

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2667

By: Derby

7
8 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

- 3 a. the date of adjudication as a deprived child, or
- 4 b. the date that is sixty (60) days after the date on
5 which the child is removed from the home;

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

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

- 11 a. ~~committed the murder of any child or has aided or~~
12 ~~abetted, attempted, conspired in, or solicited the~~
13 ~~commission of the murder of any child,~~
- 14 b. ~~committed voluntary manslaughter of another child of~~
15 ~~the parent, or has aided or abetted, attempted,~~
16 ~~conspired in, or solicited the commission of voluntary~~
17 ~~manslaughter of any child, or~~
- 18 c. ~~committed a felony assault that has resulted in~~
19 ~~serious bodily injury to the child or to any child~~
20 permitting a child to participate in pornography,
- 21 b. rape, or rape by instrumentation,
- 22 c. lewd molestation of a child under sixteen (16) years
23 of age,
- 24 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 1. At the option of the Department or by order of the court,
2 the child is properly being cared for by a relative;

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

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

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

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

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

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

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

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

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11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/19/2014 - DO
12 PASS, As Amended.