
OK LEGIS 338 (2009)

OK LEGIS 338 (2009) FOR EDUCATIONAL USE ONLY

2009 Okla. Sess. Law Serv. Ch. 338 (H.B. 1734) (WEST)

OKLAHOMA 2009 SESSION LAW SERVICE

Fifty-Second Legislature, 2009 First Regular Session

Additions are indicated by <<+Text+>>; deletions by <<-Text->>. Changes in tables are made but not highlighted.

Vetoed provisions within tabular material are not displayed.

CHAPTER 338

H.B. No. 1734

CHILDREN

An Act relating to children; amending 10 O.S. 2001, Section 405, as amended by Section 4, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008, Section 405), which relates to the Oklahoma Child Care Facilities Licensing Act; excepting certain facilities from licensing by the Department of Human Services; amending 10 O.S. 2001, Section 601.3, which relates to the Oklahoma Commission on Children and Youth; providing for licensing of certain facilities; amending 10 O.S. 2001, Section 7001-1.3, as last amended by Section 11 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 211 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to the Oklahoma Children's Code; modifying definitions; amending 10 O.S. 2001, Section 7003-1.1, as amended by Section 17 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 213 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to assessment and investigations; eliminating requirement of certain statement in certain circumstance; amending 10 O.S. 2001, Section 7003-2.1, as last amended by Section 18 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 226 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to protective custody; modifying standard for removal of a child; directing certain persons to implement a joint response system; specifying process; requiring certain report; requiring certain determination before a court makes an emergency custody order; modifying where a child is taken when in custody; providing for certain

administrative order; providing for in-home placement and services; amending 10 O.S. 2001, Section 7003-3.5, as amended by Section 24 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 232 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to service of summons; stating certain affidavit may be evidence of certain acts; amending 10 O.S. 2001, Section 7003-5.4, as amended by Section 36 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 278 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to information that accompanies a child placed outside the home; creating a Passport program; specifying information to be included; providing for certain cooperation; stating duties of the Department; amending 10 O.S. 2001, Section 7004-1.1, as amended by Section 60 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 277 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to powers and duties of the Department of Human Services; specifying priority in placements; amending 10 O.S. 2001, Section 7004-3.1, as amended by Section 67 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 303 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to children's shelters and youth services shelter facilities; providing for the transition of the use of shelters; providing for certain report; amending 10 O.S. 2001, Section 7103, as last amended by Section 79 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 212 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to the Oklahoma Child Abuse Reporting and Prevention Act; establishing statewide abuse and neglect hotline; requiring training; requiring certain system; expanding duty to all persons; requiring referral; amending 10 O.S. 2001, Section 7106, as last amended by Section 83 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 216 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to investigation of child abuse or neglect; clarifying persons authorized to release certain records; amending 10 O.S. 2001, Section 7209, as last amended by Section 101 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 284 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to deleting certain records check; amending 10 O.S. 2001, Section 7221, as last amended by Section 108 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 286 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, which relates to the Oklahoma Foster Care and Out-of-Home Placement Act; requiring certain visit; providing for state and federal criminal history records check; specifying procedures; directing the Department of Human Services to implement a plan of reorganization of certain offices; providing for the Department to establish a formal curriculum for training; requiring certain needs assessment; stating intent of Legislature to fund salary increases; providing for recruitment of staff; stating intent of Legislature to increase foster parent reimbursement rate; directing the Department to develop an agency-wide process for background checks; creating the Children's Services Oversight Committee; providing for membership; providing for vacancies; providing for designation of chair; specifying quorum; specifying administrative support; providing for travel reimbursement; providing for duties; requiring certain report; amending 10 O.S. 2001, Section 7305-1.8, which relates to detention homes; providing for the establishment of group homes;

providing for codification; providing for noncodification; providing an effective date; and declaring an emergency.

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

<< OK ST T. 10 § 405 >>

SECTION 1. AMENDATORY 10 O.S. 2001, Section 405, as amended by Section 4, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008, Section 405), is amended to read as follows:

Section 405. A. No child care facility may be operated or maintained in this state, unless licensed or temporarily authorized by the Department of Human Services<<+, except for the shelters certified by the Oklahoma Commission on Children and Youth pursuant to Section 601.3 of this title+>>; provided, that the Department shall not be required to be licensed, but shall be bound by the standards it prescribes. No new child care facility may be established without the prior approval of the Department, which shall be granted only after the Department is satisfied that the facility will meet minimum standards for a license to operate.

B. The Department shall not grant approval for a permit, or a license for a new child care facility to receive and care for children until:

1. All requirements for searches of criminal history records and the child care worker registry are met pursuant to subsection A of Section 404.1 of this title; and

2. All required training including, but not limited to, cardiopulmonary resuscitation (CPR), first aid, health and safety training, and minimum education requirements pursuant to licensing requirements have been completed for any person left alone with children.

C. The incorporation or domestication of a corporation organized for the purpose of operating a child care facility shall not exempt such corporation from compliance with the provisions of this act.

D. An application for a license shall be made on forms provided by the Department and in the manner prescribed. Temporary authorization may be granted to allow the Department to investigate the activities and standards of care of the applicant. The Department may issue a license once it is satisfied that the applicant meets the requirements as provided in this act. <<-A provisional license may be issued upon satisfaction of the requirements of subsection B of this section to any applicant whose services are needed but which is temporarily unable to conform to all the rules of the Department, as provided in Section 404 of this title.->> All licenses shall be in force unless revoked as authorized by Section 407 of this title<<-; provided, however, a provisional license may be in force for not more than one (1) year from the date of issuance, unless an emergency exists which, in the discretion of the->> <<-Department, necessitates an extension thereof->>.

<< OK ST T. 10 § 601.3 >>

SECTION 2. AMENDATORY 10 O.S. 2001, Section 601.3, is amended to read as follows:

Section 601.3. The Oklahoma Commission on Children and Youth is hereby authorized and directed to:

1. Establish and maintain the Office of Planning and Coordination for Services to Children and Youth;

2. Establish and maintain the Office of Juvenile System Oversight; <<-and->>

3. Designate community partnership districts for services to children and youth and, within the limitations of available funds, whether appropriated or otherwise available, provide staff, technical assistance and other assistance as necessary and appropriate to the district boards<<+; and+>>

<<+4. Establish a system of certification in accordance with the Child Care Facilities Licensing Act for the shelters managed and operated by the Department of Human Services pursuant to Section 7004-3.1 of this title+>>.

