

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2887

By: Pittman

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5
6 AS INTRODUCED

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

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

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

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

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

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

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

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

13 b. if the children belong to an ethnic minority and
14 require placement in a foster care home, place the
15 children in a foster care home of the same ethnic
16 background if possible,

17 c. if ordered by the court, provide supervision of
18 children alleged to be deprived who are placed by the
19 court in the custody of a parent, relative, or other
20 responsible person. Such supervision shall be in
21 accordance with rules promulgated by the Department
22 and shall not exceed the period allowed for the filing
23 of a petition or, if a petition is filed, the period
24 authorized by the court,

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

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

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

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

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

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

- 1 a. shall review and assess each child to determine the
2 type of placement and services consistent with the
3 needs of the child in the nearest geographic proximity
4 to the home of the child as possible. In making the
5 review, the Department may use any facilities, public
6 or private, which aid in the assessment,
- 7 b. shall develop and implement an individualized service
8 plan for each child in accordance with the
9 requirements of Section 1-4-704 of this title,
- 10 c. may return a deprived child to the home of the parent
11 or legal guardian from whom the child was removed with
12 prior approval of the court, or place the child in the
13 home of a noncustodial parent, in a foster care home,
14 in a children's shelter, in a group home, in an
15 independent living program, or in any licensed
16 facility established for the care of children,
- 17 d. may admit a deprived child to a hospital or behavioral
18 health facility as provided in the Inpatient Mental
19 Health and Substance Abuse Treatment of Minors Act,
- 20 e. may provide outpatient behavioral health care and
21 treatment as prescribed by a qualified behavioral
22 health professional,
- 23 f. shall, if ordered by the court, provide supervision of
24 children adjudicated deprived who are placed by the

1 court in the custody of a parent, relative, or other
2 responsible person. Such supervision shall be in
3 accordance with rules promulgated by the Department,
4 and

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

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

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

17 C. The Department shall assure that any child who has attained
18 the minimum age for compulsory school attendance and is eligible for
19 a foster care payment under Title IV-E of the Social Security Act,
20 42 U.S.C., Section 670 et seq., is:

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

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

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

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

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

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

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

22 G. The Department shall receive interest earnings on the
23 investment by the State Treasurer of monies, to be credited to an
24 agency special account, for the benefit of and held in trust for

1 persons placed in the custody of the Department or in residence at
2 facilities maintained by the Department.

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

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