

1 relates to public disclosure of information in
2 certain child welfare cases; expanding disclosure of
3 certain investigations; and providing an effective
4 date.

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

6 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7003-1.1, as
7 renumbered by Section 213, Chapter 233, O.S.L. 2009, and as last
8 amended by Section 1, Chapter 220, O.S.L. 2010 (10A O.S. Supp. 2010,
9 Section 1-2-102), is amended to read as follows:

10 Section 1-2-102. A. 1. Upon receipt of a report that a child
11 may be abused or neglected, the Department of Human Services shall
12 conduct a safety analysis.

13 2. The Department shall forward a report of its assessment or
14 investigation and findings to any district attorney's office which
15 may have jurisdiction to file a petition pursuant to Section ~~1-4-902~~
16 1-4-101 of this title.

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

20 a. the alleged perpetrator is someone other than a person
21 responsible for the child's health, safety, or
22 welfare, and
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1 b. the alleged abuse or neglect of the child does not
2 appear to be attributable to failure on the part of a
3 person responsible for the child's health, safety, or
4 welfare to provide protection for the child,
5 the Department shall immediately make a referral, either verbally or
6 in writing, to the appropriate local law enforcement agency for the
7 purpose of conducting a possible criminal investigation.

8 2. After making the referral to the law enforcement agency, the
9 Department shall not be responsible for further investigation
10 unless:

11 a. the Department has reason to believe the alleged
12 perpetrator is a parent of another child, not the
13 subject of the criminal investigation, or is otherwise
14 a person responsible for the health, safety, or
15 welfare of another child,

16 b. notice is received from a law enforcement agency that
17 it has determined the alleged perpetrator is a parent
18 of or a person responsible for the health, safety, or
19 welfare of another child not the subject of the
20 criminal investigation, or

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

5 3. If, upon receipt of a report alleging abuse or neglect or
6 during the assessment or investigation, the Department determines
7 that the alleged abuse or neglect of the child involves a child in
8 the custody of the Office of Juvenile Affairs and such child was
9 placed in an Office of Juvenile Affairs secure juvenile facility at
10 the time of the alleged abuse or neglect, the Department shall
11 immediately make a referral, either verbally or in writing, to the
12 appropriate law enforcement agency for the purpose of conducting a
13 possible criminal investigation. After making the referral to the
14 law enforcement agency, the Department shall not be responsible for
15 further investigation.

16 C. 1. Any law enforcement agency receiving a referral as
17 provided in this section shall provide the Department with a copy of
18 the report of any investigation resulting from a referral from the
19 Department.

20 2. Whenever, in the course of any criminal investigation, a law
21 enforcement agency determines that there is cause to believe that a
22 child, other than a child in the custody of the Office of Juvenile
23 Affairs and placed in an Office of Juvenile Affairs secure juvenile
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1 facility, may be abused or neglected by reason of the acts,
2 omissions, or failures on the part of a person responsible for the
3 health, safety, or welfare of the child, the law enforcement agency
4 shall immediately contact the Department for the purpose of an
5 investigation.

6 D. If, upon receipt of a report alleging abuse or neglect, the
7 Department determines that the family has been the subject of a
8 deprived petition, the Department shall conduct a thorough
9 investigation of the allegations and shall not limit the evaluation
10 of the circumstances to an assessment. In addition, if the family
11 has been the subject of three or more referrals, the Department
12 shall conduct a thorough investigation of the allegations and shall
13 not limit the evaluation of the circumstances to an assessment.

14 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7003-5.5a,
15 as renumbered by Section 252, Chapter 233, O.S.L. 2009, and as last
16 amended by Section 13, Chapter 278, O.S.L. 2010 (10A O.S. Supp.
17 2010, Section 1-4-806), is amended to read as follows:

18 Section 1-4-806. A. The court may order a trial home
19 reunification by returning the child to the care of the parent or
20 legal guardian from whom the child was removed for a period not to
21 exceed six (6) months; provided, when determined necessary the court
22 may extend the period of trial reunification to a specific date
23 certain by entering such extension order prior to the expiration of

1 the initial six-month trial reunification period. The Department of
2 Human Services shall conduct a criminal background check of any
3 adult in the home prior to any trial reunification. The background
4 check shall include inquiries into Oklahoma State Bureau of
5 Investigation and Federal Bureau of Investigation records for a
6 national criminal history record check pursuant to the provisions of
7 Section 150.9 of Title 74 of the Oklahoma Statutes.