<< OK ST T. 10 § 7001-1.3 >>

SECTION 3. AMENDATORY 10 O.S. 2001, Section 7001-1.3, as last amended by Section 11 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 211 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 11. When used in the Oklahoma Children's Code, unless the context otherwise requires:

1. "Abandonment" means:

a. the willful intent by words, actions, or omissions not to return for a child, or

b. the failure to maintain a significant parental relationship with a child through visitation or communication in which incidental or token visits or communication are not considered significant, or

c. the failure to respond to notice of deprived proceedings;

2. "Abuse" means harm or threatened harm or failure to protect from harm or threatened harm to the health, safety, or welfare of a child by a person responsible for the child's health, safety, or welfare, including but not limited to nonaccidental physical or mental injury, sexual abuse, or sexual exploitation. Provided, however, that nothing contained in this act shall prohibit any parent<<-, teacher, or other person->> from using ordinary force as a means of discipline including, but not limited to, spanking, switching, or paddling.

a. "Harm or threatened harm to the health or safety of a child" means any real or threatened physical, mental, or emotional injury or damage to the body or mind that is not accidental including but not limited to sexual abuse, sexual exploitation, neglect, or dependency.

b. "Sexual abuse" includes but is not limited to rape, incest, and lewd or indecent acts or proposals made to a child, as defined by law, by a person responsible for the health, safety, or welfare of the child.

c. "Sexual exploitation" includes but is not limited to allowing, permitting, or encouraging a child to engage in prostitution, as defined by law, by a person responsible for the health, safety, or welfare of a child, or allowing, permitting, encouraging, or engaging in the lewd, obscene, or pornographic, as defined by law, photographing, filming, or depicting of a child in those acts by a person responsible for the health, safety, and welfare of the child;

3. "Adjudication" means a finding by the court that the allegations in a petition alleging that a child is deprived are supported by a preponderance of the evidence;

4. "Adjudicatory hearing" means a hearing by the court as provided by Section 1-4-601 of this title;

5. "Assessment" means <<-the same as the term "safety analysis" as defined in this section->> <<+a comprehensive review of child safety and evaluation of family functioning and protective capacities that is conducted in response to a child abuse or neglect referral that does not allege a serious and immediate safety threat to a child+>>;

6. "Behavioral health" means mental health, substance abuse, or co-occurring mental health and substance abuse diagnoses, and the continuum of mental health, substance abuse, or co-occurring mental health and substance abuse treatment;

7. "Child" means any unmarried person under eighteen (18) years of age;

8. "Child advocacy center" means a center and the multidisciplinary child abuse team of which it is a member that is accredited by the National Children's Alliance or that is completing a sixth year of reaccreditation. Child advocacy centers shall be classified, based on the child population of a district attorney's district, as follows:

a. nonurban centers in districts with child populations that are less than sixty thousand (60,000), and

b. midlevel nonurban centers in districts with child populations equal to or greater than sixty thousand (60,000), but not including Oklahoma and Tulsa counties;

9. "Child with a disability" means any child who has a physical or mental impairment which substantially limits one or more of the major life activities of the child, or who is regarded as having such an impairment by a competent medical professional;

10. "Child-placing agency" means <<-a private agency licensed to place children->> <<+an agency that arranges for or places a child+>> in <<+a+>> foster family <<-homes->> <<+home+>>, group <<-homes->> <<+home+>>, adoptive <<-homes->> <<+home+>>, <<-transitional->> or independent living <<-programs, or

family child care homes or other out-of-home placements; and which approves and monitors such placements and facilities in accordance with the licensing requirements established by the Oklahoma Child Care Facilities Licensing Act->>
<<+program+>>;

11. "Commission" means the Commission for Human Services;

12. "Community-based services" or "community-based programs" means services or programs which maintain community participation or supervision in their planning, operation, and evaluation. Community-based services and programs may include, but are not limited to, emergency shelter, crisis intervention, group work, case supervision, job placement, recruitment and training of volunteers, consultation, medical, educational, home-based services, vocational, social, preventive and psychological guidance, training, counseling, early intervention and diversionary substance abuse treatment, sexual abuse treatment, transitional living, independent living, and other related services and programs;

13. "Concurrent permanency planning" means, when indicated, the implementation of two plans for a child entering foster care. One plan focuses on reuniting the parent and child; the other seeks to find a permanent out-of-home placement for the child with both plans being pursued simultaneously;

14. "Court-appointed special advocate" or "CASA" means a responsible adult volunteer who has been trained and is supervised by a court-appointed special advocate program recognized by the court, and when appointed by the court, serves as an officer of the court in the capacity as a guardian ad litem;

15. "Court-appointed special advocate program" means an organized program, administered by either an independent, not-for-profit corporation, a dependent project of an independent, not-for-profit corporation or a unit of local government, which recruits, screens, trains, assigns, supervises and supports volunteers to be available for appointment by the court as guardians ad litem;

16. "Custodian" means an individual other than a parent, legal guardian or Indian custodian, to whom legal custody of the child has been awarded by the court. As used in this title, the term "custodian" shall not mean the Oklahoma Department of Human Services;

17. "Day treatment" means a nonresidential program which provides intensive services to a child who resides in the child's own home, the home of a relative, group home, a foster home or residential child care facility. Day treatment programs include, but are not limited to, educational services;

18. "Department" means the Oklahoma Department of Human Services;

19. "Dependency" means a child who is homeless or without proper care or guardianship through no fault of his or her parent, legal guardian, or custodian;

20. "Deprived child" means a child:

- a. who is for any reason destitute, homeless, or abandoned,
- b. who does not have the proper parental care or guardianship,

c. who has been abused, neglected, or is dependent,

d. whose home is an unfit place for the child by reason of depravity on the part of the parent or legal guardian of the child, or other person responsible for the health or welfare of the child,

e. who is a child in need of special care and treatment because of the child's physical or mental condition, and the child's parents, legal guardian, or other custodian is unable or willfully fails to provide such special care and treatment. As used in this paragraph, a child in need of special care and treatment includes, but is not limited to, a child who at birth tests positive for alcohol or a controlled dangerous substance and who, pursuant to a drug or alcohol screen of the child and an assessment of the parent, is determined to be at risk of harm or threatened harm to the health or safety of a child,

f. who is a child with a disability deprived of the nutrition necessary to sustain life or of the medical treatment necessary to remedy or relieve a life-threatening medical condition in order to cause or allow the death of the child if such nutrition or medical treatment is generally provided to similarly situated children without a disability or children with disabilities; provided that no medical treatment shall be necessary if, in the reasonable medical judgment of the attending physician, such treatment would be futile in saving the life of the child,

g. who, due to improper parental care and guardianship, is absent from school as specified in Section 10-106 of Title 70 of the Oklahoma Statutes, if the child is subject to compulsory school attendance,

h. whose parent, legal guardian or custodian for good cause desires to be relieved of custody,

i. who has been born to a parent whose parental rights to another child have been involuntarily terminated by the court and the conditions which led to the making of the finding, which resulted in the termination of the parental rights of the parent to the other child, have not been corrected, or

j. whose parent, legal guardian, or custodian has subjected another child to abuse or neglect or has allowed another child to be subjected to abuse or neglect and is currently a respondent in a deprived proceeding.

Nothing in the Oklahoma Children's Code shall be construed to mean a child is deprived for the sole reason the parent, legal guardian, or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.

