

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2428

By: Kern

COMMITTEE SUBSTITUTE

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; 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; and

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

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-8-114 of Title 10A, unless
23 there is created a duplication in numbering, reads as follows:
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1 A. Pursuant to Section 2 of Article I of the Oklahoma
2 Constitution, the state, including any agency, department,
3 commission or board, shall not refuse to contract or enter into an
4 agreement with a child welfare service provider on the basis that
5 the provider has declined or will decline to provide, facilitate or
6 refer for a child welfare service that conflicts with, or under
7 circumstances that conflict with, the provider's sincerely held
8 religious beliefs or moral convictions which are clearly expressed
9 in the mission statement, articles of organization or certificate of
10 incorporation of the provider.

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

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

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

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

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