

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 178

 By: Daniels and Boren of the
 Senate

6 and

7 Lawson of the House

8
9
10 An Act relating to the Oklahoma Children's Code;
11 amending 10A O.S. 2021, Section 1-4-806, which
12 relates to trial reunification; clarifying time
13 period for certain review; authorizing court to
14 return custody to parent or legal guardian under
15 certain circumstances; allowing subsequent review
16 under certain circumstances; placing limitation on
17 duration of trial reunification; authorizing court to
18 order additional Department of Human Services
19 supervision; conforming language; and providing an
20 effective date.

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

22 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-4-806, is
23 amended to read as follows:

24 Section 1-4-806. A. The court may order a trial home
 reunification by returning the child to the care of the parent or
 legal guardian from whom the child was removed ~~for a period not to~~
 ~~exceed~~ and setting a date for review within six (6) months~~;~~

1 ~~provided, when determined necessary the court may extend the period~~
2 ~~of trial reunification to a specific date certain by entering such~~
3 ~~extension order prior to the expiration of the initial six-month~~
4 ~~trial reunification period.~~ At any time during trial reunification,
5 when reunification appears successful, the court may return legal
6 custody to the parent or legal guardian and relieve the Department
7 of Human Services of legal custody. If the court determines trial
8 reunification should be extended, the court shall set a new date for
9 review. A child shall spend no longer than a total of twelve (12)
10 months in trial reunification. ~~The~~ Prior to trial reunification,
11 the ~~Department of Human Services~~ shall conduct a criminal background
12 check of any adult in the home, who is not a parent, legal guardian,
13 or custodian, ~~prior to any trial reunification.~~ The background
14 check shall include inquiries into Oklahoma State Bureau of
15 Investigation and Federal Bureau of Investigation records for a
16 national criminal history record check pursuant to the provisions of
17 Section 150.9 of Title 74 of the Oklahoma Statutes.

18 During ~~the period of the~~ trial ~~home~~ reunification, the
19 ~~Department of Human Services~~ shall:

20 1. Continue to have legal custody of the child, thereby
21 permitting the Department to visit the child in the home of the
22 parent, at school, in a child care facility, or any other setting
23 the Department deems necessary and appropriate;
24

1 2. Continue to provide appropriate services to both the parent,
2 if eligible, and the child during ~~the period of the trial home~~
3 reunification;

4 3. Terminate ~~the trial home~~ reunification and remove the child
5 to foster care, without court order or authorization, when necessary
6 to protect the child's health, safety, or welfare; and

7 4. Advise the court and parties within three (3) judicial days
8 of the termination of ~~the trial home~~ reunification when terminated
9 by the Department without a court order.

10 B. 1. When trial ~~home~~ reunification is terminated, whether by
11 the Department or court order, the Department shall prepare a report
12 for the court which describes the circumstances of the child during
13 ~~the trial home~~ reunification period and recommends court orders, if
14 any, deemed appropriate to provide for the safety and stability of
15 the child.

16 2. In the event a trial ~~home~~ reunification is terminated by the
17 Department by removing the child to foster care without prior court
18 order or authorization, the court shall conduct a hearing within
19 fifteen (15) days of receiving notice of the termination of ~~the~~
20 trial ~~home~~ reunification by the Department and shall determine
21 whether a continuation of the child in the child's home or with the
22 child's caretaker is contrary to the welfare of the child and
23 whether reasonable efforts were made to prevent the removal of the
24 child from ~~the trial home~~ reunification.

1 C. 1. ~~Upon the completion of the six month~~ If the court
2 determines that supervision should continue after twelve (12) months
3 of trial home reunification period or any extension thereof, the
4 court may ~~further extend supervision of the child in the home by~~
5 ~~awarding~~ award legal custody of the child to the parent or legal
6 guardian with whom the child has been reunited and ~~ordering~~ order
7 the Department to provide supervision in accordance with the rules
8 promulgated by the ~~Commission~~ Department.

9 2. The duration of the extended supervision shall not exceed
10 six (6) months except in circumstances the court deems appropriate
11 and necessary to protect the health, safety or welfare of the child.

12 SECTION 2. This act shall become effective November 1, 2023.

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14 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
15 SERVICES, dated 04/06/2023 - DO PASS.
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