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AS AMENDED

By: Osborn (Leslie) of the
House

Paxton of the Senate

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1 communication in which incidental or token visits or
2 communication are not considered significant, or
3 c. the failure to respond to notice of deprived
4 proceedings;

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

13 a. "Harm or threatened harm to the health or safety of a
14 child" means any real or threatened physical, mental,
15 or emotional injury or damage to the body or mind that
16 is not accidental including but not limited to sexual
17 abuse, sexual exploitation, neglect, or dependency.

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

22 c. "Sexual exploitation" includes but is not limited to
23 allowing, permitting, encouraging, or forcing a child
24 to engage in prostitution, as defined by law, by any

1 person eighteen (18) years of age or older or by a
2 person responsible for the health, safety, or welfare
3 of a child, or allowing, permitting, encouraging, or
4 engaging in the lewd, obscene, or pornographic, as
5 defined by law, photographing, filming, or depicting
6 of a child in those acts by a person responsible for
7 the health, safety, and welfare of the child;

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

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

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

14 a. activities or items that are generally accepted as
15 suitable for children of the same age or level of
16 maturity or that are determined to be developmentally
17 appropriate for a child, based on the development of
18 cognitive, emotional, physical, and behavioral
19 capacities that are typical for an age or age group,
20 and

21 b. in the case of a specific child, activities or items
22 that are suitable for that child based on the
23 developmental stages attained by the child with
24

1 respect to the cognitive, emotional, physical, and
2 behavioral capacities of the specific child.

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

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

14 7. "Behavioral health" means mental health, substance abuse, or
15 co-occurring mental health and substance abuse diagnoses, and the
16 continuum of mental health, substance abuse, or co-occurring mental
17 health and substance abuse treatment;

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

20 9. "Child advocacy center" means a center and the
21 multidisciplinary child abuse team of which it is a member that is
22 accredited by the National Children's Alliance or that is completing
23 a sixth year of reaccreditation. Child advocacy centers shall be
24

1 classified, based on the child population of a district attorney's
2 district, as follows:

- 3 a. nonurban centers in districts with child populations
4 that are less than sixty thousand (60,000), and
- 5 b. midlevel nonurban centers in districts with child
6 populations equal to or greater than sixty thousand
7 (60,000), but not including Oklahoma and Tulsa
8 counties;

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

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

16 12. "Community-based services" or "community-based programs"
17 means services or programs which maintain community participation or
18 supervision in their planning, operation, and evaluation.

19 Community-based services and programs may include, but are not
20 limited to, emergency shelter, crisis intervention, group work, case
21 supervision, job placement, recruitment and training of volunteers,
22 consultation, medical, educational, home-based services, vocational,
23 social, preventive and psychological guidance, training, counseling,
24 early intervention and diversionary substance abuse treatment,

1 sexual abuse treatment, transitional living, independent living, and
2 other related services and programs;

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

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

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

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

23 17. "Day treatment" means a nonresidential program which
24 provides intensive services to a child who resides in the child's

own home, the home of a relative, group home, a foster home or residential child care facility. Day treatment programs include, but are not limited to, educational services;

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

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

20. "Deprived child" means a child:

- a. who is for any reason destitute, homeless, or abandoned,
- b. who does not have the proper parental care or guardianship,
- c. who has been abused, neglected, or is dependent,
- d. whose home is an unfit place for the child by reason of depravity on the part of the parent or legal guardian of the child, or other person responsible for 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,
- g. who, due to improper parental care and guardianship, is absent from school as specified in Section 10-106 of Title 70 of the Oklahoma Statutes, if the child is subject to compulsory school attendance,
- h. whose parent, legal guardian or custodian for good cause desires to be relieved of custody,
- i. who has been born to a parent whose parental rights to another child have been involuntarily terminated by

1 the court and the conditions which led to the making
2 of the finding, which resulted in the termination of
3 the parental rights of the parent to the other child,
4 have not been corrected, or

5 j. whose parent, legal guardian, or custodian has
6 subjected another child to abuse or neglect or has
7 allowed another child to be subjected to abuse or
8 neglect and is currently a respondent in a deprived
9 proceeding.

