

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2621

By: Osborn

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5  
6 AS INTRODUCED

7 An Act relating to children; amending 10A O.S. 2011,  
8 Sections 1-4-204 and 1-7-107, which relate to custody  
9 and placement of siblings in foster care; providing  
10 exception for placing siblings in the same home;  
11 allowing separate placement for siblings in specified  
12 circumstances; and providing an effective date.

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

14 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-4-204, is  
15 amended to read as follows:

16 Section 1-4-204. A. 1. When awarding custody or determining  
17 the placement of a child, a preference shall be given to relatives  
18 and persons who have a kinship relationship with the child. The  
19 Department of Human Services shall make diligent efforts to place  
20 the child with such persons and shall report to the court the  
21 efforts made to secure that placement. In cases where the Indian  
22 Child Welfare Act applies, the placement preferences of the act  
23 shall be followed.  
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1           2. When two or more children are siblings, every reasonable  
2 attempt shall be made to place the siblings in the same home, except  
3 as provided in paragraph 3 of this subsection. In making a  
4 permanent placement, siblings shall be placed in the same permanent  
5 home or, if the siblings are separated, shall be allowed contact or  
6 visitation with each other; provided, however, the best interests of  
7 each sibling shall be the standard for determining the appropriate  
8 custodian or placement as well as the contact and visitation with  
9 the other siblings.

10           3. Siblings may be separated if the court and the Department  
11 find:

12           a. one sibling has resided in a foster family home for  
13 six (6) or more months and has established a  
14 relationship with the foster family,

15           b. the siblings have never resided in the same home  
16 together or there is no established relationship  
17 between the siblings, and

18           c. it is in the best interests of the child to remain in  
19 the current foster family home placement.

20           ~~3.~~ B. In determining the appropriate custodian or placement for  
21 a child pursuant to subsection A of this section, the court and the  
22 Department shall consider, but not be limited to, the following  
23 factors:  
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- 1 a. the ability of the person being considered to provide  
2 safety for the child, including a willingness to  
3 cooperate with any restrictions placed on contact  
4 between the child and others, and to prevent others  
5 from influencing the child in regard to the  
6 allegations of the case,
- 7 b. the ability of the person being considered to support  
8 the efforts of the Department to implement the  
9 permanent plan for the child,
- 10 c. the ability of the person being considered to meet the  
11 child's physical, emotional, and educational needs,  
12 including the child's need to continue in the same  
13 school or educational placement,
- 14 d. the person who has the closest existing personal  
15 relationship with the child if more than one person  
16 requests placement of the child pursuant to this  
17 section,
- 18 e. the ability of the person being considered to provide  
19 a placement for the child's sibling who is also in  
20 need of placement or continuation in substitute care,
- 21 f. the wishes of the parent, the relative, and the child,  
22 if appropriate,
- 23  
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1           g.    the ability of the person being considered to care for  
2                    the child as long as is necessary and to provide a  
3                    permanent home if necessary, and

4           h.    the best interests of the child.

5        ~~B.~~ C. 1. The Department of Human Services shall consider  
6 placement with a relative without delay and shall identify relatives  
7 of the child and notify them of the need for temporary placement and  
8 the possibility of the need for a permanent out-of-home placement of  
9 the child. The relative search shall be reasonable and  
10 comprehensive in scope and may continue until a fit and willing  
11 relative is identified.

12        2. The relatives shall be notified of the need to keep the  
13 Department informed of their current address in order to receive  
14 notice when a permanent out-of-home placement is being sought for  
15 the child. A relative who fails to provide a current address may  
16 forfeit the right to be considered for the child's permanent out-of-  
17 home placement.

18        3. A decision by a relative to not participate in the child's  
19 placement planning at the beginning of the case or to cooperate with  
20 the Department to expedite procedures for placement of the child in  
21 the child's home may affect whether that relative will be considered  
22 for permanent placement of the child if the child cannot be safely  
23 returned to the home of the child's parent or parents.

1       ~~C.~~ D. The Department, while assessing the relatives for the  
2 possibility of placement, shall be authorized to disclose to the  
3 relative, as appropriate, the fact that the child is in custody, the  
4 alleged reasons for the custody, and the projected date for the  
5 child's return home or other permanent placement as well as any  
6 other confidential information deemed necessary and appropriate to  
7 secure a suitable placement.

8       ~~D.~~ E. Following an initial placement with a relative, whenever  
9 a new placement of the child is made, consideration for placement  
10 shall again be given as described in this section to approved  
11 relatives who will fulfill the reunification or permanent plan  
12 requirements of the child. The Department shall consider whether  
13 the relative has established and maintained a relationship with the  
14 child.

15       ~~E.~~ F. If the child is not placed with a relative who has been  
16 considered for placement pursuant to this section, the Department  
17 shall advise the court, in writing, the reasons why that relative  
18 was denied and the written reasons shall be made a part of the court  
19 record.

20       ~~F.~~ G. The provisions of this section shall apply to all custody  
21 or placement proceedings which concern a child alleged or  
22 adjudicated to be deprived including, but not limited to,  
23 guardianship and adoption proceedings.  
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1 SECTION 2. AMENDATORY 10A O.S. 2011, Section 1-7-107, is  
2 amended to read as follows:

3 Section 1-7-107. A. When two or more children in foster care  
4 are siblings, every reasonable attempt should be made to place them  
5 in the same home, except as provided in subsection B of this  
6 section. In making a permanent placement, such children should be  
7 placed in the same permanent home or, if the siblings are separated,  
8 should be allowed contact or visitation with other siblings;  
9 provided, however, the best interests of each sibling shall be the  
10 standard for determining whether they should be placed in the same  
11 foster placement or permanent placement, or allowed contact or  
12 visitation with other siblings.

13 B. Siblings may be separated if the court and the Department of  
14 Human Services find:

15 1. One sibling has resided in a foster family home for six (6)  
16 or more months and has established a relationship with the foster  
17 family;

18 2. The siblings have never resided in the same home together or  
19 there is no established relationship between the siblings; and

20 3. It is in the best interests of the child to remain in the  
21 current foster family home placement.

22 SECTION 3. This act shall become effective November 1, 2016.

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24 55-2-7772 EK 01/04/16