

1 **SENATE FLOOR VERSION**

2 March 28, 2012

3 As Amended

4 ENGROSSED HOUSE

5 BILL NO. 2736

6 By: Peters and Blackwell of the
7 House

8 and

9 Brinkley of the Senate

10 **[children - steering sommittee members -
11 codification]**

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

13 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-6-102, is
14 amended to read as follows:

15 Section 1-6-102. A. Except as provided by this section and
16 except as otherwise specifically provided by state and federal laws,
17 the following records are confidential and shall not be open to the
18 general public or inspected or their contents disclosed:

- 19 1. Juvenile court records;
- 20 2. Agency records;
- 21 3. District attorney's records;
- 22 4. Law enforcement records;
- 23 5. Nondirectory education records; and
- 24 6. Social records.

1 B. The limitation of subsection A of this section shall not
2 apply to statistical information and other abstract information
3 obtained pursuant to the provisions of the Oklahoma Children's Code.

4 C. Except as authorized by Section 620.6 of Title 10 of the
5 Oklahoma Statutes and this chapter and except as otherwise
6 specifically provided by state and federal laws pertaining to
7 education records, medical records, drug or alcohol treatment
8 records, law enforcement, or social service records, the records
9 listed in subsection A of this section shall be confidential and
10 shall be inspected, released, disclosed, corrected or expunged only
11 pursuant to an order of the court. A subpoena or subpoena duces
12 tecum purporting to compel testimony or disclosure of such
13 information or record shall be invalid.

14 D. 1. In a proceeding where the child custody or visitation is
15 at issue, the safety analysis records of the Department shall be
16 produced to the court when a parent, legal guardian, or child who is
17 the subject of such record obtains a court order directing the
18 production of the records.

19 2. The person or party seeking the records shall proceed by
20 filing a motion for production of safety analysis records which
21 contains the following averments:

- 22 a. the movant is a parent, legal guardian, or child who
23 is the subject of the safety analysis records,
24 b. child custody or visitation is at issue,

1 c. that upon receipt from the court, the safety analysis
2 records shall be kept confidential and disclosed only
3 to the movant, the attorneys of the movant, those
4 persons employed by or acting on behalf of the movant
5 and the attorneys of the movant whose aid is necessary
6 to the prosecution or defense of the child custody or
7 visitation issue, and

8 d. that a copy of the motion is being provided to the
9 parties, the attorney of the child, if any, and the
10 guardian ad litem, if any.

11 3. Upon filing the motion for production of safety analysis
12 records, the court may, in its discretion, enter an ex parte order
13 for production of safety analysis records that shall be
14 substantially in the following form:

15 CONFIDENTIAL RECORDS DISCLOSURE AND PROTECTIVE ORDER

16 NOW on this ____ day of _____, 20__, the court finds that child
17 custody or visitation is at issue in the above styled and numbered
18 proceeding and the disclosure of the safety analysis records of the
19 Oklahoma Department of Human Services pursuant to Section 1-6-102 of
20 this title is necessary and relevant to the court's determination of
21 the child's best interests. The court therefore orders as follows:

22 a. The Oklahoma Department of Human Services
23 ("Department" or "DHS") shall produce a copy of its
24

1 safety analysis records to this court on or before ____
2 day of _____, 20__.

3 b. The Department shall be permitted to redact or omit
4 information in its safety analysis records which may
5 identify the reporter of alleged child abuse or
6 neglect.

7 c. All information contained in the safety analysis
8 records of the Department is confidential under
9 Oklahoma law and shall be disclosed only to the
10 parties, the attorneys of the parties, and those
11 persons employed by or acting on behalf of the parties
12 and the attorneys of the parties whose aid is
13 necessary to the prosecution or defense of the child
14 custody or visitation issue.

