

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1832

 By: Osborn (Leslie)

7 AS INTRODUCED

8 An Act relating to children and juvenile code;
9 amending 10A O.S. 2011, Section 1-1-105, as last
10 amended by Section 1, Chapter 210, O.S.L. 2016 (10A
11 O.S. Supp. 2016, Section 1-1-105), which relates to
12 definitions; modifying definition; amending 10A O.S.
13 2011, Section 1-7-107, as amended by Section 2,
14 Chapter 245, O.S.L. 2016 (10A O.S. Supp. 2016,
15 Section 1-7-107), which relates to placement of
16 siblings in the same home; authorizing the Department
17 of Human Services to separate siblings if placement
18 together would be contrary to safety or well-being of
19 siblings; amending Section 1, Chapter 143, O.S.L.
20 2014, as amended by Section 1, Chapter 189, O.S.L.
21 2015 (10A O.S. Supp. 2016, Section 1-8-111), which
22 relates to annual credit report for youth in custody;
23 reducing age of youth in custody of the Department
24 that shall be provided with an annual credit report;
 eliminating liability for foster parents for property
 damage or injuries in certain circumstances;
 providing certain acts and omissions shall not limit
 liability; providing for codification; and providing
 an effective date.

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

22 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-1-105, as
23 last amended by Section 1, Chapter 210, O.S.L. 2016 (10A O.S. Supp.
24 2016, Section 1-1-105), is amended to read as follows:

1 Section 1-1-105. When used in the Oklahoma Children's Code,
2 unless the context otherwise requires:

3 1. "Abandonment" means:

- 4 a. the willful intent by words, actions, or omissions not
5 to return for a child, or
- 6 b. the failure to maintain a significant parental
7 relationship with a child through visitation or
8 communication in which incidental or token visits or
9 communication are not considered significant, or
- 10 c. the failure to respond to notice of deprived
11 proceedings;

12 2. "Abuse" means harm or threatened harm to the health, safety,
13 or welfare of a child by a person responsible for the child's
14 health, safety, or welfare, including but not limited to
15 nonaccidental physical or mental injury, sexual abuse, or sexual
16 exploitation. Provided, however, that nothing contained in this act
17 shall prohibit any parent from using ordinary force as a means of
18 discipline including, but not limited to, spanking, switching, or
19 paddling.

- 20 a. "Harm or threatened harm to the health or safety of a
21 child" means any real or threatened physical, mental,
22 or emotional injury or damage to the body or mind that
23 is not accidental including but not limited to sexual
24 abuse, sexual exploitation, neglect, or dependency.

1 b. "Sexual abuse" includes but is not limited to rape,
2 incest, and lewd or indecent acts or proposals made to
3 a child, as defined by law, by a person responsible
4 for the health, safety, or welfare of the child.

5 c. "Sexual exploitation" includes but is not limited to
6 allowing, permitting, encouraging, or forcing a child
7 to engage in prostitution, as defined by law, by any
8 person eighteen (18) years of age or older or by a
9 person responsible for the health, safety, or welfare
10 of a child, or allowing, permitting, encouraging, or
11 engaging in the lewd, obscene, or pornographic, as
12 defined by law, photographing, filming, or depicting
13 of a child in those acts by a person responsible for
14 the health, safety, and welfare of the child;

15 3. "Adjudication" means a finding by the court that the
16 allegations in a petition alleging that a child is deprived are
17 supported by a preponderance of the evidence;

18 4. "Adjudicatory hearing" means a hearing by the court as
19 provided by Section 1-4-601 of this title;

20 5. "Age-appropriate or developmentally appropriate" means:

21 a. activities or items that are generally accepted as
22 suitable for children of the same age or level of
23 maturity or that are determined to be developmentally
24 appropriate for a child, based on the development of

1 cognitive, emotional, physical, and behavioral
2 capacities that are typical for an age or age group,
3 and

- 4 b. in the case of a specific child, activities or items
5 that are suitable for that child based on the
6 developmental stages attained by the child with
7 respect to the cognitive, emotional, physical, and
8 behavioral capacities of the specific child.