8 During the period of the trial home reunification, the
9 Department of Human Services shall:

10 1. Continue to have legal custody of the child, thereby
11 permitting the Department to visit the child in the home of the
12 parent, at school, in a child care facility, or any other setting
13 the Department deems necessary and appropriate;

14 2. Continue to provide appropriate services to both the parent,
15 if eligible, and the child during the period of the trial home
16 reunification;

17 3. Terminate the trial home reunification and remove the child
18 to foster care, without court order or authorization, when necessary
19 to protect the child's health, safety, or welfare; and

20 4. Advise the court and parties within three (3) judicial days
21 of the termination of the trial home reunification when terminated
22 by the Department without a court order.

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1 B. 1. When trial home reunification is terminated whether by
2 the Department or court order, the Department shall prepare a report
3 for the court which describes the circumstances of the child during
4 the trial home reunification period and recommends court orders, if
5 any, deemed appropriate to provide for the safety and stability of
6 the child.

7 2. In the event a trial home reunification is terminated by the
8 Department by removing the child to foster care without prior court
9 order or authorization, the court shall conduct a hearing within
10 fifteen (15) days of receiving notice of the termination of the
11 trial home reunification by the Department and shall determine
12 whether a continuation of the child in the child's home or with the
13 child's caretaker is contrary to the welfare of the child and
14 whether reasonable efforts were made to prevent the removal of the
15 child from the trial home reunification.

16 C. 1. Upon the completion of the six-month trial home
17 reunification period or any extension thereof, the court may further
18 extend supervision of the child in the home by awarding legal
19 custody of the child to the parent or legal guardian with whom the
20 child has been reunited and ordering the Department to provide
21 supervision in accordance with the rules promulgated by the
22 Commission.

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1 2. The duration of the extended supervision shall not exceed
2 six (6) months except in circumstances the court deems appropriate
3 and necessary to protect the health, safety or welfare of the child.

4 SECTION 3. AMENDATORY 10 O.S. 2001, Section 7003-5.6, as
5 last amended by Section 40, Chapter 233, O.S.L. 2009, and as
6 renumbered by Section 253, Chapter 233, O.S.L. 2009 (10A O.S. Supp.
7 2010, Section 1-4-807), is amended to read as follows:

8 Section 1-4-807. A. 1. Every case regarding a child alleged
9 or adjudicated to be deprived shall be reviewed by the court at a
10 hearing no later than six (6) months from the date of the child's
11 removal from the home and at least once every six (6) months
12 thereafter until permanency is achieved or the court otherwise
13 terminates jurisdiction except as otherwise set forth in paragraph 2
14 of this subsection. A review hearing may be held concurrently with
15 a permanency hearing.

16 2. When the Department of Human Services has documented a
17 compelling reason why a petition to terminate parental rights to a
18 child is not in the best interests of the child that is based upon a
19 consideration that the child is presently not capable of functioning
20 in a family setting, the court shall reevaluate the status of the
21 child every ninety (90) days until there is a final determination
22 that the child cannot be placed in a family setting.

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 3. At any time during the pendency of the case, any party may
2 request the court to review the case. If granted, the requesting
3 party shall serve notice on all parties of the date and time of the
4 hearing.

5 B. If a foster parent, preadoptive parent, or relative is
6 currently providing care for a child, the Department shall give the
7 foster parent, preadoptive parent, or relative notice of a
8 proceeding concerning the child. A foster parent, preadoptive
9 parent, or relative providing care for a child has the right to be
10 heard at the proceeding. Except when allowed to intervene, the
11 foster parent, preadoptive parent, or relative providing care for
12 the child is not considered a party to the juvenile court proceeding
13 solely because of notice and the right to be heard at the
14 proceeding.