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

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

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

23 22. "Drug-endangered child" means a child who is at risk of
24 suffering physical, psychological or sexual harm as a result of the

1 use, possession, distribution, manufacture or cultivation of
2 controlled substances, or the attempt of any of these acts, by a
3 person responsible for the health, safety or welfare of the child,
4 as defined in paragraph 51 of this section. This term includes
5 circumstances wherein the substance abuse of the person responsible
6 for the health, safety or welfare of the child interferes with that
7 person's ability to parent and provide a safe and nurturing
8 environment for the child. The term also includes newborns who test
9 positive for a controlled dangerous substance, with the exception of
10 those substances administered under the care of a physician;

11 23. "Emergency custody" means the custody of a child prior to
12 adjudication of the child following issuance of an order of the
13 district court pursuant to Section 1-4-201 of this title or
14 following issuance of an order of the district court pursuant to an
15 emergency custody hearing, as specified by Section 1-4-203 of this
16 title;

17 24. "Facility" means a place, an institution, a building or
18 part thereof, a set of buildings, or an area whether or not
19 enclosing a building or set of buildings used for the lawful custody
20 and treatment of children;

21 25. "Failure to protect" means failure to take reasonable
22 action to remedy or prevent child abuse or neglect, and includes the
23 conduct of a non-abusing parent or guardian who knows the identity
24 of the abuser or the person neglecting the child, but lies, conceals

1 or fails to report the child abuse or neglect or otherwise take
2 reasonable action to end the abuse or neglect;

3 26. "Foster care" or "foster care services" means continuous
4 twenty-four-hour care and supportive services provided for a child
5 in foster placement including, but not limited to, the care,
6 supervision, guidance, and rearing of a foster child by the foster
7 parent;

8 27. "Foster family home" means the private residence of a
9 foster parent who provides foster care services to a child. Such
10 term shall include a nonkinship foster family home, a therapeutic
11 foster family home, or the home of a relative or other kinship care
12 home;

13 28. "Foster parent eligibility assessment" includes a criminal
14 background investigation including, but not limited to, a national
15 criminal history records search based upon the submission of
16 fingerprints, home assessments, and any other assessment required by
17 the Department of Human Services, the Office of Juvenile Affairs, or
18 any child-placing agency pursuant to the provisions of the Oklahoma
19 Child Care Facilities Licensing Act;

20 29. "Guardian ad litem" means a person appointed by the court
21 pursuant to the provisions of Section 1-4-306 of this title having
22 those duties and responsibilities as set forth in that section. The
23 term "guardian ad litem" shall refer to a court-appointed special
24 advocate as well as to any other person appointed pursuant to the

1 provisions of Section 1-4-306 of this title to serve as a guardian
2 ad litem;

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

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

9 32. "Harm or threatened harm to the health or safety of a
10 child" means any real or threatened physical, mental, or emotional
11 injury or damage to the body or mind that is not accidental
12 including, but not limited to, sexual abuse, sexual exploitation,
13 neglect, or dependency;

14 33. "Heinous and shocking abuse" includes, but is not limited
15 to, aggravated physical abuse that results in serious bodily,
16 mental, or emotional injury. "Serious bodily injury" means injury
17 that involves:

- 18 a. a substantial risk of death,
- 19 b. extreme physical pain,
- 20 c. protracted disfigurement,
- 21 d. a loss or impairment of the function of a body member,
- 22 organ, or mental faculty,
- 23 e. an injury to an internal or external organ or the
- 24 body,

- f. a bone fracture,
- g. sexual abuse or sexual exploitation,
- h. chronic abuse including, but not limited to, physical, emotional, or sexual abuse, or sexual exploitation which is repeated or continuing,
- i. torture that includes, but is not limited to, inflicting, participating in or assisting in inflicting intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child or for the purpose of satisfying the craven, cruel, or prurient desires of the perpetrator or another person, or
- j. any other similar aggravated circumstance;

34. "Heinous and shocking neglect" includes, but is not limited

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

1 exploitation, or presents an imminent risk of serious
2 harm to a child, or

3 d. any other similar aggravating circumstance;

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

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

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

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

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

18 (2) whether child abuse or neglect occurred and
19 whether the family needs prevention- and
20 intervention-related services.