15 d. No confidential information whether contained in
16 pleadings, briefs, discovery, or other documents shall
17 be filed except under seal with the legend "THIS
18 DOCUMENT CONTAINS CONFIDENTIAL INFORMATION AND IS
19 SUBJECT TO A PROTECTIVE ORDER OF THE COURT".

20 e. No person or entity shall utilize any information
21 contained in the safety analysis records for any
22 purpose other than the prosecution or defense of the
23 child custody or visitation issues in this case.

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1 f. The release by counsel or any other person for any
2 reason of identifiers such as social security or tax
3 ID numbers that may be contained in the Department
4 records and which belong to any person or entity is
5 strictly prohibited.

6 g. Any violation of this order shall be subject to
7 prosecution for contempt of court.

8 IT IS SO ORDERED this ___ day of _____, 20__.

9 4. This subsection shall not apply to:

- 10 a. deprived child proceedings brought pursuant to the
11 Oklahoma Children's Code,
12 b. discovery of safety analysis records by a person or
13 entity who is not the subject of those records, or
14 c. discovery of safety analysis records in criminal,
15 other civil, or administrative proceedings.

16 5. The party who has obtained a court order for the safety
17 analysis records of the Department shall provide the Department with
18 the names and other identifying information concerning the subjects
19 of the safety analysis records.

20 6. Upon receipt of a court order to produce its safety analysis
21 records, the Department shall be given a minimum of five (5)
22 judicial days to deliver the records to the court.

23 7. The safety analysis records provided by the Department to
24 the court pursuant to this subsection shall not be subject to

1 judicial review and shall be released by the court only to the
2 litigants in the case under a protective order.

3 8. A court order entered pursuant to this subsection which
4 purports to require the Department to produce all agency records
5 shall be deemed to require only the production of the safety
6 analysis records of the Department.

7 9. An employee of the Department shall not be compelled to
8 testify about the safety analysis records except upon a court order
9 directing such testimony. Any subpoena or subpoena duces tecum
10 purporting to compel disclosure of safety analysis records or
11 testimony concerning such records without a court order shall be
12 invalid.

13 10. Except as provided by this subsection or other law,
14 confidential records may be inspected, released, disclosed,
15 corrected, or expunged only by the procedure set forth in subsection
16 E of this section.

17 E. When confidential records may be relevant in a criminal,
18 civil, or administrative proceeding, an order of the court
19 authorizing the inspection, release, disclosure, correction, or
20 expungement of confidential records shall be entered by the court
21 only after a judicial review of the records and a determination of
22 necessity pursuant to the following procedure:

23 1. A petition or motion shall be filed with the court
24 describing with specificity the confidential records being sought

1 and setting forth in detail the compelling reason why the
2 inspection, release, disclosure, correction, or expungement of
3 confidential records should be ordered by the court. A petition or
4 motion that does not contain the required specificity or detail may
5 be subject to dismissal by the court;

6 2. Upon the filing of the petition or motion, the court shall
7 set a date for a hearing and shall require notice of not less than
8 twenty (20) days to the agency or person holding the records and the
9 person who is the subject of the record if such person is eighteen
10 (18) years of age or older or to the parents of a child less than
11 eighteen (18) years of age who is the subject of the record, to the
12 attorneys, if any, of such person, child or parents and any other
13 interested party as ordered by the court. The court may also enter
14 an ex parte order compelling the person or agency holding the
15 records to either produce the records to the court on or before the
16 date set for hearing or file an objection or appear for the hearing.
17 The court may shorten the time allowed for notice due to exigent
18 circumstances;

19 3. At the hearing, should the court find that a compelling
20 reason does not exist for the confidential records to be judicially
21 reviewed, the matter shall be dismissed; otherwise, the court shall
22 order that the records be produced for a judicial review. The
23 hearing may be closed at the discretion of the court; and
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1 4. The judicial review of the records shall include a
2 determination, with due regard for the confidentiality of the
3 records and the privacy of persons identified in the records, as to
4 whether an order should be entered authorizing the inspection,
5 release, disclosure, correction, or expungement of the records based
6 upon the need for the protection of a legitimate public or private
7 interest.

