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February 18, 2020

By: Stanley

An Act relating to emergency child placement; amending 10A O.S. 2011, Section 1-7-115, which relates to criminal records check; defining term; conforming language; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-7-115, is amended to read as follows:

Section 1-7-115. A. When it is necessary for a child to be removed from the home due to allegations of child abuse or neglect, the Department of Human Services may consider whether another home would be suitable for the child as an emergency placement pending further court proceedings. In determining the suitability of the emergency placement home, the Department may elect to contract or otherwise collaborate with local law enforcement agencies to perform a name-based state and federal criminal history records check followed by fingerprint verification in accordance with the procedures set forth in 28 C.F.R., Section 901 et seq., and this section. For purposes of this section, "emergency placement" means

1 placement for a child removed from his or her home and taken into
2 out-of-home care for a period of fifteen (15) days or longer.

3 B. When a child is taken into protective custody by a law
4 enforcement officer or when the court places emergency custody of a
5 child with the Department pursuant to the provisions of the Oklahoma
6 Children's Code and an emergency placement for the child is
7 identified, a preliminary Federal Bureau of Investigation Interstate
8 Identification Index name-based check of the records of criminal
9 history of the members of the emergency placement household shall be
10 conducted prior to the placement of the child in the home.

11 1. When a child is in the emergency custody of the Department,
12 the Department or its approved designee may conduct a preliminary
13 name-based check of certain records, including full orders of
14 protection and outstanding warrants, of each person over the age of
15 eighteen (18) years residing in the identified potential emergency
16 placement home where the child may be placed to determine whether
17 any adult member of the household has been arrested for or convicted
18 of any crime.

19 2. When the child is in protective custody of law enforcement
20 or when requested by the Department or its approved designee, a
21 local law enforcement agency shall immediately conduct the same type
22 of criminal records search as described in paragraph 1 of this
23 subsection and shall provide the Department with a verbal response
24

1 of each person's criminal history and whether any orders of
2 protection or outstanding warrants exist.

3 C. 1. Following a name-based criminal records check conducted
4 pursuant to this section, and within five (5) business days after
5 the child has entered the emergency placement home as defined in
6 subsection A of this section, all persons residing in the home who
7 are over the age of eighteen (18) years and those persons who are
8 under the age of eighteen (18) years and have been certified as an
9 adult for the commission of a crime, shall submit a full set of
10 fingerprints to the Department and provide written permission
11 authorizing the Department to forward the fingerprints to the
12 Oklahoma State Bureau of Investigation for submission to the Federal
13 Bureau of Investigation for criminal records report.

14 2. The Department shall forward the fingerprints to the
15 Oklahoma State Bureau of Investigation within fifteen (15) calendar
16 days after the results of the preliminary name-based records check
17 are received. The failure of any person to submit to a name-based
18 criminal records check shall result in the immediate removal of the
19 child from the emergency placement home.

20 D. The costs associated with fingerprinting requirements of
21 this section shall be paid by the Department.

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

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
24 February 18, 2020 - DO PASS