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

23 (1) "substantiated" means the Department has
24 determined, after an investigation of a report of

1 child abuse or neglect and based upon some
2 credible evidence, that child abuse or neglect
3 has occurred. When child abuse or neglect is
4 substantiated, the Department may recommend:

5 (a) court intervention if the Department finds
6 the health, safety, or welfare of the child
7 is threatened, or

8 (b) child abuse and neglect prevention- and
9 intervention-related services for the child,
10 parents or persons responsible for the care
11 of the child if court intervention is not
12 determined to be necessary,

13 (2) "unsubstantiated" means the Department has
14 determined, after an investigation of a report of
15 child abuse or neglect, that insufficient
16 evidence exists to fully determine whether child
17 abuse or neglect has occurred. If child abuse or
18 neglect is unsubstantiated, the Department may
19 recommend, when determined to be necessary, that
20 the parents or persons responsible for the care
21 of the child obtain child abuse and neglect
22 prevention- and intervention-related services, or

23 (3) "ruled out" means a report in which a child
24 protective services specialist has determined,

1 after an investigation of a report of child abuse
2 or neglect, that no child abuse or neglect has
3 occurred;

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

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

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

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

17 43. "Minor" means the same as the term "child" as defined in
18 this section;

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

22 45. "Multidisciplinary child abuse team" means any team
23 established pursuant to Section 1-9-102 of this title of three or
24 more persons who are trained in the prevention, identification,

1 investigation, prosecution, and treatment of physical and sexual
2 child abuse and who are qualified to facilitate a broad range of
3 prevention- and intervention-related services and services related
4 to child abuse. For purposes of this definition, "freestanding"
5 means a team not used by a child advocacy center for its
6 accreditation;

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

10 47. "Neglect" means:

11 a. the failure or omission to provide any of the
12 following:

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

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

- 22 (1) the use, possession, sale, or manufacture of
23 illegal drugs,
24 (2) illegal activities, or

1 (3) sexual acts or materials that are not age-
2 appropriate, or
3 c. abandonment.

4 Nothing in this paragraph shall be construed to mean a child is
5 abused or neglected for the sole reason the parent, legal guardian
6 or person having custody or control of a child, in good faith,
7 selects and depends upon spiritual means alone through prayer, in
8 accordance with the tenets and practice of a recognized church or
9 religious denomination, for the treatment or cure of disease or
10 remedial care of such child. Nothing contained in this paragraph
11 shall prevent a court from immediately assuming custody of a child,
12 pursuant to the Oklahoma Children's Code, and ordering whatever
13 action may be necessary, including medical treatment, to protect the
14 child's health or welfare;

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

17 49. "Permanent custody" means the court-ordered custody of an
18 adjudicated deprived child when a parent-child relationship no
19 longer exists due to termination of parental rights or due to the
20 death of a parent or parents;

21 50. "Permanent guardianship" means a judicially created
22 relationship between a child, a kinship relation of the child, or
23 other adult established pursuant to the provisions of Section 1-4-
24 709 of this title;

1 51. "Person responsible for a child's health, safety, or
2 welfare" includes a parent; a legal guardian; custodian; a foster
3 parent; a person eighteen (18) years of age or older with whom the
4 child's parent cohabitates or any other adult residing in the home
5 of the child; an agent or employee of a public or private
6 residential home, institution, facility or day treatment program as
7 defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or
8 an owner, operator, or employee of a child care facility as defined
9 by Section 402 of Title 10 of the Oklahoma Statutes;

10 52. "Protective custody" means custody of a child taken by a
11 law enforcement officer or designated employee of the court without
12 a court order;

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

15 54. "Reasonable and prudent parent standard" means the standard
16 characterized by careful and sensible parental decisions that
17 maintain the health, safety, and best interests of a child while at
18 the same time encouraging the emotional and developmental growth of
19 the child. This standard shall be used by the child's caregiver
20 when determining whether to allow a child to participate in
21 extracurricular, enrichment, cultural, and social activities. For
22 purposes of this definition, the term "caregiver" means a foster
23 parent with whom a child in foster care has been placed, a
24 representative of a group home where a child has been placed or a

1 designated official for a residential child care facility where a
2 child in foster care has been placed;

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

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

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

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

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

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

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

4 62. "Secure facility" means a facility which is designed and
5 operated to ensure that all entrances and exits from the facility
6 are subject to the exclusive control of the staff of the facility,
7 whether or not the juvenile being detained has freedom of movement
8 within the perimeter of the facility, or a facility which relies on
9 locked rooms and buildings, fences, or physical restraint in order
10 to control behavior of its residents;

11 63. "Sibling" means a biologically or legally related brother
12 or sister of a child;