8 F. The court may, for good cause shown, prohibit the release of
9 such confidential records or testimony or authorize a release of the
10 confidential information or testimony upon such conditions as the
11 court deems necessary and appropriate, subject to the provisions of
12 this section.

13 G. Any public or private agency, entity, or professional person
14 required to produce confidential records pursuant to this section
15 may require payment of fees from the party seeking the records prior
16 to any records being produced, including a research fee not
17 exceeding Twenty Dollars (\$20.00) per hour and a copy fee not to
18 exceed fifty cents (\$.50) per page and Five Dollars (\$5.00) per
19 copy of each video tape or disk; provided, the court may waive such
20 costs in a criminal action based upon indigence of a defendant. The
21 Department shall not be permitted to assess fees for records
22 produced pursuant to subsection D of this section.

23 H. Nothing in Section 620.6 of Title 10 of the Oklahoma
24 Statutes and this chapter shall be construed as:

1 1. Authorizing the inspection of records or the disclosure of
2 information contained in records relating to the provision of
3 benefits or services funded, in whole or in part, with federal
4 funds, except in accord with federal statutes and regulations
5 governing the receipt or use of such funds;

6 2. Authorizing the disclosure of papers, records, books or
7 other information relating to the adoption of a child required to be
8 kept confidential. The disclosure of such information shall be
9 governed by the provisions of the Oklahoma Adoption Code;

10 3. Abrogating any privilege, including the attorney-client
11 privilege, or affecting any limitation on such privilege found in
12 any other statutes;

13 4. Limiting or otherwise affecting access of parties to a
14 deprived proceeding to records filed with or submitted to the court;

15 5. Limiting or otherwise affecting access of agencies to
16 information subject to disclosure, review, or inspection by contract
17 or as a condition for the receipt of public funds or participation
18 in any program administered by the agency;

19 6. Prohibiting the Department of Human Services from
20 summarizing the outcome of an investigation to the person who
21 reported a known or suspected instance of child abuse or neglect or
22 to any person providing services to a child who is or is alleged to
23 be a victim of child abuse;

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1 7. Authorizing the disclosure of information which identifies
2 any person who has reported an allegation of known or suspected
3 child abuse or neglect unless such disclosure is specifically
4 ordered by the court;

5 8. Prohibiting the Department of Human Services from providing
6 a summary of allegations and findings of an investigation involving
7 a child care facility that does not disclose identities but that
8 permits parents to evaluate the facility;

9 9. Prohibiting the disclosure of confidential information to
10 any educational institution, facility, or educator to the extent
11 necessary to enable the educator to better provide educational
12 services and activities for a child and provide for the safety of
13 students; ~~or~~

14 10. Prohibiting the Department from obtaining, without a court
15 order, nondirectory education records pertaining to a child in the
16 legal custody of the Department; or

17 11. Prohibiting the Department from providing records to a
18 federally recognized Indian tribe for any individual who has applied
19 for foster care placement, adoptive placement, or guardianship
20 placement through the tribe; provided, that the tribe shall be
21 required to maintain the confidentiality of the records.

22 SECTION 2. AMENDATORY 10A O.S. 2011, Section 1-6-103, is
23 amended to read as follows:

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1 Section 1-6-103. A. Juvenile court records and Department of
2 Human Services agency records pertaining to a child may be
3 inspected, and their contents shall be disclosed, without a court
4 order to the following persons upon showing of proper credentials
5 and pursuant to their lawful duties:

6 1. The court having the child currently before it in any
7 proceeding pursuant to this title, any district court or tribal
8 court to which such proceedings may be transferred, employees and
9 officers of the court in the performance of their duties, including
10 but not limited to guardians ad litem appointed by the court, and
11 court-appointed special advocates;

