

1 that end, it is presumed that the best interests of a child are
2 ordinarily served by leaving the child in the custody of the
3 parents, who are expected to have the strongest bond of love and
4 affection and to be best able to provide a child those needed
5 qualities that make a child's life safe and secure. Nevertheless,
6 this presumption may be rebutted where there is evidence of abuse
7 and neglect or threat of harm;

8 2. A child has a right to be raised by the mother and father of
9 the child as well as a right to be raised free from physical and
10 emotional abuse or neglect. When it is necessary to remove a child
11 from a parent, the child is entitled to a permanent home and to be
12 placed in the least restrictive environment to meet the needs of the
13 child; and

14 3. Because the state has an interest in its present and future
15 citizens as well as a duty to protect those who, because of age, are
16 unable to protect themselves, it is the policy of this state to
17 provide for the protection of children who have been abused or
18 neglected and who may be further threatened by the conduct of
19 persons responsible for the health, safety, and welfare of such
20 children. To this end, where family circumstances threaten the
21 safety of a child, the state's interest in the welfare of the child
22 takes precedence over the natural right and authority of the parent
23 to the extent that it is necessary to protect the child and assure
24 that the best interests of the child are met.

1 B. It is the intent of the Legislature that the Oklahoma
2 Children's Code provide the foundation and process for state
3 intervention into the parent-child relationship whenever the
4 circumstances of a family threaten the safety of a child and to
5 properly balance the interests of the parties stated herein. To
6 this end, it is the purpose of the laws relating to children alleged
7 or found to be deprived to:

8 1. Intervene in the family only when necessary to protect a
9 child from harm or threatened harm;

10 2. Provide expeditious and timely judicial and agency
11 procedures for the protection of the child;

12 3. Preserve, unify, and strengthen the family ties of the child
13 whenever possible when in the best interests of the child to do so;

14 4. Recognize that the right to family integrity, preservation
15 or reunification is limited by the right of the child to be
16 protected from abuse and neglect;

17 5. Make reasonable efforts to prevent or eliminate the need for
18 the removal of a child from the home and make reasonable efforts to
19 return the child to the home unless otherwise prescribed by the
20 Oklahoma Children's Code;

21 6. Recognize that permanency is in the best interests of the
22 child;

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24

1 7. Ensure that when family rehabilitation and reunification are
2 not possible, the child will be placed in an adoptive home or other
3 permanent living arrangement in a timely fashion; and

4 8. Secure for each child the permanency, care, education, and
5 guidance as will best serve the spiritual, emotional, mental and
6 physical health, safety, and welfare of the child.

7 C. Whenever it is necessary for a child to be placed outside
8 the home pursuant to the Oklahoma Children's Code, it is the intent
9 of the Legislature that:

10 1. Each child shall be assured the care, guidance, and
11 supervision in a permanent home or foster home that will serve the
12 best interests of the child including, but not limited to, the
13 development of the moral, emotional, spiritual, mental, social,
14 educational, and physical well-being of the child;

15 2. When a child is placed in foster care, the foster parent
16 shall be allowed to consider the child as part of the family;

17 3. Whenever possible siblings shall be placed together and when
18 it is not possible efforts shall be made to preserve the
19 relationships through visitation and other methods of communication;
20 and

21 4. Permanent placement is achieved as soon as possible.

22 D. A foster parent or group home where a child is placed has a
23 recognizable interest in the familial relationship that the foster
24 parent or group home establishes with a foster child and shall

1 therefore be considered an essential participant with regard to
2 decisions related to the care, supervision, guidance, rearing, and
3 other foster care services to the child.

4 E. It is the intent of the Legislature that the paramount
5 consideration in all proceedings within the Oklahoma Children's Code
6 is the best interests of the child.

7 SECTION 2. AMENDATORY 10A O.S. 2011, Section 1-4-802, is
8 amended to read as follows:

9 Section 1-4-802. A. At any hearing pursuant to the provisions
10 of the Oklahoma Children's Code for the purpose of determining the
11 placement of a child or that a child in state custody is to be
12 released from state custody, the court shall provide an opportunity
13 to a representative of the Department of Human Services, the present
14 foster parent or representative of the group home where a child is
15 placed, the guardian ad litem and the child, if of sufficient age as
16 determined by the court, to present sworn testimony regarding the
17 placement of the child or release of the child from state custody.
18 In all cases in which the Office of Juvenile System Oversight has
19 conducted an investigation regarding placement of a child or release
20 of a child from state custody and believes there is a serious risk
21 of danger to the health or safety of that child, the Oklahoma
22 Commission on Children and Youth shall provide to the court and the
23 parties a written report of their investigation and recommendation
24 for placement of the child. Such report shall be provided to the

1 court and the parties no less than five (5) days prior to the
2 hearing. The court, upon motion of any party, shall order
3 attendance of any person preparing such report when it appears there
4 is a substantial likelihood that material evidence not contained in
5 the report may be produced by the testimony of any person having
6 prepared the report. The court shall consider the report when
7 making his or her decision regarding placement of a child or release
8 of a child from state custody.

