

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2428 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Sally Kern \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2428

By: Kern

7  
8 PROPOSED COMMITTEE SUBSTITUTE

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

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

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

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

24 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:

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

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

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

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

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

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

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

11 A. The state, including any agency, department, commission or  
12 board, shall not discriminate or take an adverse action against a  
13 child welfare service provider on the basis that the provider has  
14 declined or will decline to provide, facilitate or refer for a child  
15 welfare service that conflicts with, or under circumstances that  
16 conflict with, the provider's sincerely held religious beliefs or  
17 moral convictions which are clearly expressed in the mission  
18 statement, articles of organization or certificate of incorporation  
19 of the provider.

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

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

4 A. A child welfare service provider aggrieved by a violation of  
5 Section 3 of the Child Welfare Provider Inclusion Act of 2016 may  
6 assert that violation as a claim or defense in a civil action and  
7 obtain all appropriate relief, including declaratory relief,  
8 injunctive relief and compensatory damages with respect to that  
9 violation.

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

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

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

19  
20 55-2-8958 EK 02/04/16  
21  
22  
23  
24