9 In the event that any age-related activities have implications
10 relative to the academic curriculum of a child, nothing in this
11 paragraph shall be construed to authorize an officer or employee of
12 the federal government to mandate, direct, or control a state or
13 local educational agency, or the specific instructional content,
14 academic achievement standards and assessments, curriculum, or
15 program of instruction of a school;

16 6. "Assessment" means a comprehensive review of child safety
17 and evaluation of family functioning and protective capacities that
18 is conducted in response to a child abuse or neglect referral that
19 does not allege a serious and immediate safety threat to a child;

20 7. "Behavioral health" means mental health, substance abuse, or
21 co-occurring mental health and substance abuse diagnoses, and the
22 continuum of mental health, substance abuse, or co-occurring mental
23 health and substance abuse treatment;

1 8. "Child" means any unmarried person under eighteen (18) years
2 of age;

3 9. "Child advocacy center" means a center and the
4 multidisciplinary child abuse team of which it is a member that is
5 accredited by the National Children's Alliance or that is completing
6 a sixth year of reaccreditation. Child advocacy centers shall be
7 classified, based on the child population of a district attorney's
8 district, as follows:

- 9 a. nonurban centers in districts with child populations
10 that are less than sixty thousand (60,000), and
11 b. midlevel nonurban centers in districts with child
12 populations equal to or greater than sixty thousand
13 (60,000), but not including Oklahoma and Tulsa
14 counties;

15 10. "Child with a disability" means any child who has a
16 physical or mental impairment which substantially limits one or more
17 of the major life activities of the child, or who is regarded as
18 having such an impairment by a competent medical professional;

19 11. "Child-placing agency" means an agency that arranges for or
20 places a child in a foster family home, group home, adoptive home,
21 or a successful adulthood program;

22 12. "Community-based services" or "community-based programs"
23 means services or programs which maintain community participation or
24 supervision in their planning, operation, and evaluation.

1 Community-based services and programs may include, but are not
2 limited to, emergency shelter, crisis intervention, group work, case
3 supervision, job placement, recruitment and training of volunteers,
4 consultation, medical, educational, home-based services, vocational,
5 social, preventive and psychological guidance, training, counseling,
6 early intervention and diversionary substance abuse treatment,
7 sexual abuse treatment, transitional living, independent living, and
8 other related services and programs;

9 13. "Concurrent permanency planning" means, when indicated, the
10 implementation of two plans for a child entering foster care. One
11 plan focuses on reuniting the parent and child; the other seeks to
12 find a permanent out-of-home placement for the child with both plans
13 being pursued simultaneously;

14 14. "Court-appointed special advocate" or "CASA" means a
15 responsible adult volunteer who has been trained and is supervised
16 by a court-appointed special advocate program recognized by the
17 court, and when appointed by the court, serves as an officer of the
18 court in the capacity as a guardian ad litem;

19 15. "Court-appointed special advocate program" means an
20 organized program, administered by either an independent, not-for-
21 profit corporation, a dependent project of an independent, not-for-
22 profit corporation or a unit of local government, which recruits,
23 screens, trains, assigns, supervises and supports volunteers to be
24 available for appointment by the court as guardians ad litem;

1 16. "Custodian" means an individual other than a parent, legal
2 guardian or Indian custodian, to whom legal custody of the child has
3 been awarded by the court. As used in this title, the term
4 "custodian" shall not mean the Department of Human Services;

5 17. "Day treatment" means a nonresidential program which
6 provides intensive services to a child who resides in the child's
7 own home, the home of a relative, group home, a foster home or
8 residential child care facility. Day treatment programs include,
9 but are not limited to, educational services;

10 18. "Department" means the Department of Human Services;

11 19. "Dependency" means a child who is homeless or without
12 proper care or guardianship through no fault of his or her parent,
13 legal guardian, or custodian;

14 20. "Deprived child" means a child:

- 15 a. who is for any reason destitute, homeless, or
16 abandoned,
- 17 b. who does not have the proper parental care or
18 guardianship,
- 19 c. who has been abused, neglected, or is dependent,
- 20 d. whose home is an unfit place for the child by reason
21 of depravity on the part of the parent or legal
22 guardian of the child, or other person responsible for
23 the health or welfare of the child,

- e. who is a child in need of special care and treatment because of the child's physical or mental condition, and the child's parents, legal guardian, or other custodian is unable or willfully fails to provide such special care and treatment. As used in this paragraph, a child in need of special care and treatment includes, but is not limited to, a child who at birth tests positive for alcohol or a controlled dangerous substance and who, pursuant to a drug or alcohol screen of the child and an assessment of the parent, is determined to be at risk of harm or threatened harm to the health or safety of a child,
- f. who is a child with a disability deprived of the nutrition necessary to sustain life or of the medical treatment necessary to remedy or relieve a life-threatening medical condition in order to cause or allow the death of the child if such nutrition or medical treatment is generally provided to similarly situated children without a disability or children with disabilities; provided that no medical treatment shall be necessary if, in the reasonable medical judgment of the attending physician, such treatment would be futile in saving the life of the child,

- 1 g. who, due to improper parental care and guardianship,
2 is absent from school as specified in Section 10-106
3 of Title 70 of the Oklahoma Statutes, if the child is
4 subject to compulsory school attendance,
5 h. whose parent, legal guardian or custodian for good
6 cause desires to be relieved of custody,
7 i. who has been born to a parent whose parental rights to
8 another child have been involuntarily terminated by
9 the court and the conditions which led to the making
10 of the finding, which resulted in the termination of
11 the parental rights of the parent to the other child,
12 have not been corrected, or
13 j. whose parent, legal guardian, or custodian has
14 subjected another child to abuse or neglect or has
15 allowed another child to be subjected to abuse or
16 neglect and is currently a respondent in a deprived
17 proceeding.

18 Nothing in the Oklahoma Children's Code shall be construed to
19 mean a child is deprived for the sole reason the parent, legal
20 guardian, or person having custody or control of a child, in good
21 faith, selects and depends upon spiritual means alone through
22 prayer, in accordance with the tenets and practice of a recognized
23 church or religious denomination, for the treatment or cure of
24 disease or remedial care of such child.

1 Nothing contained in this paragraph shall prevent a court from
2 immediately assuming custody of a child and ordering whatever action
3 may be necessary, including medical treatment, to protect the
4 child's health or welfare;

5 21. "Dispositional hearing" means a hearing by the court as
6 provided by Section 1-4-706 of this title;

7 22. "Drug-endangered child" means a child who is at risk of
8 suffering physical, psychological or sexual harm as a result of the
9 use, possession, distribution, manufacture or cultivation of
10 controlled substances, or the attempt of any of these acts, by a
11 person responsible for the health, safety or welfare of the child,
12 as defined in paragraph 51 of this section. This term includes
13 circumstances wherein the substance abuse of the person responsible
14 for the health, safety or welfare of the child interferes with that
15 person's ability to parent and provide a safe and nurturing
16 environment for the child. The term also includes newborns who test
17 positive for a controlled dangerous substance, with the exception of
18 those substances administered under the care of a physician;

19 23. "Emergency custody" means the custody of a child prior to
20 adjudication of the child following issuance of an order of the
21 district court pursuant to Section 1-4-201 of this title or
22 following issuance of an order of the district court pursuant to an
23 emergency custody hearing, as specified by Section 1-4-203 of this
24 title;

1 24. "Facility" means a place, an institution, a building or
2 part thereof, a set of buildings, or an area whether or not
3 enclosing a building or set of buildings used for the lawful custody
4 and treatment of children;

5 25. "Failure to protect" means failure to take reasonable
6 action to remedy or prevent child abuse or neglect, and includes the
7 conduct of a non-abusing parent or guardian who knows the identity
8 of the abuser or the person neglecting the child, but lies, conceals
9 or fails to report the child abuse or neglect or otherwise take
10 reasonable action to end the abuse or neglect;