Nothing contained in this paragraph shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare;

21. "Dispositional hearing" means a hearing by the court as provided by Section

1-4-706 of this title;

22. "Emergency custody" means the custody of a child prior to adjudication of the child following issuance of an order of the district court pursuant to Section 1-4-201 of this title or following issuance of an order of the district court pursuant to an emergency custody hearing, as specified by Section 1-4-203 of this title;

23. "Facility" means a place, an institution, a building or part thereof, a set of buildings, or an area whether or not enclosing a building or set of buildings used for the lawful custody and treatment of children;

24. "Foster care" or "foster care services" means continuous twenty-four-hour care and supportive services provided for a child in foster placement including, but not limited to, the care, supervision, guidance, and rearing of a foster child by the foster parent;

25. "Foster family home" means the private residence of a foster <<-family which->> <<+parent who+>> provides foster care services to a child. Such term shall include a nonkinship foster family home, <<-a specialized foster home,->> a therapeutic foster family home, or the home of a relative or other kinship care home;

26. "Foster parent eligibility assessment" includes a criminal background investigation including, but not limited to, a national criminal history records search based upon the submission of fingerprints, home assessments, and any other assessment required by the Department of Human Services, the Office of Juvenile Affairs, or any child-placing agency pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act;

27. "Guardian ad litem" means a person appointed by the court pursuant to the provisions of Section 1-4-306 of this title having those duties and responsibilities as set forth in that section. The term "guardian ad litem" shall refer to a court-appointed special advocate as well as to any other person appointed pursuant to the provisions of Section 1-4-306 of this title to serve as a guardian ad litem;

28. "Guardian ad litem of the estate of the child" means a person appointed by the court to protect the property interests of a child pursuant to Section 1-8-109 of this title;

29. "Group home" means a residential facility licensed by the Department to provide full-time care and community-based services for more than five but fewer than thirteen children;

30. "Harm or threatened harm to the health or safety of a child" means any real or threatened physical, mental, or emotional injury or damage to the body or mind that is not accidental including, but not limited to, sexual abuse, sexual exploitation, neglect, or dependency;

31. "Heinous and shocking abuse" includes, but is not limited to, aggravated physical abuse that results in serious bodily, mental, or emotional injury. "Serious bodily injury" means injury that involves:

a. a substantial risk of death,

- b. extreme physical pain,
- c. protracted disfigurement,
- d. a loss or impairment of the function of a body member, organ, or mental faculty,
- e. an injury to an internal or external organ or the body,
- f. a bone fracture,
- g. sexual abuse or sexual exploitation,
- h. chronic abuse including, but not limited to, physical, emotional, or sexual abuse, or sexual exploitation which is repeated or continuing,
- i. torture that includes, but is not limited to, inflicting, participating in or assisting in inflicting intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child or for the purpose of satisfying the craven, cruel, or prurient desires of the perpetrator or another person, or
- j. any other similar aggravated circumstance;

32. "Heinous and shocking neglect" includes, but is not limited to:

- a. chronic neglect that includes, but is not limited to, a persistent pattern of family functioning in which the caregiver has not met or sustained the basic needs of a child which results in harm to the child,
- b. neglect that has resulted in a diagnosis of the child as a failure to thrive,
- c. an act or failure to act by a parent that results in the death or near death of a child or sibling, serious physical or emotional harm, sexual abuse, sexual exploitation, or presents an imminent risk of serious harm to a child, or
- d. any other similar aggravating circumstance;

33. "Independent living program" means a program specifically designed to assist a child to enhance those skills and abilities necessary for successful adult living. An independent living program may include, but shall not be limited to, such features as minimal direct staff supervision, and the provision of supportive services to assist children with activities necessary for finding an appropriate place of residence, completing an education or vocational training, obtaining employment, or obtaining other similar services;

34. "Individualized service plan" means a document written pursuant to Section 1-4-704 of this title that has the same meaning as "service plan" or "treatment plan" where those terms are used in the Oklahoma Children's Code;

35. "Infant" means a child who is twelve (12) months of age or younger;

36. "Institution" means a residential facility offering care and treatment for more than twenty residents;

37. <<+a.+>> "Investigation" means <<-the same as the term "safety analysis" as defined in this section->> <<+a response to an allegation of abuse or neglect that involves a+>> <<+serious and immediate threat to the safety of the child, making it necessary to determine:+>>

<<+(1) the current safety of a child and the risk of subsequent abuse or neglect, and+>>

<<+(2) whether child abuse or neglect occurred and whether the family needs prevention- and intervention-related services.+>>

<<+b. "Investigation" results in a written response stating one of the following findings:+>>

<<+(1) "Substantiated -- Court intervention recommended" means a report that is determined by a child protective services worker, after an investigation and based upon some credible evidence, to constitute child abuse or neglect which is of such a nature that the Department finds that the health, safety, or welfare of the child is threatened,+>>

<<+(2) "Substantiated -- Services recommended" means a report that is determined by a child protective services worker, after an investigation and based upon some credible evidence, to constitute child abuse or neglect which is of such a nature that the Department recommends prevention- and intervention-related services for the parents or persons responsible for the care of the child or children, but for which initial court intervention is not required,+>>

<<+(3) "Unsubstantiated -- Services recommended" means a report in which a child protective services worker, after an investigation, determines there is insufficient evidence to fully determine whether child abuse or neglect has occurred, but one in which the Department determines that the child and the family of the child could benefit from receiving child abuse and neglect prevention- and intervention-related services, or+>>

<<+(4) "Ruled out" means a report in which a child protective services worker, after an investigation, determines that no child abuse or neglect has occurred+>>;

38. "Kinship care" means full-time care of a child by a kinship relation;

39. "Kinship guardianship" means a permanent guardianship as defined in this section;

40. "Kinship relation" or "kinship relationship" means relatives, stepparents, or other responsible adults who have a bond or tie with a child and/or to whom has been ascribed a family relationship role with the child's parents or the child; provided, however, in cases where the Indian Child Welfare Act applies, the definitions contained in 25 U.S.C., Section 1903 shall control;

41. "Mental health facility" means a mental health or substance abuse treatment

facility as defined by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

42. "Minor" means the same as the term "child" as defined in this section;

43. "Minor in need of treatment" means a child in need of mental health or substance abuse treatment as defined by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

44. "Multidisciplinary child abuse team" means any team established pursuant to Section 1-9-102 of this title of three or more persons who are trained in the prevention, identification, investigation, prosecution, and treatment of physical and sexual child abuse and who are qualified to facilitate a broad range of prevention and intervention-related services and services related to child abuse. For purposes of this definition, "freestanding" means a team not used by a child advocacy center for its accreditation;

45. "Near death" means a child is in serious or critical condition, as certified by a physician, as a result of abuse or neglect;

46. "Neglect" means <<-any of the following->>:

a. the failure or omission to provide any of the following:

(1) adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, or appropriate education,

(2) medical, dental, or behavioral health care,

(3) supervision or appropriate caretakers, or

(4) special care made necessary by the physical or mental condition of the child,

b. the failure or omission to protect a child from exposure to any of the following:

(1) the use, possession, sale, or manufacture of illegal drugs,

(2) illegal activities, or

(3) sexual acts or materials that are not age-appropriate, <<-and->> <<+or+>>

c. abandonment.

