 Facilities Licensing Act and the Oklahoma Children's
21 Code, and

22 c. a Motor Vehicle Report obtained from the Department of
23 Public Safety regarding each adult residing in the
24 home, and

1 d. a check of any child abuse registry maintained by a
2 state in which the prospective foster parent or any
3 adult living in the home of the prospective foster
4 parent has resided in the preceding five (5) years.

5 Provided, however, the state agencies may place a child in the home
6 of a foster parent, pending completion of the national criminal
7 history records search, if the foster parent and every adult
8 residing in the home of the foster parent have resided in this state
9 for at least five (5) years immediately preceding placement. The
10 director of such state agency or designee may authorize an exception
11 to the fingerprinting requirement for any person residing in the
12 home who has a severe physical condition which precludes such person
13 from being fingerprinted.

14 2. a. The Department shall be the lead agency for
15 disseminating fingerprint cards to courts and child-
16 placing agencies for obtaining and requesting a
17 national criminal history records search based upon
18 submission of fingerprints from the Oklahoma State
19 Bureau of Investigation. The Office of Juvenile
20 Affairs may directly request national criminal history
21 records searches as defined by Section 150.9 of Title
22 74 of the Oklahoma Statutes from the Oklahoma State
23 Bureau of Investigation for the purpose of obtaining
24 the national criminal history of any individual for

1 which such a search is required pursuant to this
2 section.

3 b. Courts and child-placing agencies may request the
4 Department to obtain from the Oklahoma State Bureau of
5 Investigation a national criminal history records
6 search based upon submission of fingerprints for
7 foster parents and other persons requiring such search
8 pursuant to the Oklahoma Child Care Facilities
9 Licensing Act and the Oklahoma Children's Code. Any
10 fees charged by the Oklahoma State Bureau of
11 Investigation or the Federal Bureau of Investigation
12 for such searches shall be paid by the requesting
13 entity.

14 c. Either the Department or the Office of Juvenile
15 Affairs, whichever is applicable, shall contract with
16 the Oklahoma State Bureau of Investigation to obtain
17 national criminal history records searches based upon
18 submission of fingerprints.

19 B. A child-placing agency shall not place a child who is in the
20 custody of the agency in a foster home until completion of a foster
21 parent eligibility assessment and a national criminal history
22 records search based upon submission of fingerprints has been
23 completed for each individual residing in the home in which the
24 child will be placed, as required pursuant to the Oklahoma Child

1 Care Facilities Licensing Act or the Oklahoma Children's Code, and a
2 check of any child abuse registry maintained by a state in which the
3 prospective foster parent or any adult living in the home of the
4 prospective foster parent has resided in the past five (5) years;
5 provided, however, the child-placing agency may place a child in a
6 foster family home pending completion of the national criminal
7 history records search if the foster parent and every adult residing
8 in the home have resided in this state for at least five (5) years
9 immediately preceding the placement.

10 C. 1. Whenever a court awards custody of a child to an
11 individual or a child-placing agency other than the Department or
12 the Office of Juvenile Affairs, for placement of the child, the
13 court shall:

14 a. require that when custody is placed with an
15 individual, a foster family eligibility assessment be
16 conducted for the foster parents prior to placement of
17 the child, and

18 b. require that if custody is awarded to a child-placing
19 agency, a foster family eligibility assessment be
20 conducted as required by the Oklahoma Child Care
21 Facilities Licensing Act.

22 2. A child-placing agency other than the Department or the
23 Office of Juvenile Affairs shall, within thirty (30) days of
24 placement, provide for an assessment of the child for the purpose of

1 establishing an appropriate individualized service plan for the
2 child. The court shall require the individualized service plan to
3 be completed in substantially the same form and with the same
4 content as required by the Oklahoma Children's Code for a deprived
5 child or as required by the Oklahoma Juvenile Code for a delinquent
6 child or a child in need of 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. When the court awards custody of a child to an individual or
15 a child-placing agency as provided by this section, the individual
16 or child-placing agency shall be responsible for the completion of
17 and costs of the national criminal history records search based upon
18 submission of fingerprints, the foster parent eligibility
19 assessment, the preparation of an individualized service plan, and
20 the medical examination required by this section.

