

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 54th Legislature (2013)

4 HOUSE BILL 1789

                                  By: Blackwell and Pittman

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7                                   AS INTRODUCED

8                   **[ children - kinship foster care - effective date ]**

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

13           SECTION 1.        AMENDATORY        10A O.S. 2011, Section 1-9-106, is  
14 amended to read as follows:

15           Section 1-9-106.    A.   There is hereby established a Kinship  
16 Foster Care Program in the Department of Human Services.

17           B.   The Department shall establish, in accordance with the  
18 provisions of this section, standards for becoming a kinship foster  
19 care family.

20           C.   1.   When a child has been removed from the child's home and  
21 is in the care and custody of the Department, the Department shall  
22 attempt to place the child with a person determined by the  
23 Department to have a kinship relationship with the child if such  
24 placement is in the best interests of the child.

1           2. In determining a kinship placement for a child who has been  
2 removed from the custody of a custodial parent and placed with the  
3 Department in emergency or protective custody, priority shall be  
4 given by the Department to the placement of the child with the  
5 noncustodial parent of the child unless such placement is not in the  
6 best interests of the child. If it is determined by the Department  
7 that placement with the noncustodial parent is not in the best  
8 interests of the child, placement shall be consistent with the  
9 provisions of Section 1-4-204 of this title. The health, safety, or  
10 welfare of a child shall be of paramount concern in any placement.

11           D. 1. Upon the completion of the records search to ascertain  
12 if there is an Oklahoma record of criminal history for the  
13 prospective kinship foster parent or any other adult residing in the  
14 prospective kinship foster parent's home, and subject to any other  
15 standards established by law or by the Department, a child may be  
16 placed in the kinship home. A kinship foster parent shall ~~not~~ be  
17 entitled to ~~any payments for providing foster care until such foster~~  
18 ~~parent receives final approval from~~ payment for the full foster care  
19 rate for the care of the child and any other benefits that might be  
20 available to foster parents, whether monetary or in services,  
21 beginning at the time the child is placed with the kinship foster  
22 parent by the Department ~~to be a kinship foster parent.~~

23           2. Following placement, the Oklahoma State Bureau of  
24 Investigation shall complete a national criminal history records

1 search based upon submission of fingerprints for any kinship foster  
2 parent and any adult residing in the home of such parent, and shall  
3 make the results of the records search available to the Department  
4 pursuant to the provisions of the Oklahoma Child Care Facilities  
5 Licensing Act, and applicable state and federal law. The Director  
6 of Human Services or designee may authorize an exception to the  
7 fingerprinting requirement for an adult residing in the kinship  
8 foster care home who has a severe physical condition which precludes  
9 the person from being fingerprinted.

10 3. The Department shall maintain the confidentiality of the  
11 records search results and shall use the results only for purposes  
12 of determining a person's eligibility to become a kinship foster  
13 parent.

14 4. It shall be unlawful, except for the purpose of determining  
15 a person's eligibility for kinship foster care, for any person to  
16 disclose information obtained under this subsection.

17 5. Any person violating the provisions of this subsection shall  
18 be guilty of a misdemeanor.

19 E. A person related by blood, marriage, adoption, and by tie or  
20 bond to a child, and/or to whom has been ascribed a family  
21 relationship role with the child's parents or the child may be  
22 eligible for approval as a kinship foster care parent.

23 F. The Department shall determine whether the person is able to  
24 effectively care for the foster child by:

1 1. Reviewing personal and professional references;

2 2. Observing during a visit to the home of the kinship foster  
3 care family; and

4 3. Interviewing the kinship foster care parent.

5 G. ~~1. When the kinship foster parent is finally approved by~~  
6 ~~the Department, in accordance with applicable state and federal law~~  
7 ~~and rules promulgated by the Commission for Human Services regarding~~  
8 ~~foster care services, the kinship foster care family shall be~~  
9 ~~eligible to receive payment for the full foster care rate for the~~  
10 ~~care of the child and any other benefits that might be available to~~  
11 ~~foster parents, whether monetary or in services.~~

12 ~~2.~~ If a child is placed with a kinship foster parent prior to  
13 the home's final approval as a foster care home, the Department  
14 shall immediately refer the child and family for assistance through  
15 the Temporary Assistance for Needy Families Program, if necessary.