11 26. "Foster care" or "foster care services" means continuous
12 twenty-four-hour care and supportive services provided for a child
13 in foster placement including, but not limited to, the care,
14 supervision, guidance, and rearing of a foster child by the foster
15 parent;

16 27. "Foster family home" means the private residence of a
17 foster parent who provides foster care services to a child. Such
18 term shall include a nonkinship foster family home, a therapeutic
19 foster family home, or the home of a relative or other kinship care
20 home;

21 28. "Foster parent eligibility assessment" includes a criminal
22 background investigation including, but not limited to, a national
23 criminal history records search based upon the submission of
24 fingerprints, home assessments, and any other assessment required by

1 the Department of Human Services, the Office of Juvenile Affairs, or
2 any child-placing agency pursuant to the provisions of the Oklahoma
3 Child Care Facilities Licensing Act;

4 29. "Guardian ad litem" means a person appointed by the court
5 pursuant to the provisions of Section 1-4-306 of this title having
6 those duties and responsibilities as set forth in that section. The
7 term "guardian ad litem" shall refer to a court-appointed special
8 advocate as well as to any other person appointed pursuant to the
9 provisions of Section 1-4-306 of this title to serve as a guardian
10 ad litem;

11 30. "Guardian ad litem of the estate of the child" means a
12 person appointed by the court to protect the property interests of a
13 child pursuant to Section 1-8-108 of this title;

14 31. "Group home" means a residential facility licensed by the
15 Department to provide full-time care and community-based services
16 for more than five but fewer than thirteen children;

17 32. "Harm or threatened harm to the health or safety of a
18 child" means any real or threatened physical, mental, or emotional
19 injury or damage to the body or mind that is not accidental
20 including, but not limited to, sexual abuse, sexual exploitation,
21 neglect, or dependency;

22 33. "Heinous and shocking abuse" includes, but is not limited
23 to, aggravated physical abuse that results in serious bodily,
24

1 mental, or emotional injury. "Serious bodily injury" means injury
2 that involves:

- 3 a. a substantial risk of death,
- 4 b. extreme physical pain,
- 5 c. protracted disfigurement,
- 6 d. a loss or impairment of the function of a body member,
7 organ, or mental faculty,
- 8 e. an injury to an internal or external organ or the
9 body,
- 10 f. a bone fracture,
- 11 g. sexual abuse or sexual exploitation,
- 12 h. chronic abuse including, but not limited to, physical,
13 emotional, or sexual abuse, or sexual exploitation
14 which is repeated or continuing,
- 15 i. torture that includes, but is not limited to,
16 inflicting, participating in or assisting in
17 inflicting intense physical or emotional pain upon a
18 child repeatedly over a period of time for the purpose
19 of coercing or terrorizing a child or for the purpose
20 of satisfying the craven, cruel, or prurient desires
21 of the perpetrator or another person, or
- 22 j. any other similar aggravated circumstance;

23 34. "Heinous and shocking neglect" includes, but is not limited
24 to:

- a. chronic neglect that includes, but is not limited to,
a persistent pattern of family functioning in which
the caregiver has not met or sustained the basic needs
of a child which results in harm to the child,
- b. neglect that has resulted in a diagnosis of the child
as a failure to thrive,
- c. an act or failure to act by a parent that results in
the death or near death of a child or sibling, serious
physical or emotional harm, sexual abuse, sexual
exploitation, or presents an imminent risk of serious
harm to a child, or
- d. any other similar aggravating circumstance;

35. "Individualized service plan" means a document written
pursuant to Section 1-4-704 of this title that has the same meaning
as "service plan" or "treatment plan" where those terms are used in
the Oklahoma Children's Code;

36. "Infant" means a child who is twelve (12) months of age or
younger;

37. "Institution" means a residential facility offering care
and treatment for more than twenty residents;

38. a. "Investigation" means a response to an allegation of
abuse or neglect that involves a serious and immediate
threat to the safety of the child, making it necessary
to determine:

1 (1) the current safety of a child and the risk of
2 subsequent abuse or neglect, and

3 (2) whether child abuse or neglect occurred and
4 whether the family needs prevention- and
5 intervention-related services.

