

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2428

By: Kern of the House

and

Brecheen of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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8 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
9 SERVICES, dated 02/16/2016 - DO PASS, As Amended and Coauthored.
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