ENGROSSED HOUSE
BILL NO. 2431 By: Kern of the House

and

Standridge of the Senate

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

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

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

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

1. The child has been adjudicated to be a deprived child;

2. The parent has:

a. consented to the guardianship,

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

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

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

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

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

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

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

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Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2016.

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Presiding Officer of the Senate