12 2. A district attorney, United States Attorney, or Attorney
13 General of this or another state and the employees of such offices
14 in the course of their official duties pursuant to this title or the
15 prosecution of crimes against children, or upon their request in
16 their official capacity as advisor in a grand jury proceeding;

17 3. The attorney representing a child who is the subject of a
18 proceeding pursuant to the provisions of this title or other
19 proceeding where child custody or visitation is at issue;

20 4. Employees of juvenile bureaus in the course of their
21 official duties pursuant to this title, and employees of the
22 Department of Human Services in the course of their official duties;

23 5. Employees of a law enforcement agency of this or another
24 state or military enclave and employees of a child protective

1 service of another state or military enclave in the course of their
2 official duties pertaining to investigations of a report of known or
3 suspected child abuse or neglect or crimes against children or for
4 the purpose of determining whether to place a child in protective
5 custody;

6 6. The Oklahoma Commission on Children and Youth as provided by
7 Sections 601.2 and 601.6 of Title 10 of the Oklahoma Statutes;

8 7. The Office of Juvenile Affairs;

9 8. A federally recognized Indian tribe in which the child who
10 is the subject of the record is a member or is eligible to become a
11 member of the tribe and is the biological child of a member of an
12 Indian tribe pursuant to the provisions of the Federal Indian Child
13 Welfare Act and the Oklahoma Indian Child Welfare Act; provided such
14 Indian tribe, in the course of its official duties, is:

15 a. investigating a report of known or suspected child
16 abuse or neglect or crimes against children or for the
17 purpose of determining whether to place a child in
18 protective custody,

19 b. providing services to or for the benefit of a child
20 including, but not limited to, protective, emergency,
21 social and medical services, or

22 c. the tribe, the tribal court or the tribal child
23 welfare program has asserted jurisdiction or
24 intervened in any case in which the child is the

1 subject of the proceedings or is a party to the
2 proceedings pursuant to the authority provided in the
3 Oklahoma Indian Child Welfare Act.

4 The records that are to be provided to Indian tribes under this
5 subsection shall include all case records, reports, and documents as
6 defined in Section 1-6-101 of this title;

7 9. The Governor or to any person the Governor designates, in
8 writing;

9 10. Any federal official of the United States Department of
10 Health and Human Services;

11 11. Any member of the Legislature approved in writing by the
12 Speaker of the House of Representatives or the President Pro Tempore
13 of the Senate;

14 12. A foster parent, with regard to records concerning the
15 social, medical, psychological, or educational needs of a child
16 currently placed with that foster parent or of a child being
17 considered for placement with that foster parent;

18 13. An employee of any state or federal corrections or law
19 enforcement agency in the performance of the official duties of the
20 employee concerning presentence investigations or supervision of a
21 parent of an alleged or adjudicated deprived child, or the legal
22 guardian, custodian, or any other adult member of the child's home
23 who is responsible for the health, safety, or welfare of the child;
24 and

1 14. An employee of a state agency of this or another state in
2 the performance of the official duties of the employee concerning
3 the establishment of paternity or the establishment or enforcement
4 of a child support order or other entitlement for the benefit of a
5 child; provided, disclosure shall be limited to information directly
6 related to the purpose of such disclosure.

7 B. In addition to the persons listed in subsection A of this
8 section, juvenile court records may be inspected, and their contents
9 shall be disclosed, without a court order to the following persons
10 upon showing of proper credentials and pursuant to their lawful
11 duties:

12 1. Employees of court-appointed special advocate programs, as
13 defined in Section 1-1-105 of this title, in the course of their
14 official duties pertaining to recruiting, screening, training,
15 assigning cases, supervising, and supporting volunteers in their
16 roles as guardian ad litem pursuant to Section 1-4-306 of this
17 title;

