

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2431

By: Kern of the House

and

Standridge of the Senate

7 An Act relating to children; amending 10A O.S. 2011,  
8 Section 1-4-709, which relates to permanent  
9 guardianships for deprived child; prohibiting  
10 guardianship if prospective guardian is not eligible  
11 for foster or adoptive placement; and declaring an  
12 emergency.

13 AMENDMENT NO. 1. Page 3, line 12, after the first "or" and before  
14 the word "living", delete the words "married to  
or"

15 Passed the Senate the 12th day of April, 2016.

17 \_\_\_\_\_  
18 Presiding Officer of the Senate

19 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
20 2016.

22 \_\_\_\_\_  
23 Presiding Officer of the House  
24 of Representatives

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9 guardianships for deprived child; prohibiting  
10 guardianship if prospective guardian is not eligible  
11 for foster or adoptive placement; and declaring an  
12 emergency.

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

14 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-4-709, is  
15 amended to read as follows:

16 Section 1-4-709. A. The court may establish a permanent  
17 guardianship between a child and a relative or other adult if the  
18 guardianship is in the child's best interests and all of the  
19 following conditions are substantially satisfied:

- 20 1. The child has been adjudicated to be a deprived child;
- 21 2. The parent has:
  - 22 a. consented to the guardianship,
  - 23 b. had his or her parental rights terminated,

- c. failed to substantially correct the conditions that led to the adjudication of the child,
- d. been adjudicated as incompetent or incapacitated by a court,
- e. abandoned the child,
- f. failed to be identified or has not been located despite reasonably diligent efforts to ascertain the whereabouts of the parent, or
- g. died;

3. The child consents to the guardianship if the court finds the child to be of sufficient intelligence, understanding, and experience to provide consent;

4. Termination of the parent's rights is either not legally possible or not in the best interests of the child or adoption is not the permanency plan for the child;

5. The child and the prospective guardian do not require protective supervision or preventive services to ensure the stability of the guardianship;

6. The prospective guardian is committed to providing for the child until the child reaches the age of majority and to preparing the child for adulthood and independence;

7. The prospective guardian agrees not to return the child to the care of the person from whom the child was removed nor to allow visitation without the approval of the court; and

1 8. The child has been residing or placed with the proposed  
2 guardian for at least the six (6) preceding months or the permanent  
3 guardian is a relative with whom the child has a relationship.

4 B. In proceedings for permanent guardianship, the court shall  
5 give primary consideration to the physical and behavioral health  
6 needs of the child.

7 C. A permanent guardianship pursuant to subsection A of this  
8 section shall not be permitted if the prospective guardian would be  
9 denied placement as a prospective foster or adoptive parent pursuant  
10 to subsection C of Section 1-4-705 of this title or if the  
11 prospective guardian is subject to the Oklahoma Sex Offenders  
12 Registration Act or married to or living with an individual subject  
13 to the Oklahoma Sex Offenders Registration Act.

14 D. Unless otherwise set forth in the final order of permanent  
15 guardianship, a permanent guardian is vested with all of the rights  
16 and responsibilities as set forth in Title 30 of the Oklahoma  
17 Statutes relating to the powers and duties of a guardian of a minor,  
18 other than those rights and responsibilities retained by the child's  
19 parent, if any, that are set forth in the decree of permanent  
20 guardianship.

21 SECTION 2. It being immediately necessary for the preservation  
22 of the public peace, health and safety, an emergency is hereby  
23 declared to exist, by reason whereof this act shall take effect and  
24 be in full force from and after its passage and approval.

1 Passed the House of Representatives the 2nd day of March, 2016.

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3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2016.

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9 Presiding Officer of the Senate