

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 3524

By: Goodwin

COMMITTEE SUBSTITUTE

An Act relating to children; amending 10A O.S. 2011, Section 1-9-122, which relates to Department of Human Services guardianship programs; requiring certain information be provided to individuals upon contact with the Department of Human Services; requiring that a signature be obtained; providing that information sheet is not a binding agreement; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-9-122, is amended to read as follows:

Section 1-9-122. A. The Department of Human Services shall establish and administer an ongoing program of supported guardianship to assist families wishing to make a long-term commitment to a child by accepting guardianship of the child. The supported guardianship program shall enable the family to assume the parental role without ongoing Department oversight but allow the family to return to the Department for services as needed.

1        B. At the time when the Department initially makes contact with  
2 or is contacted by a family member or other individual regarding  
3 taking a potential guardianship of a child who was the subject of a  
4 referral to the Department regarding allegations of abuse or  
5 neglect, the Department shall provide the family member or other  
6 individual with information regarding foster care, safety plans,  
7 kinship foster placements, foster placements and guardianships.  
8 This information shall include but not be limited to:

9        1. Information regarding potential options for taking custody  
10 of a child such as foster placement or kinship foster placement,  
11 including information that relatives can be foster placements if  
12 able to meet requisite qualifications under the law;

13        2. Information regarding potential resources and assistance,  
14 whether monetary or in services, that would be available to the  
15 child and family member or other individual as either a kinship  
16 foster placement, foster placement, safety plan monitor or guardian,  
17 including disclosures that guardianship placements receive less  
18 financial assistance than foster placements; and

19        3. Information regarding the family member or other  
20 individual's duties and responsibilities to the parents of the child  
21 as either a guardian, kinship foster placement, foster placement or  
22 safety plan monitor.

23        C. The Department shall obtain a signed and dated information  
24 sheet from the relative or individual stating that the information

1 required by subsection B of this section was provided in writing,  
2 explained verbally, and that he or she understood the information.  
3 The information sheet shall also be signed and dated by personnel  
4 from the Department stating that the information sheet was provided  
5 to the relative or other individual and that the information was  
6 explained verbally. A copy of the information sheet may be kept by  
7 the family member or other individual. In the event that the  
8 individual declines to be provided the information sheet, Department  
9 personnel shall have the individual sign and date the information  
10 sheet and indicate that he or she does not wish to be provided the  
11 information sheet. The Department shall also make the information  
12 sheet available online and the information sheet may be signed  
13 electronically. The signed information sheet shall be filed along  
14 with any guardianship petition that is subsequently filed regarding  
15 the same child or children.

16 D. The information sheet shall be for informational purposes  
17 only. The signed information sheet shall not constitute a binding  
18 agreement between the individual and the Department. The  
19 information sheet does not confer any additional duties or  
20 obligations to the Department other than those already prescribed by  
21 law, nor does it guarantee placement. Further, the information  
22 sheet does not constitute legal advice.

SECTION 2. This act shall become effective November 1, 2020.

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