6 b. "Investigation" results in a written response stating
7 one of the following findings:

8 (1) "substantiated" means the Department has
9 determined, after an investigation of a report of
10 child abuse or neglect and based upon some
11 credible evidence, that child abuse or neglect
12 has occurred. When child abuse or neglect is
13 substantiated, the Department may recommend:

14 (a) court intervention if the Department finds
15 the health, safety, or welfare of the child
16 is threatened, or

17 (b) child abuse and neglect prevention- and
18 intervention-related services for the child,
19 parents or persons responsible for the care
20 of the child if court intervention is not
21 determined to be necessary,

22 (2) "unsubstantiated" means the Department has
23 determined, after an investigation of a report of
24 child abuse or neglect, that insufficient

evidence exists to fully determine whether child abuse or neglect has occurred. If child abuse or neglect is unsubstantiated, the Department may recommend, when determined to be necessary, that the parents or persons responsible for the care of the child obtain child abuse and neglect prevention- and intervention-related services, or

(3) "ruled out" means a report in which a child protective services specialist has determined, after an investigation of a report of child abuse or neglect, that no child abuse or neglect has occurred;

39. "Kinship care" means full-time care of a child by a kinship relation;

40. "Kinship guardianship" means a permanent guardianship as defined in this section;

41. "Kinship relation" or "kinship relationship" means relatives, stepparents, or other responsible adults who have a bond or tie with a child and/or to whom has been ascribed a family relationship role with the child's parents or the child; provided, however, in cases where the Indian Child Welfare Act applies, the definitions contained in 25 U.S.C., Section 1903 shall control;

1 42. "Mental health facility" means a mental health or substance
2 abuse treatment facility as defined by the Inpatient Mental Health
3 and Substance Abuse Treatment of Minors Act;

4 43. "Minor" means the same as the term "child" as defined in
5 this section;

6 44. "Minor in need of treatment" means a child in need of
7 mental health or substance abuse treatment as defined by the
8 Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

9 45. "Multidisciplinary child abuse team" means any team
10 established pursuant to Section 1-9-102 of this title of three or
11 more persons who are trained in the prevention, identification,
12 investigation, prosecution, and treatment of physical and sexual
13 child abuse and who are qualified to facilitate a broad range of
14 prevention- and intervention-related services and services related
15 to child abuse. For purposes of this definition, "freestanding"
16 means a team not used by a child advocacy center for its
17 accreditation;

18 46. "Near death" means a child is in serious or critical
19 condition, as certified by a physician, as a result of abuse or
20 neglect;

21 47. "Neglect" means:

- 22 a. the failure or omission to provide any of the
23 following:
24

- (1) adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, or appropriate education,
- (2) medical, dental, or behavioral health care,
- (3) supervision or appropriate caretakers, or
- (4) special care made necessary by the physical or mental condition of the child,

b. the failure or omission to protect a child from exposure to any of the following:

- (1) the use, possession, sale, or manufacture of illegal drugs,
- (2) illegal activities, or
- (3) sexual acts or materials that are not age-appropriate, or

c. abandonment.

Nothing in this paragraph shall be construed to mean a child is abused or neglected for the sole reason the parent, legal guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child. Nothing contained in this paragraph shall prevent a court from immediately assuming custody of a child, pursuant to the Oklahoma Children's Code, and ordering whatever

1 action may be necessary, including medical treatment, to protect the
2 child's health or welfare;

3 48. "Permanency hearing" means a hearing by the court pursuant
4 to Section 1-4-811 of this title;

5 49. "Permanent custody" means the court-ordered custody of an
6 adjudicated deprived child when a parent-child relationship no
7 longer exists due to termination of parental rights or due to the
8 death of a parent or parents;

9 50. "Permanent guardianship" means a judicially created
10 relationship between a child, a kinship relation of the child, or
11 other adult established pursuant to the provisions of Section 1-4-
12 709 of this title;