Nothing in this paragraph shall be construed to mean a child is abused or neglected for the sole reason the parent, legal guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child. Nothing contained in this paragraph shall prevent a court from immediately assuming custody of a child, pursuant to the Oklahoma Children's Code, and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare;

47. "Permanency hearing" means a hearing by the court pursuant to Section 1-4-811 of this title;

48. "Permanent custody" means the court-ordered custody of an adjudicated deprived child when a parent-child relationship no longer exists due to termination of parental rights or due to the death of a parent or parents;

49. "Permanent guardianship" means a judicially created relationship between a child, a kinship relation of the child, or other adult established pursuant to the provisions of Section 1-4-709 of this title;

50. "Person responsible for a child's health, safety, or welfare" includes a parent; a legal guardian; custodian; a foster parent; a person eighteen (18) years of age or older with whom the child's parent cohabitates or any other adult residing in the home of the child; an agent or employee of a public or private residential home, institution, facility or day treatment program as defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or an owner, operator, or employee of a child care facility as defined by Section 402 of Title 10 of the Oklahoma Statutes;

51. "Protective custody" means custody of a child taken by a law enforcement officer or designated employee of the court without a court order;

52. "Putative father" means an alleged father as that term is defined in Section 7700-102 of Title 10 of the Oklahoma Statutes;

53. "Relative" means a grandparent, great-grandparent, brother or sister of whole or half blood, aunt, uncle or any other person related to the child;

54. "Residential child care facility" means a twenty-four-hour residential facility where children live together with or are supervised by adults who are not their parents or relatives;

55. "Review hearing" means a hearing by the court pursuant to Section 1-4-807 of this title;

56. <<+"Risk" means the likelihood that an incident of child abuse or neglect will occur in the future;+>>

<<+57. "Safety threat" means the threat of serious harm due to child abuse or neglect occurring in the present or in the very near future and without the intervention of another person, a child would likely or in all probability sustain severe or permanent disability or injury, illness, or death;+>>

<<+58.+>> "Safety analysis" means action taken by the Department in response to a report of alleged child abuse or neglect that <<-will->> <<+may+>> include an assessment or investigation based upon <<-degree of risk to a child.->>

<<-a.->> <<- "Assessment" means a written response to a report of alleged child abuse or neglect where, following a risk analysis, the Department determines there is a low to moderate safety risk or no safety risk to the child and a referral to community services is appropriate.->>

<<-b.->> <<- "Investigation" means a written response to a report of alleged child abuse or neglect that constitutes a serious and immediate threat to the health or safety of a child which, following a risk analysis, results in->> <<-one of the following findings:->>

<<-(1)->> <<- "Substantiated -- Court intervention recommended" means a report that is determined by a child protective services worker, after an investigation and based upon some credible evidence, to constitute child abuse or neglect which is of such a nature that the Department finds that the health, safety, or welfare of the child is threatened,->>

<<-(2)->> <<- "Substantiated -- Services recommended" means a report that is determined by a child protective services worker, after an investigation and based upon some credible evidence, to constitute child abuse or neglect which is of such a nature that the Department recommends prevention and intervention-related services for the parents or persons responsible for the care of the child or children, but for which initial court intervention is not required,->>

<<-(3)->> <<- "Unsubstantiated -- Services recommended" means a report in which a child protective services worker, after an investigation, determines there is insufficient evidence to fully determine whether child abuse or neglect has occurred, but one in which the Department determines that the child and the family of the child could benefit from receiving child abuse and neglect prevention and intervention-related services, and->>

<<-(4)->> <<- "Ruled out" means a report in which a child protective services worker,->> <<-after an investigation, determines that no child abuse or neglect has occurred->>

<<+an analysis of the information received according to priority guidelines and other criteria adopted by the Department+>>;

<<-57.->> <<+59. "Safety evaluation" means evaluation of a child's situation by the Department using a structured, evidence-based tool to determine if the child is subject to a safety threat;+>>

<<+60.+>> "Secure facility" means a facility which is designed and operated to ensure that all entrances and exits from the facility are subject to the exclusive control of the staff of the facility, whether or not the juvenile being detained has freedom of movement within the perimeter of the facility, or a facility which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents;

<<-58.->> <<+61.+>> "Sibling" means a biologically or legally related brother or sister of a child;

<<-59.->> <<+62.+>> "Specialized foster care" means foster care provided to a child in a foster home or agency-contracted home which:

a. has been certified by the Developmental Disabilities Services Division of the Department of Human Services,

b. is monitored by the Division, and

c. is funded through the Home- and Community-Based Waiver Services Program

administered by the Division;

<<-60.->> <<+63.+>> "Temporary custody" means court-ordered custody of an adjudicated deprived child;

<<-61.->> <<+64.+>> "Therapeutic foster family home" means a foster family home which provides specific treatment services, pursuant to a therapeutic foster care contract, which are designed to remedy social and behavioral problems of a foster child residing in the home;

<<-62.->> <<+65.+>> "Transitional living program" means a residential program that may be attached to an existing facility or operated solely for the purpose of assisting children to develop the skills and abilities necessary for successful adult living. The program may include, but shall not be limited to, reduced staff supervision, vocational training, educational services, employment and employment training, and other appropriate independent living skills training as a part of the transitional living program;

<<-63.->> "Treatment and service plan" means a document written pursuant to Section 1-4-704 of this title;->> and

<<-64.->> <<+66.+>> "Voluntary foster care placement" means the temporary placement of a child by the parent, legal guardian or custodian of the child in foster care pursuant to a signed placement agreement between the Department or a child-placing agency and the child's parent, legal guardian or custodian.

<< OK ST T. 10 § 7003-1.1 >>

SECTION 4. AMENDATORY 10 O.S. 2001, Section 7003-1.1, as amended by Section 17 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 213 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature is amended to read as follows:

Section 17. A. 1. Upon receipt of a report that a child may be abused or neglected, the Department of Human Services shall conduct <<-an assessment or investigation in accordance with priority guidelines established by the Department->> <<+a safety analysis+>>.

2. The Department shall forward a report of its assessment or investigation and findings to any district attorney's office which may have jurisdiction to file a petition pursuant to Section 1-4-902 of this title.

B. 1. If, upon receipt of a report alleging abuse or neglect or during the assessment or investigation, the Department determines that:

a. the alleged perpetrator is someone other than a person responsible for the child's health, safety, or welfare, and

b. the alleged abuse or neglect of the child does not appear to be attributable to failure on the part of a person responsible for the child's health, safety, or welfare to provide protection for the child,

the Department shall immediately make a referral, either verbally or in writing, to the appropriate local law enforcement agency for the purpose of conducting a possible criminal investigation.

