

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1657

By: Prieto

AS INTRODUCED

An Act relating to placement of child; amending 10A O.S. 2021, Section 1-4-705, which relates to religious preference and restrictions on placement; establishing order of preference for certain placement; prohibiting certain placement; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-4-705, is amended to read as follows:

Section 1-4-705. A. In placing a child in the custody of an individual, a private agency, or institution, the court and the Department of Human Services shall, if possible, select a person, agency, or institution in the following order of precedence:

1. A member of the child's family related by no more than the third degree of consanguinity or affinity, or fourth degree of consanguinity or affinity in the case of first cousins;

2. A member of a local religious or faith-based community of the child's family;

1        3. An institution governed by persons of the same religious  
2 faith as that of the parents of the child, or in case of a  
3 difference in the religious faith of the parents, then of the  
4 religious faith of the child; or

5        4. An individual, private agency, or institution the court and  
6 the Department determines will best serve the intent described in  
7 Section 1-1-102 of this title.

8        B. Except as otherwise provided by this section or by law, it  
9 shall be left to the discretion of the judge to place the custody of  
10 children where their total needs will best be served. If an  
11 individual meets the minimum required age for placement purposes,  
12 the age of an otherwise eligible individual shall not be a reason  
13 for denying the individual placement or custody of a child.

14        C. A prospective foster or adoptive parent shall not be an  
15 approved placement for a child if the prospective foster or adoptive  
16 parent or any other person residing in the home of the prospective  
17 foster or adoptive parent has been convicted of any of the following  
18 felony offenses:

19        1. Within the five-year period preceding the application date,  
20 a physical assault, battery, or a drug-related offense;

21        2. Child abuse or neglect;

22        3. Domestic abuse;

23        4. A crime against a child, including, but not limited to,  
24 child pornography; or

1           5. A crime involving violence, including, but not limited to,  
2 rape, sexual assault or homicide, but excluding those crimes  
3 specified in paragraph 1 of this subsection.

4           D. 1. Under no circumstances shall a child be placed with or  
5 in the custody of an individual subject to the Oklahoma Sex  
6 Offenders Registration Act or an individual who is married to or  
7 living with an individual subject to the Oklahoma Sex Offenders  
8 Registration Act.

9           2. In addition, prior to the court placing a child in the  
10 custody of an individual, the court shall inquire as to whether the  
11 individual has been previously convicted of any felony or relevant  
12 misdemeanor or has any felony or misdemeanor charges pending.

13           3. Prior to the custody order being entered, the individual  
14 seeking custody shall provide an Oklahoma criminal history record  
15 obtained pursuant to Section 150.9 of Title 74 of the Oklahoma  
16 Statutes to the court.

17           4. For purposes of this subsection the terms:

18           a. "relevant misdemeanor" may include assault and  
19 battery, alcohol- or drug-related offenses, domestic  
20 violence or other offenses involving the use of  
21 physical force or violence against the person or  
22 property of another, and

23           b. "individual" shall not include a parent or legal  
24 guardian of the child.

1           E. A prospective foster or adoptive parent shall not be an  
2 approved placement for a child if the prospective foster or adoptive  
3 parent is an employee of the Department, or a relative of an  
4 employee of the Department to the third degree of consanguinity or  
5 affinity, or the fourth degree of consanguinity or affinity in the  
6 case of first cousins. Such prohibition shall apply for a period of  
7 two (2) years following the termination of the employment with the  
8 Department.

9           F. The provisions of this section shall not apply in any  
10 paternity or domestic relations case, unless otherwise ordered by  
11 the court.

12           SECTION 2. This act shall become effective November 1, 2024.

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