

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL 27

By: Stanley

COMMITTEE SUBSTITUTE

An Act relating to emergency child placement;  
amending 10A O.S. 2011, Section 1-7-115, which  
relates to criminal records check; modifying  
requirements for criminal records checks in certain  
emergency placements; 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

1 procedures set forth in 28 C.F.R., Section 901 et seq., and this  
2 section.

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  
5 immediately after the child has entered the emergency placement  
6 home, all persons residing in the home who are over the age of  
7 eighteen (18) years and those persons who are under the age of  
8 eighteen (18) years and have been certified as an adult for the  
9 commission of a crime, shall submit a full set of fingerprints to  
10 the Department and provide written permission authorizing the  
11 Department to forward the fingerprints to the Oklahoma State Bureau  
12 of Investigation for submission to the Federal Bureau of  
13 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 Federal Bureau of  
17 Investigation Interstate Identification Index name-based records  
18 check are received. The failure of any person to submit to a ~~name-~~  
19 ~~based~~ fingerprint-based criminal records check within five (5)  
20 business days immediately after emergency placement of the child  
21 shall result in the immediate removal of the child from the  
22 emergency placement home.

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

SECTION 2. This act shall become effective November 1, 2021.

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