2. After making the referral to the law enforcement agency, the Department shall not be responsible for further investigation unless:

a. the Department has reason to believe the alleged perpetrator is a parent of another child, not the subject of the criminal investigation, or is otherwise a person responsible for the health, safety, or welfare of another child,

b. notice is received from a law enforcement agency that it has determined the alleged perpetrator is a parent of or a person responsible for the health, safety, or welfare of another child not the subject of the criminal investigation, or

c. the appropriate law enforcement agency requests the Department, in writing, to participate in the investigation. If funds and personnel are available, as determined by the Director of the Department or a designee, the Department may assist law enforcement in interviewing children alleged to be victims of physical or sexual abuse.

C. 1. Any law enforcement agency receiving a referral as provided in this section shall provide the Department with a copy of the report of any investigation resulting from a referral from the Department.

2. Whenever, in the course of any criminal investigation, a law enforcement agency determines that there is cause to believe that a child may be abused or neglected by reason of the acts, omissions, or failures on the part of a person responsible for the health, safety, or welfare of the child<<+,+>> the law enforcement agency shall immediately contact the Department for the purpose of an investigation.

<< OK ST T. 10 § 7003-2.1 >>

SECTION 5. AMENDATORY 10 O.S. 2001, Section 7003-2.1, as last amended by Section 18 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 226 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 18. A. Pursuant to the provisions of this section, a child may be taken into custody prior to the filing of a petition:

1. By a peace officer or employee of the court, without a court order if the officer or employee has reasonable suspicion that:

a. the child is in need of immediate protection due to <<-abuse or neglect->> <<+an imminent safety threat+>>, or

b. the circumstances or surroundings of the child are such that continuation in the child's home or in the care or custody of the parent, legal guardian, or custodian would present an imminent <<-danger->> <<+safety threat+>> to the child; or

2. By an order of the district court issued upon the application of the office of the district attorney. The application presented by the district attorney may be supported by a sworn affidavit which may be based upon information and belief. The application shall state facts sufficient to demonstrate to the court that a continuation of the child in the home or with the caretaker of the child is contrary to the child's welfare and there is reasonable suspicion that:

a. the child is in need of immediate protection due to <<-abandonment, abuse, or neglect->> <<+an imminent safety threat+>>, or

b. the circumstances or surroundings of the child are such that continuation in the child's home or in the care or custody of the parent, legal guardian, or custodian would present an imminent <<-danger->> <<+safety threat+>> to the child.

The application and order may be verbal and upon being advised by the district attorney <<+or the court+>> of the verbal order, law enforcement shall act on such order. If verbal, the district attorney shall submit a written application and proposed order to the district court within one (1) judicial day from the issuance of the verbal order. Upon approval, the application and order shall be filed with the court clerk; or

3. By order of the district court when the child is in need of medical or behavioral health treatment in order to protect the health, safety, or welfare of the child and the parent, legal guardian, or custodian of the child is unwilling or unavailable to consent to such medical or behavioral health treatment or other action, the court shall specifically include in the emergency order authorization for such medical or behavioral health evaluation or treatment as it deems necessary.

B. <<+1. By January 1, 2010, the Department in consultation with law enforcement and the district courts shall develop and implement a system for joint response when a child is taken into protective custody by a peace officer pursuant to paragraph 1 of subsection A of this section. The system shall include:+>>

<<+a. designation of persons to serve as contact points for peace officers,+>>
<<+including at least one backup contact for each initial contact point,+>>

<<+b. a protocol for conducting a safety evaluation at the scene where protective custody is assumed to determine whether the child faces an imminent safety threat and, if so, whether the child can be protected through placement with relatives or others without the Department assuming emergency custody,+>>

<<+c. the development of reception centers for accepting protective custody of children from peace officers when the Department is unable to respond at the scene within a reasonable time period,+>>

<<+d. a protocol for conducting a safety evaluation at the reception center within twenty-three (23) hours of the assumption of protective custody of a child to determine whether the child faces an imminent safety threat and, if so, whether the child can be protected through placement with relatives or others without the Department assuming emergency custody, and+>>

<<+e. a protocol, when the child cannot safely be left in the home, for

transporting a child to the home of a relative, kinship care home, an emergency foster care home, a shelter, or any other site at which the Department believes the child can be protected, provided that the Department shall utilize a shelter only when the home of a relative, kinship care home, or emergency foster care home is unavailable or >> <<+inappropriate.+>>

<<+2. Beginning January 1, 2010, no child taken into protective custody under paragraph 1 of subsection A of this section shall be considered to be in the emergency custody of the Department until the Department has completed a safety evaluation and has concluded that the child faces an imminent safety threat and the court has issued an order for emergency custody.+>>

<<+3. If the safety evaluation performed by the Department of a child taken into protective custody under paragraph 1 of subsection A of this section indicates that the child does not face an imminent safety threat, the Department shall restore the child to the custody and control of the parent, legal guardian, or custodian of the child.+>>

<<+4. The Department shall report on the progress of the system to the Children's Services Oversight Committee established in Section 22 of this act by March 1, 2010.+>>

<<+C.+>> When an order issued by the district court pursuant to subsection A of this section places the child in the emergency custody of the Department of Human Services pending further hearing specified by Section 1-4-203 of this title, an employee of the Department may execute such order and physically take the child into custody in the following limited circumstance:

1. The child is located in a hospital, school, or day care facility; and
2. It is believed that assumption of the custody of the child from the facility can occur without risk to the child or the employee of the Department.

Otherwise, the order shall be executed and the child taken into custody by a peace officer or employee of the court.

<<-C.->> <<+D.+>> The court shall not enter <<-an->> <<+a prepetition+>> emergency custody order removing a child from the home of the child unless the court makes a determination:

1. That <<+an imminent safety threat exists and+>> continuation in the home of the child is contrary to the welfare of the child <<-or that immediate placement is in the best interests of the child->>; and
2. Whether reasonable efforts have been made to prevent the removal of the child from the child's home; or
3. An absence of efforts to prevent the removal of the child from the home of the child is reasonable because the removal is due to an emergency and is for the purpose of providing for the <<+safety and+>> welfare of the child.

<<-D.->> <<+E.+>> Whenever a child is taken into custody pursuant to this section:

1. The child may be taken to a <<+kinship care home or an emergency foster care home

designated by the Department, or if no such home is available, to a children's shelter located within the county where protective or emergency custody is assumed or, if there is no children's shelter within the county, to a children's shelter designated by the court;

2. Unless otherwise provided by administrative order entered pursuant to subsection E of this section, the child may be taken before a judge of the district court or the court may be contacted verbally for the purpose of obtaining an order for emergency custody. The court may place the child in the emergency custody of the Department or some other suitable person or entity pending further hearing specified by Section 1-4-203 of this title;

3. The child may be taken directly to or retained in a health care facility for medical treatment, when the child is in need of emergency medical treatment to maintain the child's health, or as otherwise directed by the court; or

4. The child may be taken directly to or retained in a behavioral health treatment facility for evaluation or inpatient treatment, in accordance with the provisions of the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, when the child is in need of behavioral health care to preserve the child's health, or as otherwise directed by the court; and

5. Unless otherwise provided by administrative order entered pursuant to subsection F of this section, the district court of the county where the custody is assumed shall be immediately notified, verbally or in writing, that the child has been taken into custody. If notification is verbal, written notification shall be sent to the district court within one (1) judicial day of such verbal notification.

