

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

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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; and

20 3. "Funds" means money paid pursuant to a contract, grant,
21 voucher or similar means.

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

1 A. The state, including any agency, department, commission or
2 board, shall not refuse to contract or enter into an agreement with
3 a child welfare service provider on the basis that the provider has
4 declined or will decline to provide, facilitate or refer for a child
5 welfare service that conflicts with, or under circumstances that
6 conflict with, the provider's sincerely held religious beliefs or
7 moral convictions which are clearly expressed in the mission
8 statement, articles of organization or certificate of incorporation
9 of the provider.

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

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

16 A. A child welfare service provider aggrieved by a violation of
17 Section 3 of the Child Welfare Provider Inclusion Act of 2016 may
18 assert that violation as a claim or defense in a civil action and
19 obtain all appropriate relief, including declaratory relief,
20 injunctive relief and compensatory damages with respect to that
21 violation.

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

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

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

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8 55-2-9078 EK 02/15/16
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