13 51. "Person responsible for a child's health, safety, or
14 welfare" includes a parent; a legal guardian; custodian; a foster
15 parent; a person eighteen (18) years of age or older with whom the
16 child's parent cohabitates or any other adult residing in the home
17 of the child; an agent or employee of a public or private
18 residential home, institution, facility or day treatment program as
19 defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or
20 an owner, operator, or employee of a child care facility as defined
21 by Section 402 of Title 10 of the Oklahoma Statutes;

22 52. "Protective custody" means custody of a child taken by a
23 law enforcement officer or designated employee of the court without
24 a court order;

1 53. "Putative father" means an alleged father as that term is
2 defined in Section 7700-102 of Title 10 of the Oklahoma Statutes;

3 54. "Reasonable and prudent parent standard" means the standard
4 characterized by careful and sensible parental decisions that
5 maintain the health, safety, and best interests of a child while at
6 the same time encouraging the emotional and developmental growth of
7 the child. This standard shall be used by the child's caregiver
8 when determining whether to allow a child to participate in
9 extracurricular, enrichment, cultural, and social activities. For
10 purposes of this definition, the term "caregiver" means a foster
11 parent with whom a child in foster care has been placed, a
12 representative of a group home where a child has been placed or a
13 designated official for a residential child care facility where a
14 child in foster care has been placed;

15 55. "Relative" means a grandparent, great-grandparent, brother
16 or sister of whole or half blood, aunt, uncle or any other person
17 related to the child;

18 56. "Residential child care facility" means a twenty-four-hour
19 residential facility where children live together with or are
20 supervised by adults who are not their parents or relatives;

21 57. "Review hearing" means a hearing by the court pursuant to
22 Section 1-4-807 of this title;

23 58. "Risk" means the likelihood that an incident of child abuse
24 or neglect will occur in the future;

1 59. "Safety threat" means the threat of serious harm due to
2 child abuse or neglect occurring in the present or in the very near
3 future and without the intervention of another person, a child would
4 likely or in all probability sustain severe or permanent disability
5 or injury, illness, or death;

6 60. "Safety analysis" means action taken by the Department in
7 response to a report of alleged child abuse or neglect that may
8 include an assessment or investigation based upon an analysis of the
9 information received according to priority guidelines and other
10 criteria adopted by the Department;

11 61. "Safety evaluation" means evaluation of a child's situation
12 by the Department using a structured, evidence-based tool to
13 determine if the child is subject to a safety threat;

14 62. "Secure facility" means a facility which is designed and
15 operated to ensure that all entrances and exits from the facility
16 are subject to the exclusive control of the staff of the facility,
17 whether or not the juvenile being detained has freedom of movement
18 within the perimeter of the facility, or a facility which relies on
19 locked rooms and buildings, fences, or physical restraint in order
20 to control behavior of its residents;

21 63. "Sibling" means a biologically or legally related brother
22 or sister of a child;

23 64. "Specialized foster care" means foster care provided to a
24 child in a foster home or agency-contracted home which:

- a. has been certified by the Developmental Disabilities Services Division of the Department of Human Services,
- b. is monitored by the Division, and
- c. is funded through the Home- and Community-Based Waiver Services Program administered by the Division;

65. "Successful adulthood program" means a program specifically designed to assist a child to enhance those skills and abilities necessary for successful adult living. A successful adulthood program may include, but shall not be limited to, such features as minimal direct staff supervision, and the provision of supportive services to assist children with activities necessary for finding an appropriate place of residence, completing an education or vocational training, obtaining employment, or obtaining other similar services;

66. "Temporary custody" means court-ordered custody of an adjudicated deprived child;

67. "Therapeutic foster family home" means a foster family home which provides specific treatment services, pursuant to a therapeutic foster care contract, which are designed to remedy social and behavioral problems of a foster child residing in the home;

68. "Trafficking in persons" means sex trafficking or severe forms of trafficking in persons as described in Section 7102 of Title 22 of the United States Code:

