

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 978

By: Dugger

AS INTRODUCED

An Act relating to the Oklahoma Children's Code; amending 10A O.S. 2011, Section 1-1-102, as amended by Section 1, Chapter 105, O.S.L. 2014 (10A O.S. Supp. 2020, Section 1-1-102), which relates to duties, rights and interests; prohibiting certain legal preference or presumption in proceedings under the Oklahoma Children's Code; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-1-102, as amended by Section 1, Chapter 105, O.S.L. 2014 (10A O.S. Supp. 2020, Section 1-1-102), is amended to read as follows:

Section 1-1-102. A. For the purposes of the Oklahoma Children's Code, the Legislature recognizes that:

1. Parents have a natural, legal, and moral right, as well as a duty, to care for and support their children and such rights are protected by state and federal laws as well as the Constitution. To that end, it is presumed that the best interests of a child are ordinarily served by leaving the child in the custody of the parents, who are expected to have the strongest bond of love and

1 affection and to be best able to provide a child those needed
2 qualities that make a child's life safe and secure. Nevertheless,
3 this presumption may be rebutted where there is evidence of abuse
4 and neglect or threat of harm;

5 2. A child has a right to be raised by the mother and father of
6 the child as well as a right to be raised free from physical and
7 emotional abuse or neglect. When it is necessary to remove a child
8 from a parent, the child is entitled to a permanent home and to be
9 placed in the least restrictive environment to meet the needs of the
10 child; and

11 3. Because the state has an interest in its present and future
12 citizens as well as a duty to protect those who, because of age, are
13 unable to protect themselves, it is the policy of this state to
14 provide for the protection of children who have been abused or
15 neglected and who may be further threatened by the conduct of
16 persons responsible for the health, safety, and welfare of such
17 children. To this end, where family circumstances threaten the
18 safety of a child, the state's interest in the welfare of the child
19 takes precedence over the natural right and authority of the parent
20 to the extent that it is necessary to protect the child and assure
21 that the best interests of the child are met. For any proceeding
22 under the Oklahoma Children's Code, there shall be neither a legal
23 preference nor a presumption for or against a parent because of the
24 gender of that parent.

1 B. It is the intent of the Legislature that the Oklahoma
2 Children's Code provide the foundation and process for state
3 intervention into the parent-child relationship whenever the
4 circumstances of a family threaten the safety of a child and to
5 properly balance the interests of the parties stated herein. To
6 this end, it is the purpose of the laws relating to children alleged
7 or found to be deprived to:

8 1. Intervene in the family only when necessary to protect a
9 child from harm or threatened harm;

10 2. Provide expeditious and timely judicial and agency
11 procedures for the protection of the child;

12 3. Preserve, unify, and strengthen the family ties of the child
13 whenever possible when in the best interests of the child to do so;

14 4. Recognize that the right to family integrity, preservation
15 or reunification is limited by the right of the child to be
16 protected from abuse and neglect;

17 5. Make reasonable efforts to prevent or eliminate the need for
18 the removal of a child from the home and make reasonable efforts to
19 return the child to the home unless otherwise prescribed by the
20 Oklahoma Children's Code;

21 6. Recognize that permanency is in the best interests of the
22 child;

1 7. Ensure that when family rehabilitation and reunification are
2 not possible, the child will be placed in an adoptive home or other
3 permanent living arrangement in a timely fashion; and

4 8. Secure for each child the permanency, care, education, and
5 guidance as will best serve the spiritual, emotional, mental and
6 physical health, safety, and welfare of the child.

7 C. Whenever it is necessary for a child to be placed outside
8 the home pursuant to the Oklahoma Children's Code, it is the intent
9 of the Legislature that:

10 1. Each child shall be assured the care, guidance, and
11 supervision in a permanent home or foster home that will serve the
12 best interests of the child including, but not limited to, the
13 development of the moral, emotional, spiritual, mental, social,
14 educational, and physical well-being of the child;

15 2. When a child is placed in foster care, the foster parent
16 shall be allowed to consider the child as part of the family;

17 3. Whenever possible siblings shall be placed together and when
18 it is not possible efforts shall be made to preserve the
19 relationships through visitation and other methods of communication;
20 and

21 4. Permanent placement is achieved as soon as possible.

22 D. A foster parent or group home where a child is placed has a
23 recognizable interest in the familial relationship that the foster
24 parent or group home establishes with a foster child and shall

1 therefore be considered an essential participant with regard to
2 decisions related to the care, supervision, guidance, rearing, and
3 other foster care services to the child.

4 E. It is the intent of the Legislature that the paramount
5 consideration in all proceedings within the Oklahoma Children's Code
6 is the best interests of the child.

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

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