E. The court may provide, in an administrative order issued pursuant to this section or by a standing order or rule, for the disposition of children taken into custody and notification of the assumption of such custody.

1. Such order or rule shall be consistent with the provisions of subsection D of this section, but may also:

1. Designate a licensed child care facility, other than a children's shelter appropriate for the temporary care of deprived children, if the facility is willing to provide care; and may include a process for release of a child prior to an emergency custody hearing. The administrative order shall not include a provision to modify protective custody of a child to emergency custody of the Department upon admission of a child to a shelter; and

2. Authorize the release of a child from custody in accord with such criteria or under such conditions as the court specifies or the placement of a child with responsible persons, as the court may designate, who are willing to provide care for the child pending further proceedings; The administrative order may require joint training of peace officers and Department staff deemed necessary by the court to carry out the provisions of the administrative order.

<<-F.->> <<+G.+>> No child taken into custody pursuant to this section shall be confined in any jail, adult lockup, or adult or juvenile detention facility.

<<-G.->> <<+H.+>> When a determination is made by the Department that there is a significant risk of abuse or neglect, but there is not an imminent safety threat to the child, the Department may recommend a court-supervised and Department-monitored in-home placement. The Department shall assist the family in obtaining the services necessary to maintain the in-home care and correct the conditions leading to the risk determination.+>>

<<+I.+>> Any peace officer, employee of the court, <<-court-appointed special advocate,->> <<+or+>> employee of the Department<<-,->> <<+is authorized to transport a child when acting pursuant to this section. Such persons+>> and any other person acting under the direction of the court, who in good faith transports any child <<+or carries out duties pursuant to this section+>>, shall be immune from civil or criminal liability that may result by reason of such act. For purposes of any proceedings, civil or criminal, the good faith of any such person shall be presumed. <<+This provision shall not apply to damage or injury caused by the willful, wanton or gross negligence or misconduct of a person.+>>

<<-H.->> <<+J.+>> A parent or person responsible for the child who is arrested on a charge or warrant other than child abuse or neglect or an act of child endangerment may designate another person to take physical custody of the child. Upon this request, the peace officer may release the child to the physical custody of the designated person.

<< OK ST T. 10 § 7003-3.5 >>

SECTION 6. AMENDATORY 10 O.S. 2001, Section 7003-3.5, as amended by Section 24 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 232 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 24. A. 1. Service of summons shall be made by personal delivery, by mail, or by publication as provided for in civil actions pursuant to Section 2004 of Title 12 of the Oklahoma Statutes or any successor statute.

2. The court shall not hold the adjudication hearing until at least forty-eight (48) hours after the service of summons.

3. If the parent or legal guardian is not served within the state, the court shall not hold the hearing until at least five (5) days after the date of mailing the summons.

4. The state shall conduct a distinct and meaningful search of all reasonably available sources to locate and notify the parents and legal guardians of proceedings being held pursuant to the Oklahoma Children's Code; provided, that a hearing shall not be delayed if a parent or legal guardian cannot be located.

B. 1. Before service by publication is authorized, the state shall file an

affidavit with the court stating that after a distinct and meaningful search of all reasonably available sources, the parent or legal guardian of the child could not be identified or located, as applicable, and describing the diligent efforts made to identify, locate, and serve the party. The affidavit shall be sufficient evidence of the diligence exercised by the state to identify or locate a party who is the subject of the publication notice. <<+An affidavit prepared by the Department describing a distinct and meaningful search of all reasonably available sources to locate a party may be adopted by the state as evidence of additional efforts made to locate or identify the party.+>>

2. Upon complying with this subsection, the state may obtain an order from the court authorizing service to be made upon the party by publication. A copy of the petition and summons shall also be mailed by regular first-class mail to the party at his or her last-known place of residence. Service by publication is complete on the date of the last publication in accordance with paragraph 3 of this subsection.

3. The publication notice may be directed to all persons known, alleged, presumed, or claiming to be the father, mother, or legal guardian of the child. If the name of a party is unknown, the notice shall be directed to the unknown father, mother, or legal guardian, as applicable, and such notice, when published pursuant to this subsection, shall apply to and be binding upon those persons whose names are unknown. The notice shall contain the name of the court and the case number, the initials of the child who is the subject of the proceedings, the date and location of the birth of the child, the name of the mother and father of the child, if known, the time and date of the hearing, and the purpose of the hearing. The notice shall also contain, in type at least as large as the balance of the document, the following or substantially similar language:

"FAILURE TO APPEAR AT THIS HEARING CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD AS A DEPRIVED CHILD AND MAY ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS CHILD OR THE TERMINATION OF PARENTAL RIGHTS TO THIS CHILD."

An affidavit showing publication of the notice shall be filed with the court clerk. The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated in the notice.

4. Service by publication shall be made by publishing a notice once a week for three (3) consecutive weeks, with the first publication of notice occurring at least twenty-five (25) days prior to the date fixed for the hearing. Service shall be made in a newspaper authorized by law to publish legal notices which is published in the county where the petition is filed. If no newspaper authorized by law to publish legal notices is published in the county, the notice shall be published in some such newspaper of general circulation which is published in an adjoining county.

C. Notice by publication may proceed simultaneously with efforts to serve notice by personal delivery or by mail upon a determination by the court that there is reason to believe service by personal delivery or by mail will not be successful.

D. Costs of publication shall be paid by the court fund and assessed as costs against the child's parents and legal guardian as applicable.

<< OK ST T. 10 § 7003-5.4 >>

SECTION 7. AMENDATORY 10 O.S. 2001, Section 7003-5.4, as amended by Section 36 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 278 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 36. A. The court shall ensure that the following information accompanies any deprived child placed outside the child's home as soon as the information becomes available:

1. Demographic information;
2. Strengths, needs and general behavior of the child;
3. Circumstances which necessitated placement;
4. Type of custody and previous placement;
5. Pertinent family information including, but not limited to, the names of family members who are and who are not, by court order, allowed to visit the child and the child's relationship to the family which may affect placement;
6. Known and important life experiences and relationships which may significantly affect the child's feelings, behavior, attitudes or adjustment;
7. Whether the child has third-party insurance coverage which may be available to the child;
8. Education history to include present grade placement, last school attended, and special strengths and weaknesses. The Department of Human Services shall also assist the foster parents in getting the <<-foster->> <<+child admitted into school and obtaining the+>> child's school records <<-and gaining school admission->>; and
9. Known or available medical history including, but not limited to:
 - a. allergies,
 - b. immunizations,
 - c. childhood diseases,
 - d. physical handicaps,
 - e. psycho-social information, and
 - f. the name of the child's last doctor, if known.

B. When the Department places a child in out-of-home care, the Department shall provide the placement providers with sufficient medical information to enable the placement providers to care for the child safely and appropriately. Such medical

information shall include, but not be limited to:

1. Any medical or psychological conditions;
2. Diseases, illnesses, accidents, allergies, and congenital defects;
3. The child's Medicaid card or information on any other third-party insurer, if any; and
4. Immunization history.