9 B. The court, the district attorney or the attorneys for the
10 parties may cross examine the representative of the Department, the
11 child, if of sufficient age as determined by the court, the present
12 foster parents or group home representative, and the guardian ad
13 litem.

14 C. The court shall issue written findings of fact and
15 conclusions of law. All hearings concerning such cases shall be on
16 the record. The failure of any court to provide an opportunity to a
17 representative of the Department or to the present foster parent or
18 group home representative, the guardian ad litem and to the child,
19 if of sufficient age as determined by the court, to present the
20 sworn testimony pursuant to this section shall be subject to
21 immediate mandamus to an appropriate court.

22 SECTION 3. AMENDATORY 10A O.S. 2011, Section 1-4-805, is
23 amended to read as follows:
24

1 Section 1-4-805. A. If a child placed in the custody of a
2 child-placing agency or in the custody of the Department of Human
3 Services by the court has resided with a foster parent or group home
4 for three (3) or more months:

5 1. Except in an emergency, the Department or child-placing
6 agency shall:

7 a. give a minimum of five (5) judicial days' advance
8 notice to the foster parent or group home and to the
9 court before removing a child from such foster
10 placement, and

11 b. at the time of such notification, provide the foster
12 parent or group home with a written statement of the
13 reasons for removing a child;

14 2. An oral or written opinion may be provided to the court by a
15 party ~~or,~~ foster parent or representative of a group home where a
16 child is placed in support of or in opposition to any change in the
17 child's placement that is planned or under consideration by the
18 Department or child-placing agency;

19 3. The court shall resolve any concerns raised by a party ~~or,~~
20 foster parent or group home representative regarding a planned
21 change in the child's placement during any hearing in which the
22 concerns are brought to the attention of the court or the court may
23 schedule an informal placement review hearing that shall be heard
24 within fifteen (15) judicial days from the date the concerns are

1 brought to the attention of the court. The court may, in its
2 discretion, stay a proposed change in placement until the informal
3 placement review hearing is held; and

4 4. The foster parent or group home representative shall, at any
5 hearing, be entitled to submit to the court written reports or
6 present testimony concerning the strengths, needs, behavior,
7 important experiences, and relationships of the child, in addition
8 to such other information the court may request.

9 B. When a child is placed in the custody of the Department or
10 any child-placing agency, the Department or child-placing agency
11 shall have discretion to determine an appropriate foster placement
12 for the child. Except as provided in this section, the Department
13 or child-placing agency may remove a child in its custody from a
14 foster placement whenever the Department or child-placing agency
15 determines that removal is in the best interests of the deprived
16 child.

17 C. 1. In order to promote stability for foster children and
18 limit repeated movement of such children from one foster placement
19 to another, the Department or child-placing agency, except as
20 otherwise provided by this subsection, shall not change the foster
21 home or group home placement of a child without the approval of the
22 court in the following circumstances:

23 a. the court or other party receiving notice from the
24 Department of the movement of the child has filed a

1 written request for an informal hearing, as provided
2 in Section 1-4-804 of this title,

3 b. the court has stayed a planned change in a child's
4 placement pending a judicial review due to a verbal or
5 written objection made by a party or by a foster
6 parent or group home representative during a court
7 proceeding, or

8 c. a foster parent or representative of a group home with
9 whom the child has resided for more than six (6)
10 months objects, in writing pursuant to the provisions
11 of this subsection, after notice of the removal of the
12 child by the Department or the child-placing agency.

13 2. The objection shall be filed with the court by the foster
14 parent or group home and served on the Department or child-placing
15 agency within five (5) judicial days after receipt of the notice
16 from the Department or child-placing agency regarding removal of the
17 child. The court shall provide for notice to other parties in the
18 case.

19 3. Timely filing and service of the objection shall stay
20 removal of the child pending review of the court unless the
21 Department's or child-placing agency's stated reason for removal is
22 due to an emergency. As used in this paragraph, "emergency" means a
23 removal that is:

- 1 a. pursuant to an order of the court entered during or
2 following a hearing including, but not limited to, an
3 order authorizing placement of a child with a parent
4 or sibling,
5 b. at the request of the foster parent or group home,
6 c. for emergency medical or behavioral health treatment,
7 d. due to substantial noncompliance by the foster parent
8 or group home with applicable contract requirements
9 and agreements such that the health, safety, or
10 welfare of the child is in imminent danger, or
11 e. due to a pending investigation of allegations of abuse
12 or neglect of a child by a foster parent or other
13 person residing in the foster family home or group
14 home.

