HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

HOUSE BILL 2887 By: Pittman

AS INTRODUCED

An Act relating to children; amending 10A O.S. 2011, Section 1-7-103, which relates to powers and duties of the Department of Human Services; directing Department to place certain children in the custody of the Department in certain foster homes; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-7-103, is amended to read as follows:

Section 1-7-103. A. In addition to the other powers and duties prescribed by law, the Department of Human Services shall have the power and duty to:

1. Provide for the care and treatment of children taken into protective or emergency custody pursuant to the provisions of the Oklahoma Children's Code, and placed in the Department's custody by an order of the court.

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

In providing for the care and treatment of such children, the Department shall:

a. place the children in: (1) a kinship care home or other foster care home, or (2) if no such home is available, a group home, children's shelter, or in any licensed facility established for the care of children.

In determining any placement for a child who has been removed from the custody of a custodial parent and placed with the Department in emergency custody, priority shall be given by the Department to the placement of such child with the noncustodial parent of the child unless such placement is not in the best interest of the child,

b. <u>if the children belong to an ethnic minority and require placement in a foster care home, place the children in a foster care home of the same ethnic background if possible,</u>

<u>c.</u> if ordered by the court, provide supervision of children alleged to be deprived who are placed by the court in the custody of a parent, relative, or other responsible person. Such supervision shall be in accordance with rules promulgated by the Department

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and shall not exceed the period allowed for the filing of a petition or, if a petition is filed, the period authorized by the court,

~~c.~~ d. admit an alleged deprived child to a hospital or behavioral health facility as provided in the Inpatient Mental Health and Substance Abuse Treatment of Minors Act,

~~d.~~ e. provide outpatient behavioral health care and treatment as prescribed by a qualified behavioral health professional,

~~e.~~ f. provide, as soon as practicable, educational instruction through enrollment in a public school or an alternative program consistent with the needs and abilities of the child,

~~f.~~ g. provide or prescribe treatment services for the family of an alleged deprived child placed in the emergency custody of the Department if such services are voluntarily requested and the family is otherwise eligible under applicable law and rules promulgated by the Commission for the services offered, and

~~g.~~ h. provide medical care necessary to preserve the health of the child in accordance with the provisions of this Code; and

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2. Provide for the care and treatment of an adjudicated deprived child placed in the temporary custody of the Department by an order of the court. In providing for such care and treatment, the Department:

a. shall review and assess each child to determine the type of placement and services consistent with the needs of the child in the nearest geographic proximity to the home of the child as possible. In making the review, the Department may use any facilities, public or private, which aid in the assessment,

b. shall develop and implement an individualized service plan for each child in accordance with the requirements of Section 1-4-704 of this title,

c. may return a deprived child to the home of the parent or legal guardian from whom the child was removed with prior approval of the court, or place the child in the home of a noncustodial parent, in a foster care home, in a children's shelter, in a group home, in an independent living program, or in any licensed facility established for the care of children,

d. may admit a deprived child to a hospital or behavioral health facility as provided in the Inpatient Mental Health and Substance Abuse Treatment of Minors Act,

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e. may provide outpatient behavioral health care and treatment as prescribed by a qualified behavioral health professional,

f. shall, if ordered by the court, provide supervision of children adjudicated deprived who are placed by the court in the custody of a parent, relative, or other responsible person. Such supervision shall be in accordance with rules promulgated by the Department, and

g. shall provide medical care necessary to preserve the health of the child in accordance with the provisions of the Oklahoma Children's Code.

B. 1. The Department may move a child in its custody from any authorized placement to another authorized placement if consistent with the needs of the child or as may be required in an emergency, subject to the provisions of Section 1-4-804 and 1-4-805 of this title.

2. The Department, in placing a child who has reentered foster care, shall consider previous foster placements as well as a kinship foster home placement if available. The placement shall be consistent with the best interests of the child.

C. The Department shall assure that any child who has attained the minimum age for compulsory school attendance and is eligible for

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a foster care payment under Title IV-E of the Social Security Act, 42 U.S.C., Section 670 et seq., is:

1. Enrolled in an institution which provides elementary or secondary education as determined under the law of the state or other jurisdiction in which the institution is located;

2. Instructed in elementary or secondary education in any legally authorized education program;

3. In an independent study elementary or secondary education program in accordance with the law of the state or jurisdiction in which the program is located, which is administered by the local school or school district; or

4. Incapable of attending school on a full-time basis due to a documented medical condition supported by regular updates.

D. The Department has the authority to consent to travel for a child in its custody outside the jurisdiction of the court, except that court approval is required for travel outside of the United States. Permission for school or organizational activities requiring consent and not prohibited by Department rule may be given by the foster parent.

E. The Department shall receive notice of all court proceedings regarding any child in its custody and shall, upon application, be allowed to intervene as a party for a specified purpose, to any court proceedings pertaining to the care and custody of the child.

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F. The Department may participate in federal programs relating to deprived children and services for such children; and apply for, receive, use and administer federal funds for such purposes.

G. The Department shall receive interest earnings on the investment by the State Treasurer of monies, to be credited to an agency special account, for the benefit of and held in trust for persons placed in the custody of the Department or in residence at facilities maintained by the Department.

SECTION 2. This act shall become effective November 1, 2012.

COMMITTEE REPORT BY: COMMITTEE ON HUMAN SERVICES, dated 02/14/2012 - DO PASS.

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