

An Act

ENROLLED SENATE
BILL NO. 27

By: Stanley of the Senate

and

Moore of the House

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.

SUBJECT: Emergency child placement

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.

B. When a child is taken into protective custody by a law enforcement officer or when the court places emergency custody of a child with the Department pursuant to the provisions of the Oklahoma

Children's Code and an emergency placement for the child is identified, a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history of the members of the emergency placement household shall be conducted prior to the placement of the child in the home.

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

2. When the child is in protective custody of law enforcement or when requested by the Department or its approved designee, a ~~local~~ law enforcement agency shall immediately conduct the same type of criminal records search as described in paragraph 1 of this subsection and shall provide the Department with a verbal response of each person's criminal history and whether any orders of protection or outstanding warrants exist.

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

2. The Department shall forward the fingerprints to the Oklahoma State Bureau of Investigation within fifteen (15) calendar days after the results of the preliminary Federal Bureau of Investigation Interstate Identification Index name-based records check are received. The failure of any person to submit to a ~~name-based~~ fingerprint-based criminal records check within five (5) business days immediately after emergency placement of the child

shall result in the immediate removal of the child from the emergency placement home.

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

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

Passed the Senate the 1st day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 14th day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____