18 2. Members of postadjudication review boards established
19 pursuant to the provisions of Section 1116.2 of Title 10 of the
20 Oklahoma Statutes, the Child Death Review Board, and
21 multidisciplinary personnel. In addition to juvenile court records,
22 members of such postadjudication review boards may inspect, without
23 a court order, information that includes, but is not limited to:

24 a. psychological and medical records,

- b. placement history and information, including the names and addresses of foster parents,
- c. family assessments,
- d. treatment or service plans, and
- e. school records;

3. The Department of Human Services or other public or private agency or individual having court-ordered custody or physical custody pursuant to Department placement of the child who is the subject of the record;

4. The child who is the subject of the record and the parents, legal guardian, custodian, or foster parent of such child; and

5. A person authorized by the court to conduct bona fide research, provided such research may not publish the names or identities of parents, children, or other persons contained in the records.

C. In addition to the persons and entities named in subsection A of this section, Department of Human Services agency records may be inspected, and their contents shall be disclosed, without a court order to the following persons upon showing of proper credentials and pursuant to their lawful duties:

1. Postadjudicatory review boards, court-appointed special advocates, and members of the Child Death Review Board;

2. Any district court which has ordered a home study by the Department in an action for divorce, annulment, custody of a child,

1 or appointment of a legal guardian of a child, or any subsequent
2 proceeding in such actions; provided, however, the Department may
3 limit disclosure in the home study to summaries or to information
4 directly related to the purpose of the disclosure;

5 3. Any federally recognized Indian tribe for any individual who
6 has applied for foster care placement, adoptive placement, or
7 guardianship placement through the tribe; provided, that the tribe
8 shall be required to maintain the confidentiality of the records;

9 4. Members of multidisciplinary teams or multidisciplinary
10 personnel designated by the Department, investigating a report of
11 known or suspected child abuse or neglect or providing services to a
12 child or family which is the subject of the report;

13 ~~4.~~ 5. A physician who has before him or her a child whom the
14 physician reasonably suspects may be abused or neglected or any
15 health care or mental health professionals involved in the
16 evaluation or treatment of the child or the parents, legal guardian,
17 foster parent, custodian, or other family members of the child;

18 ~~5.~~ 6. Any public or private agency or person authorized by the
19 Department to diagnose, or provide care, treatment, supervision, or
20 other services to a child who is the subject of a report or record
21 of child abuse or neglect; provided, the Department may limit such
22 disclosure to summaries or to information directly necessary for the
23 purpose of such disclosure;

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1 ~~6.~~ 7. Any person or agency for research purposes, if all of the
2 following conditions are met:

3 a. the person or agency conducting the research is
4 employed by the State of Oklahoma or is under contract
5 with this state and is authorized by the Department to
6 conduct the research, and

7 b. the person or agency conducting the research ensures
8 that all documents containing identifying information
9 are maintained in secure locations and access to the
10 documents by unauthorized persons is prohibited; that
11 no identifying information is included in documents
12 generated from the research conducted; and that all
13 identifying information is deleted from documents used
14 in the research when the research is completed;

15 ~~7.~~ 8. The Oklahoma Health Care Authority; and

16 ~~8.~~ 9. A medical examiner when such person is determining the
17 cause of death of a child.

18 D. In accordance with the rules promulgated for such purpose
19 pursuant to Section 620.6 of Title 10 of the Oklahoma Statutes,
20 records listed in subsection A of Section 1-6-102 of this title may
21 be inspected and their contents disclosed without a court order to
22 participating agencies.

23 E. The court may disclose to an employee of an out-of-state
24 entity, licensed to perform adoption home studies in that state,

1 whether the prospective adoptive parent has had parental rights to a
2 child terminated in Oklahoma or whether the prospective adoptive
3 parent has relinquished parental rights to a child in Oklahoma.

