

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2428

By: Kern

AS INTRODUCED

An Act relating to children; creating the Child Welfare Provider Inclusion Act of 2016; defining terms; prohibiting discrimination against a child welfare provider; providing exception; permitting civil action for violation of the act; entitling prevailing provider to recover attorney fees and costs; waiving state immunity for acceptance of federal funds; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-8-112 of Title 10A, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Child Welfare Provider Inclusion Act of 2016".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-8-113 of Title 10A, unless there is created a duplication in numbering, reads as follows:

As used in the Child Welfare Provider Inclusion Act of 2016:

1 1. "Child welfare service provider" means a child-placing
2 agency, organization, corporation, group, entity or individual that
3 provides or seeks to provide, or that applies for or receives a
4 contract, subcontract, grant or subgrant for the provision of child
5 welfare services. The provider need not be engaged exclusively in
6 child welfare services to be considered a child welfare service
7 provider;

8 2. "Child welfare services" means social services provided to
9 or on behalf of children, including assisting abused, neglected or
10 troubled children, counseling children or parents, promoting foster
11 parenting, providing foster family homes, group homes or independent
12 living programs for children, recruiting foster parents, placing
13 children in foster family homes, licensing foster family homes,
14 promoting adoption, recruiting adoptive parents, assisting
15 adoptions, supporting adoptive families, assisting kinship
16 guardianships, assisting kinship caregivers, providing family
17 preservation services, providing family support services and
18 providing time-limited family reunification services;

19 3. "Funding", "funded" or "funds" means money paid pursuant to
20 a contract, grant, voucher or similar means; and

21 4. "Adverse action" means, but is not limited to, denying a
22 child welfare service provider's application for funding, refusing
23 to renew the provider's funding, canceling the provider's funding,
24 declining to enter into a contract with the provider, refusing to

1 renew a contract with the provider, canceling a contract with the
2 provider, declining to issue a license to the provider, refusing to
3 renew the provider's license, canceling the provider's license,
4 terminating the provider's employment or any other adverse action
5 that materially alters the terms or conditions of the provider's
6 employment, funding, contract or license.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1-8-114 of Title 10A, unless
9 there is created a duplication in numbering, reads as follows:

10 A. The state, including any agency, department, commission or
11 board, shall not discriminate or take an adverse action against a
12 child welfare service provider on the basis that the provider has
13 declined or will decline to provide, facilitate or refer for a child
14 welfare service that conflicts with, or under circumstances that
15 conflict with, the provider's sincerely held religious beliefs or
16 moral convictions.

17 B. Subsection A of this section shall not apply to conduct
18 forbidden by paragraph (18) of subsection (a) of Section 671 of
19 Title 42 of the United States Code.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-8-115 of Title 10A, unless
22 there is created a duplication in numbering, reads as follows:

23 A. A child welfare service provider aggrieved by a violation of
24 Section 3 of the Child Welfare Provider Inclusion Act of 2016 may

1 assert that violation as a claim or defense in a civil action and
2 obtain all appropriate relief, including declaratory relief,
3 injunctive relief and compensatory damages with respect to that
4 violation.

5 B. A child welfare service provider that prevails in an action
6 by establishing a violation of Section 3 of this act is entitled to
7 recover reasonable attorney fees and costs.

8 C. By accepting or expending federal funds in connection with a
9 program that provides child welfare services under part B or part E
10 of Subchapter IV of Chapter 7 of Title 42 of the United States Code,
11 the state waives its sovereign immunity for any claim or defense
12 that is raised under this section.

13 SECTION 5. This act shall become effective November 1, 2016.

14
15 55-2-7732 EK 12/03/15
16
17
18
19
20
21
22
23
24