

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1439

By: Humphrey

AS INTRODUCED

An Act relating to children and juvenile code;  
amending 10A O.S. 2011, Section 1-4-704, as amended  
by Section 3, Chapter 173, O.S.L. 2015 (10A O.S.  
Supp. 2016, Section 1-4-704), which relates to  
individualized service plans; providing for the use  
of random drug tests, home studies and family drug  
court when establishing individualized service plans;  
and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-4-704, as  
amended by Section 3, Chapter 173, O.S.L. 2015 (10A O.S. Supp. 2016,  
Section 1-4-704), is amended to read as follows:

Section 1-4-704. A. The Department of Human Services or  
licensed child-placing agency shall prepare and maintain a written  
individualized service plan for any child that has been adjudicated  
to be a deprived child.

B. The plan shall be furnished to the court within thirty (30)  
days after the adjudication of the child and shall be made available  
to counsel for the parties and any applicable tribe by the

1 Department or the licensed child-placing agency having custody of  
2 the child or responsibility for the supervision of the case.

3 C. 1. The individualized service plan shall be based upon a  
4 comprehensive assessment and evaluation of the child and family and  
5 shall be developed with the participation of the parent, legal  
6 guardian, or legal custodian of the child, the attorney for the  
7 child, the guardian ad litem for the child, if any, the child's  
8 tribe, and the child, if appropriate. The health and safety of the  
9 child shall be the paramount concern in the development of the plan.

10 2. If any part of the plan is disputed or not approved by the  
11 court, an evidentiary hearing may be held and at its conclusion, the  
12 court shall determine the content of the individualized service plan  
13 in accord with the evidence presented and the best interests of the  
14 child.

15 3. When approved by the court, each individualized service plan  
16 shall be incorporated and made a part of the dispositional order of  
17 the court.

18 4. The plan shall be signed by:

- 19 a. the parent or parents or legal guardian of the child,
- 20 b. the attorney for the parent or parents or legal  
21 guardian of the child,
- 22 c. the child's attorney,
- 23 d. the guardian ad litem of the child, which may be a  
24 court-appointed special advocate,

- e. a representative of the child's tribe,
- f. the child, if possible, and
- g. the Department or other responsible agency.

D. 1. Every service plan prepared shall be individualized and specific to each child and the family of the child.

2. The individualized service plan shall be written in simple and clear English. If English is not the principal language of the parent, legal guardian, or custodian of the child, and such person is unable to read or comprehend the English language, to the extent possible the plan shall be written in the principal language of the person.

3. The individualized service plan may be modified based on changing circumstances consistent with the correction of the conditions that led to the adjudication of the child or other conditions inconsistent with the health, safety, or welfare of the child.

4. The individualized service plan shall be measurable, realistic and consistent with the requirements of other court orders.

E. The individualized service plan shall include, but not be limited to:

1. A history of the child and family, including identification of the problems or conditions leading to the deprived child

1 adjudication and the changes the parent or parents must make in  
2 order for the child to safely remain in or return to the home;

3 2. Identification of time-limited reunification services to be  
4 provided to the parent, legal guardian, or legal custodian,  
5 stepparent, other adult person living in the home, or other family  
6 members;

7 3. Identification of the specific services to be provided to  
8 the child including, but not limited to, educational, vocational  
9 educational, medical, drug or alcohol abuse treatment, or counseling  
10 or other treatment services. The most recent available health and  
11 educational records of the child shall be provided to the court upon  
12 the court's request including:

- 13 a. the names and addresses of the child's health and  
14 educational providers,
- 15 b. the child's grade-level performance,
- 16 c. the child's school record,
- 17 d. a record of the child's immunizations,
- 18 e. the child's known medical problems, including any  
19 known communicable diseases,
- 20 f. the child's medications, and
- 21 g. any other relevant health and education information;

22 4. A schedule of the frequency of services and the means by  
23 which delivery of the services will be assured or, as necessary, the  
24

1 proposed means by which support services or other assistance will be  
2 provided to enable the parent or the child to obtain the services;

3 5. The name of the social worker assigned to the case;

4 6. A projected date for the completion of the individualized  
5 service plan;

6 7. Performance criteria that will measure the progress of the  
7 child and family toward completion of the individualized service  
8 plan including, but not limited to, time frames for achieving  
9 objectives and addressing the identified problems;

10 8. The name and business address of the attorney representing  
11 the child;

12 9. If the child is placed outside the home, the individualized  
13 service plan shall further provide:

14 a. the sequence and time frame for services to be  
15 provided to the parent, the child, and if the child is  
16 placed in foster care, the foster parent, to  
17 facilitate the child's return home or to another  
18 permanent placement,

19 b. a description of the child's placement and explanation  
20 about whether the placement is the least restrictive,  
21 most family-like setting available and in as close  
22 proximity as possible to the home of the parent or  
23 parents or legal guardian of the child when the case  
24 plan is reunification, and how the placement is

1 consistent with the best interests and special needs  
2 of the child,

3 c. a description of any services or resources that were  
4 requested by the child or the parent or legal guardian  
5 of the child since the date of the child's placement,  
6 and whether those services or resources were provided  
7 and if not, the basis for the denial of the services  
8 or resources,

9 d. efforts to be made by the parent of the child and the  
10 Department to enable the child to return to his or her  
11 home including, but not limited to, participation by  
12 the parent of the child and any person living in the  
13 home in substance abuse assessments and random  
14 chemical drug testing for the purpose of determining  
15 the presence or absence of drugs, alcohol or any other  
16 intoxicating substance, home studies, or a family drug  
17 court program, if such program is available,

18 e. a description of the transition planning for a  
19 successful adulthood for a child age fourteen (14) or  
20 older that includes how the following objectives will  
21 be met:

- 22 (1) education, vocational, or employment planning,  
23 (2) health care planning and medical coverage,  
24

- (3) transportation including, where appropriate, assisting the child in obtaining a driver license,
  - (4) money management,
  - (5) planning for housing,
  - (6) social and recreational skills, and
  - (7) establishing and maintaining connections with the child's family and community,
- f. for a child in placement due solely or in part to the child's behavioral health or medical health issues, diagnostic and assessment information, specific services relating to meeting the applicable behavioral health and medical care needs of the child, and desired treatment outcomes,
- g. a plan and schedule for regular and frequent visitation for the child and the child's parent or parents or legal guardian and siblings, unless the court has determined that visitation, even if supervised, would be harmful to the child, and
- h. a plan for ensuring the educational stability of the child while in out-of-home placement, including:
- (1) assurances that the placement of the child considers the appropriateness of the current educational setting and the proximity to the

1 school in which the child was enrolled at the  
2 time of placement, and

3 (2) where appropriate, an assurance that the  
4 Department has coordinated with appropriate local  
5 educational agencies to ensure that the child  
6 remains in the school in which the child was  
7 enrolled at the time of placement, or

8 (3) if remaining in the school in which the child was  
9 enrolled at the time of placement is not in the  
10 best interests of the child, assurances by the  
11 Department and the local educational agencies to  
12 provide immediate and appropriate enrollment in a  
13 new school with all of the educational records of  
14 the child provided to the school; and

15 10. The permanency plan for the child, the reason for selection  
16 of that plan and a description of the steps being taken by the  
17 Department to finalize the plan.

18 a. When the permanency plan is adoption or legal  
19 guardianship, the Department shall describe, at a  
20 minimum, child-specific recruitment efforts such as  
21 relative searches conducted and the use of state,  
22 regional, and national adoption exchanges to  
23 facilitate the orderly and timely placement of the  
24 child, whether in or outside of the state.



1           b.    When the child is age fourteen (14) or older, the  
2                    permanency plan and any revision or addition to the  
3                    plan, shall include planning for the transition of the  
4                    child to a successful adulthood.

5           F.   Each individualized service plan shall specifically provide  
6 for the safety of the child, in accordance with state and federal  
7 law, and clearly define what actions or precautions will, or may, be  
8 necessary to provide for the safety and protection of the child.

9           G.   The individualized service plan shall include the following  
10 statement:

11           TO THE PARENT:   THIS IS A VERY IMPORTANT DOCUMENT.   ITS PURPOSE  
12 IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE  
13 REASONABLE PERIOD SPECIFIED IN THE PLAN.   IF YOU ARE UNWILLING OR  
14 UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME OR ATTEND COURT  
15 HEARINGS, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE  
16 RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.

17           H.   Whenever a child who is subject to the provisions of this  
18 section is committed for inpatient behavioral health or substance  
19 abuse treatment pursuant to the Inpatient Mental Health and  
20 Substance Abuse Treatment of Minors Act, the individualized service  
21 plan shall be amended as necessary and appropriate, including, but  
22 not limited to, identification of the treatment and services to be  
23 provided to the child and the child's family upon discharge of the  
24 child from inpatient behavioral health or substance abuse treatment.

SECTION 2. This act shall become effective November 1, 2017.

56-1-5838            GRS            01/12/17