15 C. The court shall receive all evidence helpful in deciding the
16 issues before the court including, but not limited to, oral and
17 written reports, which may be admitted and relied upon to the extent
18 of their probative value, even though not competent for purposes of
19 an adjudicatory hearing. All service provider progress reports or
20 critical incident reports submitted to the court shall also be
21 delivered to each party.

22 D. At each review hearing the court shall:

23 1. Determine and include the following in its orders:
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- 1 a. whether the individualized service plan, services, and
2 placement meet the special needs and best interests of
3 the child with the child's health, safety, and
4 educational needs specifically addressed,
- 5 b. whether there is a need for the continued placement of
6 the child,
- 7 c. whether the current permanency plan for the child
8 remains the appropriate plan to meet the health,
9 safety, and best interests of the child,
- 10 d. whether the services set forth in the individualized
11 service plan and the responsibilities of the parties
12 need to be clarified or modified due to the
13 availability of additional information or changed
14 circumstances or as the court determines to be in the
15 best interests of the child and necessary for the
16 correction of the conditions that led to the
17 adjudication of the child,
- 18 e. whether the terms of visitation need to be modified,
19 including the visitation with siblings if separated,
- 20 f. the time frame that should be followed to achieve
21 reunification or other permanent plan for the child,
- 22 g. whether reasonable efforts have been made to provide
23 for the safe return of the child to the child's own
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1 home. If the court determines or has previously
2 determined that reasonable efforts are not required
3 pursuant to the provisions of Section 1-4-809 of this
4 title, or that continuation of reasonable efforts to
5 reunite the child with the child's family is
6 inconsistent with the permanency plan for the child,
7 the court shall determine if reasonable efforts are
8 being made to place the child in a timely manner in
9 accordance with the permanency plan and determine the
10 steps necessary to finalize permanency for the child,

11 h. where appropriate, when the child is sixteen (16)
12 years of age or older, whether services are being
13 provided that will assist the child in making the
14 transition from foster care to independent living.
15 The court shall inquire or cause inquiry to be made of
16 the child regarding any proposed independent living
17 plan,

18 i. whether the nature and extent of services being
19 provided the child and parent or parents of the child
20 are adequate and shall order that additional services
21 be provided or studies, assessments, or evaluations be
22 conducted, if necessary, to ensure the safety of the
23 child and to protect the child from further physical,

1 mental, or emotional harm, or to correct the
2 conditions that led to the adjudication,

3 j. whether, in accordance with the safety or well-being
4 of any child, reasonable efforts have been made to:

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

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

11 k. whether, during the ninety-day period immediately
12 prior to the date on which the child in the custody of
13 the Department will attain eighteen (18) years of age,
14 the Department and, as appropriate, other
15 representatives of the child are providing the child
16 with assistance and support in developing an
17 appropriate transition plan that is personalized at
18 the direction of the child, that includes specific
19 options on housing, health insurance, education, local
20 opportunities for mentors and continuing support
21 services, and work force supports and employment
22 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. Determine the safety of the child and consider fully all
4 relevant prior and current information including, but not limited
5 to, the report or reports submitted pursuant to Sections 1-4-805 and
6 1-4-808 of this title.

7 E. In making its findings, the court shall consider the
8 following:

9 1. Whether compliance with the individualized service plan has
10 occurred, including whether the Department has provided care that is
11 consistent with the health, safety, and educational needs of the
12 child while in an out-of-home placement;

13 2. The extent of progress that has been made toward alleviating
14 or correcting the conditions that caused the child to be adjudicated
15 deprived;

16 3. Whether the child should be returned to a parent or parents
17 and whether or not the health, safety, and welfare of the child can
18 be protected by a parent or parents if returned home; and

19 4. An appropriate permanency plan for the child, including
20 concurrent planning when applicable, pursuant to Section 1-4-706 of
21 this title.