15 4. The court shall conduct an informal placement review hearing
16 within fifteen (15) judicial days on any objection filed by a party,
17 ~~or~~ foster parent or group home pursuant to this section. The court
18 may order that the child remain in or be returned to the home of the
19 objecting foster parent or group home if the court finds that the
20 placement decision of the Department or child-placing agency was
21 arbitrary, inconsistent with the child's permanency plan or not in
22 the best interests of the child.

23 SECTION 4. AMENDATORY 10A O.S. 2011, Section 1-4-807, is
24 amended to read as follows:

1 Section 1-4-807. A. 1. Every case regarding a child alleged
2 or adjudicated to be deprived shall be reviewed by the court at a
3 hearing no later than six (6) months from the date of the child's
4 removal from the home and at least once every six (6) months
5 thereafter until permanency is achieved or the court otherwise
6 terminates jurisdiction except as otherwise set forth in paragraph 2
7 of this subsection. A review hearing may be held concurrently with
8 a permanency hearing.

9 2. When the Department of Human Services has documented a
10 compelling reason why a petition to terminate parental rights to a
11 child is not in the best interests of the child that is based upon a
12 consideration that the child is presently not capable of functioning
13 in a family setting, the court shall reevaluate the status of the
14 child every ninety (90) days until there is a final determination
15 that the child cannot be placed in a family setting.

16 3. At any time during the pendency of the case, any party may
17 request the court to review the case. If granted, the requesting
18 party shall serve notice on all parties of the date and time of the
19 hearing.

20 B. If a foster parent, group home, preadoptive parent, or
21 relative is currently providing care for a child, the Department
22 shall give the foster parent, group home, preadoptive parent, or
23 relative notice of a proceeding concerning the child. A foster
24 parent, group home representative, preadoptive parent, or relative

1 providing care for a child has the right to be heard at the
2 proceeding. Except when allowed to intervene, the foster parent,
3 group home, preadoptive parent, or relative providing care for the
4 child is not considered a party to the juvenile court proceeding
5 solely because of notice and the right to be heard at the
6 proceeding.

7 C. The court shall receive all evidence helpful in deciding the
8 issues before the court including, but not limited to, oral and
9 written reports, which may be admitted and relied upon to the extent
10 of their probative value, even though not competent for purposes of
11 an adjudicatory hearing. All service provider progress reports and
12 critical incident reports shall be submitted to the court and shall
13 also be delivered to the District Attorney, the attorney or
14 attorneys representing the parents or group home, the child's
15 attorney and guardian ad litem, if applicable, and the relevant
16 tribe or tribes, if applicable.

17 D. At each review hearing the court shall:

18 1. Determine and include the following in its orders:

- 19 a. whether the individualized service plan, services, and
20 placement meet the special needs and best interests of
21 the child with the child's health, safety, and
22 educational needs specifically addressed,
- 23 b. whether there is a need for the continued placement of
24 the child,

- 1 c. whether the current permanency plan for the child
2 remains the appropriate plan to meet the health,
3 safety, and best interests of the child,
- 4 d. whether the services set forth in the individualized
5 service plan and the responsibilities of the parties
6 need to be clarified or modified due to the
7 availability of additional information or changed
8 circumstances or as the court determines to be in the
9 best interests of the child and necessary for the
10 correction of the conditions that led to the
11 adjudication of the child,
- 12 e. whether the terms of visitation need to be modified,
13 including the visitation with siblings if separated,
- 14 f. the time frame that should be followed to achieve
15 reunification or other permanent plan for the child,
- 16 g. whether reasonable efforts have been made to provide
17 for the safe return of the child to the child's own
18 home. If the court determines or has previously
19 determined that reasonable efforts are not required
20 pursuant to the provisions of Section 1-4-809 of this
21 title, or that continuation of reasonable efforts to
22 reunite the child with the child's family is
23 inconsistent with the permanency plan for the child,
24 the court shall determine if reasonable efforts are

1 being made to place the child in a timely manner in
2 accordance with the permanency plan and determine the
3 steps necessary to finalize permanency for the child,
4 h. where appropriate, when the child is sixteen (16)
5 years of age or older, whether services are being
6 provided that will assist the child in making the
7 transition from foster care to independent living.
8 The court shall inquire or cause inquiry to be made of
9 the child regarding any proposed independent living
10 plan,
11 i. whether the nature and extent of services being
12 provided the child and parent or parents of the child
13 are adequate and shall order that additional services
14 be provided or studies, assessments, or evaluations be
15 conducted, if necessary, to ensure the safety of the
16 child and to protect the child from further physical,
17 mental, or emotional harm, or to correct the
18 conditions that led to the adjudication,
19 j. whether, in accordance with the safety or well-being
20 of any child, reasonable efforts have been made to:
21 (1) place siblings, who have been removed, together
22 in the same foster care, guardianship, or
23 adoptive placement, and
24

