

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3117

By: Hill

4
5
6 AS INTRODUCED

7 An Act relating to children; amending 10A O.S. 2011,
8 Section 1-4-805, as amended by Section 3, Chapter
9 105, O.S.L. 2014 (10A O.S. Supp. 2019, Section 1-4-
10 805), which relates to foster placements; requiring
11 judicial approval to remove child from placement
12 after certain time; modifying time period for
13 hearing; and providing an effective date.

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

15 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-4-805, as
16 amended by Section 3, Chapter 105, O.S.L. 2014 (10A O.S. Supp. 2019,
17 Section 1-4-805), is amended to read as follows:

18 Section 1-4-805. A. If a child placed in the custody of a
19 child-placing agency or in the custody of the Department of Human
20 Services by the court has resided with a foster parent or group home
21 for three (3) or more months:

22 1. Except in an emergency, the Department or child-placing
23 agency shall:

- 24 a. give a minimum of five (5) judicial days' advance
notice to the foster parent or group home and to the

1 court before removing a child from such foster
2 placement, and

3 b. at the time of such notification, provide the foster
4 parent or group home with a written statement of the
5 reasons for removing a child;

6 2. An oral or written opinion may be provided to the court by a
7 party, foster parent or representative of a group home where a child
8 is placed in support of or in opposition to any change in the
9 child's placement that is planned or under consideration by the
10 Department or child-placing agency;

11 3. The court shall resolve any concerns raised by a party,
12 foster parent or group home representative regarding a planned
13 change in the child's placement during any hearing in which the
14 concerns are brought to the attention of the court or the court may
15 schedule an informal placement review hearing that shall be heard
16 within fifteen (15) judicial days from the date the concerns are
17 brought to the attention of the court. The court may, in its
18 discretion, stay a proposed change in placement until the informal
19 placement review hearing is held; and

20 4. The foster parent or group home representative shall, at any
21 hearing, be entitled to submit to the court written reports or
22 present testimony concerning the strengths, needs, behavior,
23 important experiences, and relationships of the child, in addition
24 to such other information the court may request.

1 B. When a child is placed in the custody of the Department or
2 any child-placing agency, the Department or child-placing agency
3 shall have discretion to determine an appropriate foster placement
4 for the child. Except as provided in this section, the Department
5 or child-placing agency may remove a child in its custody from a
6 foster placement whenever the Department or child-placing agency
7 determines that removal is in the best interests of the deprived
8 child.

9 C. 1. In order to promote stability for foster children and
10 limit repeated movement of such children from one foster placement
11 to another, the Department or child-placing agency, except as
12 otherwise provided by this subsection, shall not change the foster
13 home or group home placement of a child or remove a child from a
14 placement without the approval of the court in the following
15 circumstances:

- 16 a. the court or other party receiving notice from the
17 Department of the movement of the child has filed a
18 written request for an informal hearing, as provided
19 in Section 1-4-804 of this title,
- 20 b. the court has stayed a planned change in a child's
21 placement pending a judicial review due to a verbal or
22 written objection made by a party or by a foster
23 parent or group home representative during a court
24 proceeding, ~~or~~

1 c. a foster parent or representative of a group home with
2 whom the child has resided for more than six (6)
3 months objects, in writing pursuant to the provisions
4 of this subsection, after notice of the removal of the
5 child by the Department or the child-placing agency,

6 or

7 d. a child has resided in the foster home for a period of
8 twelve (12) or more months.

9 2. The objection shall be filed with the court by the foster
10 parent or group home and served on the Department or child-placing
11 agency within five (5) judicial days after receipt of the notice
12 from the Department or child-placing agency regarding removal of the
13 child. The court shall provide for notice to other parties in the
14 case.

15 3. Timely filing and service of the objection shall stay
16 removal of the child pending review of the court unless the
17 Department's or child-placing agency's stated reason for removal is
18 due to an emergency. As used in this paragraph, "emergency" means a
19 removal that is:

20 a. pursuant to an order of the court entered during or
21 following a hearing including, but not limited to, an
22 order authorizing placement of a child with a parent
23 or sibling,

24 b. at the request of the foster parent or group home,

- 1 c. for emergency medical or behavioral health treatment,
2 d. due to substantial noncompliance by the foster parent
3 or group home with applicable contract requirements
4 and agreements such that the health, safety, or
5 welfare of the child is in imminent danger, or
6 e. due to a pending investigation of allegations of abuse
7 or neglect of a child by a foster parent or other
8 person residing in the foster family home or group
9 home.

10 4. The court shall conduct an informal placement review hearing
11 within fifteen (15) judicial days on any objection filed by a party,
12 foster parent or group home pursuant to this section or upon
13 notification by the Department that a child is being removed from a
14 home in which he or she has resided for twelve (12) or more months.

15 The court may order that the child remain in or be returned to the
16 home of the objecting foster parent or group home if the court finds
17 that the placement decision of the Department or child-placing
18 agency was arbitrary, inconsistent with the child's permanency plan
19 or not in the best interests of the child.

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

21
22 57-2-9380 JW 01/07/20
23
24