4 F. Nothing in this section shall be construed as prohibiting
5 the Department from disclosing such confidential information as may
6 be necessary to secure appropriate care, treatment, protection or
7 supervision of a child alleged to be abused or neglected.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1-9-123 of Title 10A, unless
10 there is created a duplication in numbering, reads as follows:

11 A. The Department of Human Services shall outsource the
12 recruitment, training and retention of all foster care homes and
13 service providers, to include foster care, emergency foster care,
14 therapeutic foster care, contracted foster care, kinship foster care
15 and other out-of-home foster placements and intensive in-home
16 services statewide. To improve the recruitment, training and
17 retention of foster care providers, the Department shall also expand
18 existing partnerships with other state agencies, private service
19 providers and tribal entities. In addition, the Department shall
20 cooperate with the Steering Committee established in subsection B of
21 this section to initiate the process of outsourcing foster care,
22 emergency foster care and therapeutic foster care, with the approval
23 of the Oklahoma Legislature. The Department shall retain
24 responsibility for child abuse and neglect investigations, referrals

1 to law enforcement, participation in the court system, case
2 management duties and adoptions. As used in this section, the term
3 "outsourcing" means the Department shall contract with private **and**
4 **public** agencies capable of improving the recruitment, training and
5 retention of qualified foster care providers using objective,
6 measurable criteria. In addition, "outsourcing" shall include
7 contracts with child-placing agencies accredited pursuant to
8 subsection H of this section, as well as **public and private**
9 providers who are capable of providing in-home services and have
10 experience tracking outcomes for those services. The Department
11 shall establish all requirements and criteria necessary to improve
12 the recruitment, training and retention of foster care service
13 providers and shall have authority to terminate or discontinue
14 contracts with providers unable to deliver measurable results. Any
15 employee of the Department of Human Services whose position is
16 eliminated as a result of the outsourcing of foster care services or
17 child-placing services may be retained by the Department if a
18 position is available.

19 B. A Steering Committee shall develop an advisory plan for the
20 Legislature to consider for the outsourcing of recruitment, training
21 and retention of foster care providers. The Steering Committee
22 shall monitor and evaluate the progress of the implementation of
23 outsourcing and provide recommendations to the Legislature on the
24 implementation of outsourcing statewide. The plan shall provide for

1 the expansion of existing partnerships and the creation of new
2 relationships with other state agencies as well as private
3 organizations with the ultimate goal of minimizing the harm to
4 children whose lives have been disrupted because they have been
5 removed or are at risk of being removed from their homes. The
6 members of the Steering Committee shall be as follows:

7 1. The Director of the Department of Human Services or
8 designee;

9 2. The Chief Executive Officer of the Oklahoma Health Care
10 Authority or designee;

11 3. The Director of the Office of State Finance or designee;

12 4. The House author of this act who shall serve in an advisory
13 capacity and shall not be a voting member of the Steering Committee;

14 5. The Senate author of this act who shall serve in an advisory
15 capacity and shall not be a voting member of the Steering Committee;

16 6. Five members to be appointed by the Speaker of the House of
17 Representatives, as follows:

18 a. one member representing a licensed child-placing
19 agency without national accreditation who shall serve
20 as cochair,

21 b. one member representing private child-placing agencies
22 with experience in some aspect of foster care or
23 therapeutic foster care,

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- c. one member who shall be a Department of Human Services employee who is a permanency planning worker,
- d. one member who shall be a judge whose primary area of responsibility includes the trial and disposition of cases involving deprived children in an urban part of the state, and
- e. one member representing a child placement agency located in a city or town with a population of less than twenty thousand (20,000) people;

7. Five members to be appointed by the President Pro Tempore of the Senate, as follows:

- a. one member representing a licensed child-placing agency with national accreditation who shall serve as cochair,
- b. one member representing a statewide association of foster parents who shall serve as cochair,
- c. one member who shall be a Department of Human Services employee who is a foster care worker,
- d. one member who shall be a judge who has responsibility for the trial and disposition of cases involving deprived children in a rural part of the state, and
- e. one member representing a statewide organization of designated youth services organizations;

8. Three members to be appointed by the Governor, as follows:

- a. one member representing an agency with experience in the management of a community- or faith-based social service,
- b. one member who shall be a judge with experience in the trial and disposition of cases involving deprived children, and
- c. one member who shall represent a nonprofit membership organization representing Indian child welfare programs in the state; and

9. Other members as may be appointed with the consent of a majority of the current members voting at a scheduled meeting, not to exceed a total of three additional members.

