

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3689

By: McDugle

AS INTRODUCED

An Act relating to children; amending 10A O.S. 2021, Section 1-9-107, which relates to the Successful Adulthood Act; modifying eligibility requirements to receive certain services; authorizing the Department of Human Services to seek federal funding for certain purposes or to participate in certain programs; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-9-107, is amended to read as follows:

Section 1-9-107. A. This section shall be known and may be cited as the "Successful Adulthood Act".

B. The purpose of the Successful Adulthood Act shall be:

1. To ensure that eligible individuals, who have been or are in the foster care program of the Department of Human Services or a federally recognized Indian tribe with whom the Department has a contract, due to abuse or neglect, receive the protection and support necessary to allow those individuals to become self-reliant and productive citizens through the provision of requisite services

1 that include, but are not limited to, transitional planning,
2 housing, medical coverage, and education; provided, that eligibility
3 for tuition waivers shall be as set forth in Section 3230 of Title
4 70 of the Oklahoma Statutes;

5 2. To break the cycle of abuse and neglect that obligates the
6 state to assume custody of children; and

7 3. To help children who have experienced foster care at age
8 fourteen (14) or older achieve meaningful permanent connections with
9 a caring adult.

10 C. An individual is eligible to receive services for the
11 transition ~~of the child~~ to a successful adulthood ~~from~~:

12 1. From the age of fourteen (14) until the age of eighteen
13 (18), during the time the individual is in the custody of the
14 Department or a federally recognized Indian tribe and in an out-of-
15 home placement; and

16 2. From the age of eighteen (18) until the age of twenty-one
17 (21) if that individual was in the custody of the Department or a
18 federally recognized Indian tribe at the time of the individual's
19 eighteenth birthday and is:

- 20 a. completing secondary education or a program leading to
21 an equivalent credential,
22 b. enrolled in an institution which provides
23 postsecondary or career and technical educations,
24

1 c. participating in a program or activity designed to
2 promote or remove barriers to employment,
3 d. employed at least eighty (80) hours per month, or
4 e. incapable of doing any of the activities described in
5 subparagraphs a through d of this paragraph due to a
6 medical condition, including a developmental or
7 intellectual disability, which incapability is
8 supported by regularly updated information in the
9 permanency plan of the individual. In such a case,
10 the individual shall be in compliance with a course of
11 treatment as recommended by the Department.

12 D. Successful adulthood services may continue to the age of
13 twenty-one (21) for:

14 1. Any individual who meets the requirements of paragraph 2 of
15 subsection C of this section but refused such services at the time
16 the individual turned eighteen (18) years of age if at any time the
17 individual seeks to regain services prior to the date the individual
18 turns twenty-one (21) years of age;

19 2. Any individual who is in the custody of the Department or a
20 federally recognized Indian tribe due to abuse or neglect and is in
21 an out-of-home placement at the time of the individual's sixteenth
22 birthday; or

23 3. Any individual who is sixteen (16) years of age or older and
24 who has been released from the custody of the Department or

1 federally recognized Indian tribe due to the entry of an adoption
2 decree or guardianship order.

3 ~~D.~~ E. The permanency plan for the child in transition to a
4 successful adulthood shall be developed in consultation with the
5 child and, at the option of the child, with up to two members of the
6 permanency planning team to be chosen by the child, excluding the
7 foster parent and caseworker for the child, subject to the following
8 provisions:

9 1. One individual selected by the child may be designated to be
10 the advisor and, as necessary, advocate of the child, with respect
11 to the application of the reasonable and prudent parent standard to
12 the child; and

13 2. The Department may reject an individual selected by the
14 child to be a member of the permanency planning team at any time if
15 the Department has good cause to believe that the selected
16 individual would not act in the best interests of the child.

17 ~~E.~~ F. 1. Each child in foster care under the responsibility of
18 the Department or a federally recognized Indian tribe and in an out-
19 of-home placement, who has attained fourteen (14) years of age shall
20 be given a written Notice of Rights that describes the following
21 specific rights of the child:

22 a. the rights of the child with respect to education,
23 health, visitation, and court participation,
24

- 1 b. the right to be provided with the documents specified
2 in subsection ~~F~~ G of this section, and
3 c. the right to stay safe and avoid exploitation.

4 2. The child shall sign an acknowledgment stating that the
5 child has been provided with a copy of the Notice of Rights and that
6 the rights described in the notice have been explained to the child
7 in an age-appropriate way.

8 ~~F.~~ G. A child about to leave foster care by reason of having
9 attained eighteen (18) years of age and who has been in foster care
10 for at least six (6) months shall be given the following documents
11 pertaining to the child:

12 1. An official or certified copy of the United States birth
13 certificate;

14 2. A Social Security card issued by the Commissioner of Social
15 Security;

16 3. Health insurance information;

17 4. A copy of the medical records of the child;

18 5. A state-issued driver license or identification card; and

19 6. Official documentation necessary to show that the child was
20 previously in foster care.

21 ~~G. Successful adulthood services may continue to the age of~~
22 ~~twenty-one (21), provided the individual is in the custody of the~~
23 ~~Department or a federally recognized Indian tribe due to abuse or~~
24

1 ~~neglect and is in an out-of-home placement at the time of the~~
2 ~~individual's sixteenth birthday.~~

3 ~~H. Individuals who are sixteen (16) years of age or older, who~~
4 ~~have been released from the custody of the Department or federally~~
5 ~~recognized Indian tribe due to the entry of an adoption decree or~~
6 ~~guardianship order are eligible to receive successful adulthood~~
7 ~~services until the age of twenty-one (21).~~

8 ~~I.~~ H. Individuals who are eligible for services pursuant to the
9 Successful Adulthood Act and who are between eighteen (18) and
10 twenty-one (21) years of age shall be eligible for Medicaid
11 coverage, provided such individuals were also in the custody of the
12 Department or a federally recognized Indian tribe on the date they
13 reached eighteen (18) years of age and meet Medicaid financial
14 eligibility guidelines.

15 ~~J.~~ I. The Department, in conjunction with the Oklahoma State
16 Regents for Higher Education, shall provide parents and legal
17 guardians of foster youth with information on the Oklahoma Higher
18 Learning Access Program (OHLAP) including, but not limited to,
19 eligibility, application guidelines, academic requirements, and any
20 other information required by the Oklahoma Higher Learning Access
21 Act for participation in the Program.

22 J. The Department is authorized to seek federal funding or to
23 participate in federal programs developed for the purpose of
24 providing successful adulthood services to eligible individuals.

SECTION 2. This act shall become effective November 1, 2022.

58-2-8511 CMA 12/02/21