21 SECTION 3. AMENDATORY 47 O.S. 2011, Section 2-110, is
22 amended to read as follows:

23 Section 2-110. A. Officers and employees of the Department of
24 Public Safety designated by the Commissioner, for the purpose of

1 administering the motor vehicle laws, are authorized to administer
2 oaths and acknowledge signatures and shall do so without fee.

3 B. The Commissioner and such officers of the Department as the
4 Commissioner may designate are hereby authorized to prepare under
5 the seal of the Department and deliver upon request a certified copy
6 of any record of the Department, charging a fee of Three Dollars
7 (\$3.00) for each record so certified, and every such certified copy
8 shall be admissible in any proceeding in any court in like manner as
9 the original thereof. A certification fee shall be charged:

10 1. Only if the person requesting the record specifically
11 requests that the record be certified; and

12 2. In addition to the copying and reproduction fees provided by
13 the Oklahoma Open Records Act or any other applicable law.

14 C. The Commissioner and any other officers of the Department as
15 the Commissioner may designate are hereby authorized to provide a
16 copy of any record required to be maintained by the Department at no
17 charge to any of the following government agencies when requested in
18 the performance of official governmental duties:

19 1. The driver license agency of any other state;

20 2. Any court, district attorney or municipal prosecutor in this
21 state or any other state;

22 3. Any law enforcement agency in this state or any other state
23 or any federal agency empowered by law to make arrests for public
24 offenses;

1 4. Any public school district in this state for purposes of
2 ~~verifying the driving record~~ providing the Motor Vehicle Report of a
3 currently employed school bus driver or person making application
4 for employment as a school bus driver; ~~or~~

5 5. The Department of Human Services for the purpose of
6 providing the Motor Vehicle Report to ascertain the suitability of
7 any person being considered by the Department of Human Services for
8 placement of a child in foster care or for adoption of the child; or

9 6. Any state agency in this state.

10 D. Any record required to be maintained by the Department may
11 be released to any other entity free of charge when the release of
12 the record would be for the benefit of the public, as determined by
13 the Commissioner or a designee of the Commissioner.

14 E. The following records shall be provided by the Department to
15 any authorized recipient, pursuant to the provisions of the Driver's
16 Privacy Protection Act, 18 United States Code, Sections 2721 through
17 2725, upon payment of the appropriate fees for the records:

18 1. A Motor Vehicle Report, as defined in Section 6-117 of this
19 title; and

20 2. A copy of any driving record related to the Motor Vehicle
21 Report.

22 F. 1. The provisions of subsections B, D, and E of this
23 section and the Oklahoma Open Records Act shall not apply to the
24 release of personal information from any driving record of any

1 person. Such personal information shall be confidential except as
2 provided for in this subsection or in the provisions of the Driver's
3 Privacy Protection Act, 18 United States Code, Sections 2721 through
4 2725. Upon written request to the Commissioner of Public Safety by
5 a law enforcement agency or another state's or country's driver
6 licensing agency for personal information on a specific individual,
7 as named or otherwise identified in the written request, to be used
8 in the official capacity of the agency, the Commissioner may release
9 such personal information to the agency pursuant to the provisions
10 of the Driver's Privacy Protection Act, 18 United States Code,
11 Sections 2721 through 2725.

12 2. For the purposes of this subsection, "personal information"
13 means information which identifies a person, including but not
14 limited to a photograph or image in computerized format of the
15 person, fingerprint image in computerized format, signature or
16 signature in computerized format, social security number, residence
17 address, mailing address, and medical or disability information.

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

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1 Passed the Senate the 14th day of March, 2012.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2012.

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8 _____
9 Presiding Officer of the House
10 of Representatives