22 SECTION 4. AMENDATORY Section 4, Chapter 351, O.S.L.
23 2007, as last amended by Section 75, Chapter 233, O.S.L. 2009, and

1 as renumbered by Section 272, Chapter 233, O.S.L. 2009 (10A O.S.
2 Supp. 2010, Section 1-6-105), is amended to read as follows:

3 Section 1-6-105. A. For purposes of this section, the term
4 "near death" means the child is in serious or critical condition, as
5 certified by a physician, as a result of abuse or neglect.

6 B. When a person responsible for a child has been charged by
7 information or indictment with committing a crime resulting in the
8 death or near death of the child, there shall be a presumption that
9 the best interest of the public is served by public disclosure of
10 certain information concerning:

11 1. The circumstances of the investigation of the death or near
12 death of the child; and

13 2. Any other investigations concerning that child, or other
14 children while living in the same household, ~~within:~~

15 a. ~~three (3) years of the death or near death, and~~

16 b. ~~one (1) year after the death or near death.~~

17 C. 1. At any time subsequent to seven (7) days, but no more
18 than thirty (30) days, of the date the person responsible for the
19 child has been criminally charged, the Department of Human Services,
20 the district attorney, the district court clerk, and the judge
21 having jurisdiction over the case, upon request, shall release
22 certain information to the public as follows:

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- 1 a. a confirmation shall be provided by the Department as
2 to whether a report has been made concerning the
3 alleged victim or other children while living in the
4 same household and whether an investigation has begun,
5 b. confirmation shall be provided by the Department as to
6 whether previous reports have been made and the dates
7 thereof, a summary of those previous reports, the
8 dates and outcome of any investigations or actions
9 taken by the Department in response to a previous
10 report of child abuse or neglect, and the specific
11 recommendation made to the district attorney and any
12 subsequent action taken by the district attorney,
13 c. the dates of any judicial proceedings prior to the
14 death or near death of the child,
15 d. recommendations submitted by each participant in
16 writing at the judicial proceedings including
17 recommendations made at the hearing as they relate to
18 custody or placement of a child, and
19 e. the rulings of the court.

20 2. Specific recommendations made and services rendered by the
21 Department described in any progress reports of a pending case
22 submitted to the court may be disclosed by the Department.
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1 D. 1. At any time subsequent to seven (7) days after the date
2 the person responsible for the child has been criminally charged,
3 the Oklahoma Commission on Children and Youth shall, upon request,
4 release certain information to the public within sixty (60) days of
5 the request as follows:

6 a. a confirmation shall be provided by the Commission as
7 to whether a report of suspected child abuse or
8 neglect has been made concerning the alleged victim or
9 other children while living in the same household and
10 whether an investigation has begun,

11 b. confirmation shall be provided by the Commission as to
12 whether previous reports of suspected child abuse or
13 neglect have been made and the dates thereof, a
14 summary of those previous reports, the dates and
15 outcome of any investigations or actions taken by the
16 Department and the Commission in response to any
17 previous report of child abuse or neglect, and the
18 specific recommendation made to the district attorney
19 and any subsequent action taken by the district
20 attorney,

21 c. the dates of any judicial proceedings prior to the
22 death or near death of the child,
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- 1 d. recommendations submitted by the Department and the
2 Commission shall be provided in writing including
3 recommendations made at the hearing as they relate to
4 custody or placement of a child, and
5 e. the rulings of the court.

6 2. Specific recommendations made by the Commission described in
7 any progress reports of a pending case submitted to the court may be
8 disclosed by the Commission.

9 E. Any disclosure of information pursuant to this section shall
10 not identify or provide an identifying description of any
11 complainant or reporter of child abuse or neglect, and shall not
12 identify the name of the child victim's siblings or other children
13 living in the same household, the parent or other person responsible
14 for the child, or any other member of the household, other than the
15 person criminally charged.

16 SECTION 5. This act shall become effective November 1, 2011.

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18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
19 03-03-2011 - DO PASS, As Amended and Coauthored.
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