<<+C. 1. The Department of Human Services shall establish a Passport Program for children in the custody of the Department.+>>

<<+2. The Program shall provide for a Passport, which shall be a compilation of the significant information provided for in subsections A and B of this section for each child, in particular, education and physical and behavioral health records.+>>

<<+3. In furtherance of the purposes of this section, the Oklahoma Health Care Authority, the Department of Education, and the Department of Mental Health and >>
<<+Substance Abuse Services shall cooperate with the Department to establish the Passport Program.+>>

<<+4. The Passport shall accompany each child to wherever the child resides so long as the child is in the custody of the Department and the Department shall:+>>

<<+a. work with public and private partners to gain access to the information listed in subsections A and B of this section,+>>

<<+b. provide for a secure database in which to store the information, and+>>

<<+c. consult with the Oklahoma Health Care Authority to convert Medicaid claims data to a usable format and to add it from other data sources in order to provide foster families more information about the history and needs of the child.+>>

<< OK ST T. 10 § 7004-1.1 >>

SECTION 8. AMENDATORY 10 O.S. 2001, Section 7004-1.1, as amended by Section 60 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 277 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 60. A. In addition to the other powers and duties prescribed by law, the Department of Human Services shall have the power and duty to:

1. Provide for the care and treatment of children taken into protective or emergency custody pursuant to the provisions of the Oklahoma Children's Code, and placed in the Department's custody by an order of the court.

In providing for the <<-temporary->> care and treatment of such children<<+,+>> the Department shall:

a. place the children in <<-a children's shelter, foster home, group home->><<+:+>>

<<+(1) a kinship care home or other foster care home, or+>>

<<+(2) if no such home is available, a group home, children's shelter+>>, or in any licensed facility established for the care of children.

In determining any placement for a child who has been removed from the custody of a custodial parent and placed with the Department in emergency custody, priority shall be given by the Department to the placement of such child with the noncustodial parent of the child unless such placement is not in the best <<-interests->> <<+interest+>> of the child,

b. if ordered by the court, provide supervision of children alleged to be deprived who are placed by the court in the custody of a parent, relative, or other responsible person. Such supervision shall be in accordance with rules promulgated by the Department and shall not exceed the period allowed for the filing of a petition or, if a petition is filed, the period authorized by the court,

c. admit an alleged deprived child to a hospital or behavioral health facility as provided in the Inpatient Mental Health and Substance Abuse Treatment of Minors Act,

d. provide outpatient behavioral health care and treatment as prescribed by a qualified behavioral health professional,

e. provide, as soon as practicable, educational instruction through enrollment in a public school or an alternative program consistent with the needs and abilities of the child,

f. provide or prescribe treatment services for the family of an alleged deprived child placed in the emergency custody of the Department if such services are voluntarily requested and the family is otherwise eligible under applicable law and rules promulgated by the Commission for the services offered, and

g. provide medical care necessary to preserve the health of the child in accordance with the provisions of <<-Chapter III of->> this Code; and

2. Provide for the care and treatment of an adjudicated deprived child placed in the temporary custody of the Department by an order of the court. In providing for such care and treatment, the Department:

a. shall review and assess each child to determine the type of placement and services consistent with the needs of the child in the nearest geographic proximity to the home of the child as possible. In making the review, the Department may use any facilities, public or private, which aid in the assessment,

b. shall develop and implement an individualized service plan for each child in accord with the requirements of Section 1-4-704 of this title,

c. may return a deprived child to the home of the parent or legal guardian from

whom the child was removed with prior approval of the court, or place the child in the home of a noncustodial parent, in a foster <<+care+>> home, in a children's shelter, in a group home, in an independent living program, or in any licensed facility established for the care of children,

d. may admit a deprived child to a hospital or behavioral health facility as provided in the Inpatient Mental Health and Substance Abuse Treatment of Minors Act,

e. may provide outpatient behavioral health care and treatment as prescribed by a qualified behavioral health professional,

f. shall, if ordered by the court, provide supervision of children adjudicated deprived who are placed by the court in the custody of a parent, relative, or other responsible person. Such supervision shall be in accordance with rules promulgated by the Department, and

g. <<-provides->> <<+shall provide+>> medical care necessary to preserve the health of the child in accordance with the provisions of <<-Chapter III of->> the Oklahoma Children's Code.

B. <<+1.+>> The Department may move a child in its custody from any authorized placement to another authorized placement if consistent with the needs of the child or as may be required in an emergency, subject to the provisions of Section 1-4-804 <<+and 1-4-805+>> of this title.

<<+2.+>> The Department, in placing a child who has reentered foster care, shall consider previous foster placements as well as a kinship foster home placement if available. The placement shall be consistent with the best interests of the child.

C. The Department shall assure that any child who has attained the minimum age for compulsory school attendance and is eligible for a foster care payment under Title IV-E of the Social Security Act, 42 U.S.C. 670 et seq., is:

1. Enrolled in an institution which provides elementary or secondary education as determined under the law of the state or other jurisdiction in which the institution is located;

2. Instructed in elementary or secondary education in any legally authorized education program;

3. In an independent study elementary or secondary education program in accordance with the law of the state or jurisdiction in which the program is located, which is administered by the local school or school district; or

4. Incapable of attending school on a full-time basis due to a documented medical condition supported by regular updates.

D. The Department has the authority to consent to travel for a child in its custody outside the jurisdiction of the court, except that court approval is required for travel outside of the United States. Permission for school or organizational activities requiring consent and not prohibited by Department rule may be given by the foster parent.

E. The Department shall receive notice of all court proceedings regarding any child in its custody and shall, upon application, be allowed to intervene as a party for a specified purpose, to any court proceedings pertaining to the care and custody of the child.

F. The Department may participate in federal programs relating to <<-abused and neglected->> <<+deprived+>> children and services for such children; and apply for, receive, use and administer federal funds for such purposes.

G. The Department shall receive interest earnings on the investment by the State Treasurer of monies, to be credited to an agency special account, for the benefit of and held in trust for persons placed in the custody of the Department or in residence at facilities maintained by the Department.

<< OK ST T. 10 § 7004-3.1 >>

SECTION 9. AMENDATORY 10 O.S. 2001, Section 7004-3.1, as amended by Section 67 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 303 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 67. A. 1. The Department of Human Services is authorized to manage and operate the children's shelter located in Oklahoma City, known and designated as the Pauline Mayer Children's Shelter, and the children's shelter located in Tulsa, known and designated as the Laura Dester Children's Shelter. <<+The Department shall implement a plan to transition the use of shelters from a placement for children taken into custody into an alternative purpose to be determined by the Department. Kinship care homes and emergency foster care homes shall be utilized for the care of children instead of a shelter whenever possible. The Department shall structure the plan so that within a reasonable time no more than twenty-five children may be placed in each shelter managed and operated by the Department and shall monitor and report to the Legislature+>> <<+and Governor on a monthly basis the daily average shelter population and the number of kinship care homes utilized and the total number of emergency foster care homes available by county.+>>

2. The Department is authorized to manage and operate, to the extent of funds available, such group homes as may be necessary to provide a diversity of placement alternatives for children adjudicated deprived and placed in the custody of the Department.