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

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

20 65. "Successful adulthood program" means a program specifically
21 designed to assist a child to enhance those skills and abilities
22 necessary for successful adult living. A successful adulthood
23 program may include, but shall not be limited to, such features as
24 minimal direct staff supervision, and the provision of supportive

1 services to assist children with activities necessary for finding an
2 appropriate place of residence, completing an education or
3 vocational training, obtaining employment, or obtaining other
4 similar services;

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

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

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

15 a. "sex trafficking" means the recruitment, harboring,
16 transportation, provision, ~~or~~ obtaining, patronizing
17 or soliciting of a person for the purpose of a
18 commercial sex act, and

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

20 (1) sex trafficking in which a commercial sex act is
21 induced by force, fraud, or coercion, or in which
22 the person induced to perform such act has not
23 attained eighteen (18) years of age, or
24

1 (2) the recruitment, harboring, transportation,
2 provision, ~~or~~ obtaining, patronizing or
3 soliciting of a person for labor or services,
4 through the use of force, fraud, or coercion for
5 the purpose of subjection to involuntary
6 servitude, peonage, debt bondage, or slavery;

7 69. "Transitional living program" means a residential program
8 that may be attached to an existing facility or operated solely for
9 the purpose of assisting children to develop the skills and
10 abilities necessary for successful adult living. The program may
11 include, but shall not be limited to, reduced staff supervision,
12 vocational training, educational services, employment and employment
13 training, and other appropriate independent living skills training
14 as a part of the transitional living program; and

15 70. "Voluntary foster care placement" means the temporary
16 placement of a child by the parent, legal guardian or custodian of
17 the child in foster care pursuant to a signed placement agreement
18 between the Department or a child-placing agency and the child's
19 parent, legal guardian or custodian.

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

23 Section 1-7-107. A. When two or more children in foster care
24 are siblings, every reasonable attempt should be made to place them

1 in the same home, except as provided in subsection B of this
2 section. In making a permanent placement, such children should be
3 placed in the same permanent home or, if the siblings are separated,
4 should be allowed contact or visitation with other siblings;
5 provided, however, the best interests of each sibling shall be the
6 standard for determining whether they should be placed in the same
7 foster placement or permanent placement, or allowed contact or
8 visitation with other siblings.

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

11 1. One sibling has resided in a foster family home for six (6)
12 or more months and has established a relationship with the foster
13 family;

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

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

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

20 SECTION 3. AMENDATORY Section 1, Chapter 143, O.S.L.
21 2014, as amended by Section 1, Chapter 189, O.S.L. 2015 (10A O.S.
22 Supp. 2016, Section 1-8-111), is amended to read as follows:

23 Section 1-8-111. A. The Department of Human Services shall
24 provide each youth in its custody ~~sixteen (16)~~ fourteen (14) years

1 and older an annual credit report. The Department shall inform the
2 court with jurisdiction over the youth of any inaccuracies in a
3 credit report displaying evidence of identity theft or any other
4 activity fraudulently made on behalf of the youth in custody. The
5 Department may implement the requirements of this section in stages
6 beginning with youth in the independent living program whose credit
7 rating may inhibit employment and housing opportunities when the
8 child is no longer in custody.

9 B. Within one (1) year of the effective date of this act, the
10 Department of Human Services shall submit annual reports on the
11 implementation of the provisions of this act to the Chair and Vice
12 Chair of the Senate Health and Human Services Committee and the
13 Chair and Vice Chair of the House Human Services Committee. Such
14 reports shall include, but not be limited to, the number of youths
15 in the Department's custody receiving credit score reports, the
16 frequency of such reports, and administrative issues faced by the
17 Department in the implementation of this act. Such reports shall
18 continue to be issued by the Department until November 1, 2018.

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

22 A foster parent who is acting in good faith and pursuant to the
23 reasonable and prudent parent standard shall not be liable for
24 property damage or injuries caused by the child or injuries to the

1 child placed in his or her care when the child engages in
2 appropriate activities and such damage or injuries results from the
3 inherent risks typically associated with such activities. Nothing
4 in this section shall prevent or limit the liability of a foster
5 parent if the foster parent commits an act or omission that
6 constitutes willful or wanton disregard for the safety of the child
7 or other persons or their property, and that act or omission caused
8 the damage or injuries.

9 SECTION 5. This act shall become effective November 1, 2017.

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
11 April 11, 2017 - DO PASS AS AMENDED
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