C. The members of the Steering Committee who are directors of state agencies shall make available agency resources as are necessary to carry out the provisions of this section. Department of Human Services' staff utilizing current agency resources shall support the Steering Committee. Support shall include gathering necessary information for the Steering Committee, hosting the Steering Committee meetings and conference calls, providing meeting announcements as well as agendas and minutes of the Steering Committee and subcommittees as directed by the cochairs and preparing reports for the review and approval of the Steering Committee.

1 D. The advisory plan shall be submitted for approval to the
2 Speaker of the House of Representatives and the President Pro
3 Tempore of the Senate no later than February 1, 2013. The advisory
4 plan shall include a methodology for determining and transferring
5 funds, including federal funds, that may be used to outsource the
6 recruitment, training and retention of foster care providers as well
7 as funding for the outsourcing of foster care, emergency foster care
8 and therapeutic foster care. The methodology shall provide for the
9 transfer of funds appropriated and budgeted for all services and
10 programs that have been incorporated into the project. The advisory
11 plan shall provide for increasing the **outsourcing** of traditional and
12 kinship foster care across the state. The advisory plan shall also
13 identify areas or regions of the state in which the implementation
14 of outsourcing would not be feasible due to a lack of service
15 providers and shall recommend solutions designed to provide services
16 statewide. The advisory plan shall include recommendations for
17 reimbursement rates for private **and public** agencies, a minimum rate
18 to be paid to foster parents, and an in-home intensive family
19 stabilization and support rate for services to children at risk of
20 removal as identified by the Department and referred to private **or**
21 **public** contractors.

22 E. The advisory plan shall address expected workload, program
23 experience and other requirements necessary for foster care
24 improvement and any child-placing agencies which may qualify as

1 service providers. Providers may include community organizations,
2 faith-based groups, and private **or public** entities with experience
3 in the field of child welfare.

4 F. The advisory plan shall include outcomes pertaining to child
5 safety, permanency and well-being mutually agreed upon by the
6 Steering Committee based upon standards established by the federal
7 Adoption and Safe Families Act, Public Law 105-89. The advisory
8 plan shall also be consistent with any requirement placed upon the
9 Department pursuant to the settlement of litigation agreement
10 completed in 2012.

11 G. The Department shall establish a quality assurance program
12 for any outsourced services. The quality assurance program shall be
13 based on standards established by the federal Adoption and Safe
14 Families Act, Public Law 105-89, as well as by a national
15 accrediting organization such as the Council on Accreditation of
16 Services for Families and Children, Inc., the Commission on
17 Accreditation of Rehabilitation Facilities, the Joint Commission on
18 the Accreditation of Healthcare Organizations, or by another
19 equivalent accreditation agency, or agencies, as the Secretary of
20 the United States Department of Health and Human Services may
21 recognize. The Department shall evaluate each contractor annually.

22 H. Agencies contracting with the Department for the outsourcing
23 of child placement services shall be accredited by the Joint
24 Commission on Accreditation of Healthcare Organizations, the

1 Commission on Accreditation of Rehabilitation Facilities, the
2 Council on Accreditation, or by another equivalent accreditation
3 agency, or agencies, as the Secretary of the United States
4 Department of Health and Human Services may recognize. An agency
5 lacking accreditation shall have a contract signed with an
6 accredited agency and shall be limited to offering traditional
7 foster care placements.

8 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
9 3-26-12 - DO PASS, As Amended.

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