16 H. 1. The Department and the kinship foster care parent shall  
17 develop a plan for the care of the child, which shall be  
18 periodically reviewed and updated.

19 2. The kinship foster parent shall cooperate with any  
20 activities specified in the case plan for the child including, but  
21 not limited to, counseling, therapy, court sessions, visits with the  
22 child's parents or other family members, and training.

23 I. The Commission for Human Services shall promulgate rules  
24 necessary to carry out the provisions of this section.

1 SECTION 2. AMENDATORY 10A O.S. 2011, Section 1-9-116, is  
2 amended to read as follows:

3 Section 1-9-116. A. The Department of Human Services and each  
4 child-placing agency shall develop:

5 1. A foster care education program to provide training for  
6 persons intending to furnish foster care services; and

7 2. Continuing educational programs for foster parents.

8 B. 1. In addition to any other conditions and requirements  
9 specified by the state agency or child-placing agency, as  
10 applicable, prior to placement of a child in foster placement other  
11 than kinship care, each foster parent shall have completed the  
12 training approved by the Department or the child-placing agency, as  
13 appropriate.

14 2. A foster parent providing kinship foster care shall, if  
15 possible, complete the training developed by the Department for  
16 kinship foster care prior to placement or at such other times as  
17 required by the Department; provided, however, in no event shall  
18 training take place later than one hundred twenty (120) days after  
19 placement of the child with the kinship foster parent. ~~Until a~~  
20 ~~kinship foster parent receives final approval from the Department to~~  
21 ~~provide foster care services to a child, the kinship foster parent~~  
22 ~~shall not be eligible to receive any payment for providing foster~~  
23 ~~care services.~~

24

1           3. Approved training shall require a minimum of twelve (12)  
2 hours of study related, but not limited, to physical care,  
3 education, learning disabilities, procedures for referral to and  
4 receipt of necessary professional services, behavioral assessment  
5 and modification, independent-living skills, and procedures for  
6 biological parent contact. Such training shall relate to the area  
7 of parental substitute authority, behavioral management techniques  
8 including, but not limited to, parent-child conflict resolution  
9 techniques, stress management, and any other appropriate technique  
10 to teach the foster parent how to manage the child's behavior in a  
11 manner appropriate to the age and development of the foster child.

12           4. The foster parent or person intending to provide foster care  
13 services may complete the training as part of an approved training  
14 program offered by a public or private agency with expertise in the  
15 provision of child foster care or in related subject areas.

16           C. In order to assist persons providing kinship foster care,  
17 the Department shall immediately refer kinship foster parents and  
18 the child for assistance under the Temporary Assistance for Needy  
19 Families Program until the certification and training requirements  
20 have been completed.

21           D. Foster parent training programs may include, but not be  
22 limited to, in-service training, workshops and seminars developed by  
23 the state agency; seminars and courses offered through public or  
24 private education agencies; and workshops, seminars and courses

1 pertaining to behavioral and developmental disabilities and to the  
2 development of mutual support services for foster parents.

3 E. The Department and each child-placing agency shall provide  
4 statewide training, education, and continuing education programs for  
5 foster parents.

6 F. The Department or each child-placing agency shall notify a  
7 foster parent at least ten (10) business days in advance of the  
8 statewide scheduling of education, continuing education or foster  
9 parent training occurring near the vicinity of the home of a foster  
10 parent.

11 G. The Department may also provide additional foster care  
12 training to a foster parent. A foster parent may request in writing  
13 to the Department that additional foster parent training be  
14 provided.

15 SECTION 3. This act shall become effective November 1, 2013.

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17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
18 03/05/2013 - DO PASS, As Amended and Coauthored.

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