1 (2) provide for frequent visitation or other ongoing
2 interaction in the case of siblings who have been
3 removed and who are not placed together, and

4 k. whether, during the ninety-day period immediately
5 prior to the date on which the child in the custody of
6 the Department will attain eighteen (18) years of age,
7 the Department and, as appropriate, other
8 representatives of the child are providing the child
9 with assistance and support in developing an
10 appropriate transition plan that is personalized at
11 the direction of the child, that includes specific
12 options on housing, health insurance, education, local
13 opportunities for mentors and continuing support
14 services, and work force supports and employment
15 services, and is as detailed as the child may elect;

16 2. Consider in-state and out-of-state placement options for the
17 child; and

18 3. Determine the safety of the child and consider fully all
19 relevant prior and current information including, but not limited
20 to, the report or reports submitted pursuant to Sections 1-4-805 and
21 1-4-808 of this title.

22 E. In making its findings, the court shall consider the
23 following:
24

1 1. Whether compliance with the individualized service plan has
2 occurred, including whether the Department has provided care that is
3 consistent with the health, safety, and educational needs of the
4 child while in an out-of-home placement;

5 2. The extent of progress that has been made toward alleviating
6 or correcting the conditions that caused the child to be adjudicated
7 deprived;

8 3. Whether the child should be returned to a parent or parents
9 and whether or not the health, safety, and welfare of the child can
10 be protected by a parent or parents if returned home; and

11 4. An appropriate permanency plan for the child, including
12 concurrent planning when applicable, pursuant to Section 1-4-706 of
13 this title.

14 SECTION 5. AMENDATORY 10A O.S. 2011, Section 1-4-810, is
15 amended to read as follows:

16 Section 1-4-810. A. 1. When a child has been in out-of-home
17 care for twelve (12) months or longer, the court may require that
18 the Department of Human Services facilitate a meeting held no later
19 than thirty (30) days prior to the permanency hearing to discuss
20 recommendations regarding the child's permanency plan that will be
21 reported to and reviewed by the court.

22 2. The court may direct that the assigned guardian ad litem,
23 which may be a court-appointed special advocate, if any, a judicial
24 case manager, or the Department make arrangements for the meeting.

1 The foster parents of the child or a representative of a group home
2 where the child is placed, the parents of the child, or the parents'
3 attorney, a postadjudication review board member, the guardian ad
4 litem who has been appointed to the case, the child, and others as
5 appropriate, and the child's attorney shall be contacted to assist
6 in the preparation of the report; provided, however, persons
7 determined not to require reasonable efforts pursuant to the
8 provisions of Section 1-4-809 of this title shall not be required to
9 attend.

10 B. 1. Prior to a permanency hearing, the Department shall
11 prepare a report regarding the child for court review and shall
12 provide a copy of the report to the court and the parties not less
13 than three (3) judicial days prior to the permanency hearing.

14 2. The report shall include the proposed permanency plan by the
15 Department, the efforts by the Department to effectuate the
16 permanency plan for the child, address the options for the permanent
17 placement of the child, and examine the reasons for excluding higher
18 priority options.

19 3. Unless a permanency hearing has been conducted, the
20 Department, as applicable, shall contact the foster parents or group
21 home of the child, the parents of the child, or the parents'
22 attorney, a postadjudication review board member, the guardian ad
23 litem, or the court appointed special advocate who has been
24

1 appointed to the case, and the child's attorney to assist in the
2 preparation of the report.

3 C. The up-to-date and accurate report shall also contain, but
4 not be limited to, the following information, if relevant:

5 1. Efforts and progress demonstrated by the child's parent to
6 complete an individual treatment and service plan;

7 2. Status of the child, including the child's behavioral,
8 physical, and emotional health;

9 3. A recommendation regarding whether the child's current
10 permanency goal should be continued or modified, the reasons
11 therefor, and the anticipated date for meeting the goal; and

12 4. A recommendation regarding whether the placement of the
13 child should be extended and the reasons for the recommendation.

14 D. The child's attorney, the parents or parents' attorney, the
15 foster parent or group home representative, the postadjudicatory
16 review board member, the guardian ad litem, or the court appointed
17 special advocate of the child may submit additional informational
18 reports to the court for review.

19 SECTION 6. This act shall become effective November 1, 2014.

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21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/02/2014 - DO
22 PASS.

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