1 a. "sex trafficking" means the recruitment, harboring,
2 transportation, provision, or obtaining, patronizing
3 or soliciting of a person for the purpose of a
4 commercial sex act, and

5 b. "severe forms of trafficking in persons" means:

6 (1) sex trafficking in which a commercial sex act is
7 induced by force, fraud, or coercion, or in which
8 the person induced to perform such act has not
9 attained eighteen (18) years of age, or

10 (2) the recruitment, harboring, transportation,
11 provision, ~~or~~ obtaining, patronizing or
12 soliciting of a person for labor or services,
13 through the use of force, fraud, or coercion for
14 the purpose of subjection to involuntary
15 servitude, peonage, debt bondage, or slavery;

16 69. "Transitional living program" means a residential program
17 that may be attached to an existing facility or operated solely for
18 the purpose of assisting children to develop the skills and
19 abilities necessary for successful adult living. The program may
20 include, but shall not be limited to, reduced staff supervision,
21 vocational training, educational services, employment and employment
22 training, and other appropriate independent living skills training
23 as a part of the transitional living program; and
24

1 70. "Voluntary foster care placement" means the temporary
2 placement of a child by the parent, legal guardian or custodian of
3 the child in foster care pursuant to a signed placement agreement
4 between the Department or a child-placing agency and the child's
5 parent, legal guardian or custodian.

6 SECTION 2. AMENDATORY 10A O.S. 2011, Section 1-7-107, as
7 amended by Section 2, Chapter 245, O.S.L. 2016 (10A O.S. Supp. 2016,
8 Section 1-7-107), is amended to read as follows:

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

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

21 1. One sibling has resided in a foster family home for six (6)
22 or more months and has established a relationship with the foster
23 family;
24

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

3 3. Placement of siblings together would be contrary to the
4 safety or well-being of any of the siblings; and

5 4. It is in the best interests of the child to remain in the
6 current foster family home placement.

7 SECTION 3. AMENDATORY Section 1, Chapter 143, O.S.L.
8 2014, as amended by Section 1, Chapter 189, O.S.L. 2015 (10A O.S.
9 Supp. 2016, Section 1-8-111), is amended to read as follows:

10 Section 1-8-111. A. The Department of Human Services shall
11 provide each youth in its custody ~~sixteen (16)~~ fourteen (14) years
12 and older an annual credit report. The Department shall inform the
13 court with jurisdiction over the youth of any inaccuracies in a
14 credit report displaying evidence of identity theft or any other
15 activity fraudulently made on behalf of the youth in custody. The
16 Department may implement the requirements of this section in stages
17 beginning with youth in the independent living program whose credit
18 rating may inhibit employment and housing opportunities when the
19 child is no longer in custody.

20 B. Within one (1) year of the effective date of this act, the
21 Department of Human Services shall submit annual reports on the
22 implementation of the provisions of this act to the Chair and Vice
23 Chair of the Senate Health and Human Services Committee and the
24 Chair and Vice Chair of the House Human Services Committee. Such

1 reports shall include, but not be limited to, the number of youths
2 in the Department's custody receiving credit score reports, the
3 frequency of such reports, and administrative issues faced by the
4 Department in the implementation of this act. Such reports shall
5 continue to be issued by the Department until November 1, 2018.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1-9-116.1 of Title 10A, unless
8 there is created a duplication in numbering, reads as follows:

9 A foster parent who is acting in good faith and pursuant to the
10 reasonable and prudent parent standard shall not be liable for
11 property damage or injuries caused by the child or injuries to the
12 child placed in his or her care when the child engages in
13 appropriate activities and such damage or injuries results from the
14 inherent risks typically associated with such activities. Nothing
15 in this section shall prevent or limit the liability of a foster
16 parent if the foster parent commits an act or omission that
17 constitutes willful or wanton disregard for the safety of the child
18 or other persons or their property, and that act or omission caused
19 the damage or injuries.

20 SECTION 5. This act shall become effective November 1, 2017.
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22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL AND
23 ENVIRONMENTAL, dated 02/08/2017 - DO PASS.
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