STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2667 By: Derby

COMMITTEE SUBSTITUTE

An Act relating to children; amending 10A O.S. 2011, Section 1-4-902, which relates to termination of parental rights; modifying listed acts requiring termination; requiring termination if no measurable progress in certain time period; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-4-902, is amended to read as follows:

Section 1-4-902. A. The district attorney shall file a petition or motion for termination of the parent-child relationship and parental rights with respect to a child or shall join in the petition or motion, if filed by the child's attorney, in any of the following circumstances:

1. Prior to the end of the fifteenth month when a child has been placed in foster care by the Department of Human Services for fifteen (15) of the most recent twenty-two (22) months. For

purposes of this paragraph, a child shall be considered to have entered foster care on the earlier of:

a. the date of adjudication as a deprived child, or

b. the date that is sixty (60) days after the date on which the child is removed from the home;

2. No later than sixty (60) days after a child has been judicially determined to be an abandoned infant;

3. No later than sixty (60) days after a court has determined that reasonable efforts to reunite are not required due to a felony conviction of a parent ~~who has~~ of any of the following acts:

a. ~~committed the murder of any child or has aided or abetted, attempted, conspired in, or solicited the commission of the murder of any child,~~

~~b.~~ ~~committed voluntary manslaughter of another child of the parent, or has aided or abetted, attempted, conspired in, or solicited the commission of voluntary manslaughter of any child, or~~

~~c.~~ ~~committed a felony assault that has resulted in serious bodily injury to the child or to any child~~ permitting a child to participate in pornography,

b. rape, or rape by instrumentation,

c. lewd molestation of a child under sixteen (16) years of age,

d. child abuse or neglect,

e. enabling child abuse or neglect,

f. causing the death of a child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child,

g. causing the death of a sibling of the child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child's sibling,

h. murder of any child or aiding or abetting, attempting, conspiring in, or soliciting to commit murder of any child,

i. voluntary manslaughter of any child,

j. a felony assault that has resulted in serious bodily injury to the child or another child of the parent, or

k. murder or voluntary manslaughter of the child's parent or aiding or abetting, attempting, conspiring in, or soliciting to commit murder of the child's parent; or

4. No later than ninety (90) days after the court has ordered the individualized service plan if the parent has made no measurable progress in correcting the conditions which caused the child to be adjudicated deprived.

B. If any of the following conditions exist, the district attorney is not required to file a petition as provided in subsection A of this section for a deprived child:

1. At the option of the Department or by order of the court, the child is properly being cared for by a relative;

2. The Department has documented a compelling reason for determining that filing a petition to terminate parental rights would not serve the best interests of the child that may include consideration of any of the following circumstances:

a. the parents or legal guardians have maintained a relationship with the child and the child would benefit from continuing this relationship,

b. the child, who is twelve (12) years or older, objects to the termination of the parent-child legal relationship,

c. the foster parents of the child are unable to adopt the child because of exceptional circumstances which do not include an unwillingness to accept legal responsibility for the child but are willing and capable of providing the child with a stable and permanent environment, and the removal of the child from the physical custody of the foster parents would be seriously detrimental to the emotional well-being of the child because the child has substantial psychological ties to the foster parents,

d. the child is not capable of achieving stability if placed in a family setting, or

e. the child is an unaccompanied, refugee minor and the situation regarding the child involves international legal issues or compelling foreign policy issues; or

3. The state has not provided to the family of the child, consistent with the time period in the state case plan, services that the state deems necessary for the safe return of the child to the child's home, if reasonable efforts are required to be made with respect to the child.

SECTION 2. This act shall become effective November 1, 2014.

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