B. The Commission for Human Services shall establish and maintain methods of administration, including those necessary to establish and maintain a merit system of personnel administration, and shall prescribe rules necessary for the efficient and effective operation of the children's facilities operated by the Department.

C. 1. The Director of the Department shall employ and fix the duties and compensation of a director or supervisor, and other personnel necessary, for each of the children's facilities operated by the Department.

2. The Department shall promulgate, and in its hiring and employment practices, the Department shall adhere to, written minimum qualifications by position for

personnel working with or around children in such facilities. Minimum qualifications shall be designed to assure that:

- a. personnel possess sufficient education, training, experience, and background to provide adequate and safe professional care and services to children, and
- b. children will not be exposed to abuse, deprivation, criminal conduct, or other unwholesome conditions attributable to employee incompetence or misconduct.

D. 1. It shall be the duty of the State Fire Marshal and the State Commissioner of Health to cause annual unannounced inspections of children's facilities operated by the Department, utilizing adequately trained and qualified inspection personnel, to determine and evaluate conditions in their respective areas of agency jurisdiction.

2. Inspections shall include, but not be limited to, compliance with:

- a. minimum fire, life, and health safety standards, and
- b. minimum standards governing general sanitation of the institution.

3. Reports of inspections shall be made in writing, itemizing and identifying any deficiencies, and recommending corrective measures, and shall be filed with the <<-Child Care Facilities Licensing Division of the->> Department, the Office of Juvenile System Oversight, and the Commission on Children and Youth.

4. The Department shall file copies of the reports of the inspections and recommendations of the accrediting agencies with the Office of Juvenile System Oversight.

E. 1. The Department may:

- a. give assistance to local school districts in providing an education to children in facilities operated by the Department,
- b. supplement the education, and
- c. provide facilities for such purposes.

2. It shall be the duty of the Department to assure that children in the facilities receive educational services which will stress basic literacy skills including, but not limited to, curricula requirements stressing reading, writing, mathematics, science, and vocational-technical education.

<< OK ST T. 10 § 7103 >>

SECTION 10. AMENDATORY 10 O.S. 2001, Section 7103, as last amended by Section 79 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 212 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 79. A. <<+1. The Department of Human Services shall establish a statewide

centralized hotline for the reporting of child abuse or neglect to the Department.+>>

<<+2. The Department shall provide hotline-specific training including, but not limited to, interviewing skills, customer service skills, narrative writing, necessary computer systems, making case determinations, and identifying priority situations.+>>

<<+3. The Department is authorized to contract with third parties in order to train hotline workers.+>>

<<+4. The Department shall develop a system to track the number of calls received, and of that number:+>>

<<+a. the number of calls screened out,+>>

<<+b. the number of referrals assigned, and+>>

<<+c. the number of calls in which the allegations were later found to be unsubstantiated or ruled out.+>>

<<+B.+>> 1. Every person having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect shall report the matter promptly to the Department of Human Services. Reports <<-may->> <<+shall+>> be made <<-by

telephone, in writing, personally or by any other method->> <<+to the hotline provided for in subsection A of this section. Any allegation of abuse or neglect reported in any manner to a county office shall immediately be referred to the hotline by the Department+>>.

2. Every physician, surgeon, or other health care professional including doctors of medicine, licensed osteopathic physicians, residents and interns, or any other health care professional attending the birth of a child who tests positive for alcohol or a controlled dangerous substance shall promptly report the matter to the Department.

3. No privilege or contract shall relieve any person from the requirement of reporting pursuant to this section.

4. The reporting obligations under this section are individual, and no employer, supervisor, or administrator shall interfere with the reporting obligations of any employee or other person or in any manner discriminate or retaliate against the employee or other person who in good faith reports suspected child abuse or neglect, or who provides testimony in any proceeding involving child abuse or neglect. Any employer, supervisor, or administrator who discharges, discriminates or retaliates against the employee or other person shall be liable for damages, costs and attorney fees.

5. Every physician, surgeon, or other health care professional making a report of abuse or neglect as required by this subsection or examining a child to determine the likelihood of abuse or neglect and every hospital or related institution in which the child was examined or treated shall provide, upon request, copies of the results of the examination or copies of the examination on which the report was based and any other clinical notes, x-rays, photographs, and other previous or

current records relevant to the case to law enforcement officers conducting a criminal investigation into the case and to employees of the Department of Human Services conducting an investigation of alleged abuse or neglect in the case.

<<-B.->> <<+C.+>> Any person who knowingly and willfully fails to promptly report suspected child abuse or neglect or who interferes with the prompt reporting of suspected child abuse or neglect may be reported to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor.

<<-C.->> <<+D.+>> 1. Any person who knowingly and willfully makes a false report pursuant to the provisions of this section or a report that the person knows lacks factual foundation may be reported to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor.

2. If a court determines that an accusation of child abuse or neglect made during a child custody proceeding is false and the person making the accusation knew it to be false at the time the accusation was made, the court may impose a fine, not to exceed Five Thousand Dollars (\$5,000.00) and reasonable attorney fees incurred in recovering the sanctions, against the person making the accusation. The remedy provided by this paragraph is in addition to paragraph 1 of this subsection or to any other remedy provided by law.

<<-D.->> <<+E.+>> Nothing contained in this section shall be construed to exempt or prohibit any person from reporting any suspected child abuse or neglect pursuant to subsection <<-A.->> <<+B.+>> of this section.

<< OK ST T. 10 § 7106 >>

SECTION 11. AMENDATORY 10 O.S. 2001, Section 7106, as last amended by Section 83 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 216 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 83. A. 1. Any county office of the Department of Human Services receiving a child abuse or neglect report shall promptly respond to the report by initiating an investigation of the report or an assessment of the family in accordance with priority guidelines established by the Department. The Department may prioritize reports of alleged child abuse or neglect based on the severity and immediacy of the alleged harm to the child. The Department shall adopt a priority system pursuant to rules promulgated by the Commission for Human Services. The primary purpose of the investigation or assessment shall be the protection of the child.

2. If an investigation or assessment conducted by the Department in response to any report of child abuse or neglect shows that the incident reported was the result of the reasonable exercise of parental discipline involving the use of ordinary force, including, but not limited to, spanking, switching, or paddling, the investigation or assessment will proceed no further and all records regarding the incident shall be expunged.

B. 1. The investigation or assessment shall include a visit to the home of the

child, unless there is reason to believe that there is an extreme safety risk to the child or worker or it appears that the referral has been made in bad faith. The visit shall include an interview with and examination of the subject child and may be conducted at any reasonable time and at any place including, but not limited to, the child's school. The Department shall notify the person responsible for the health, safety, and welfare of the child that the child has been interviewed at a school. The investigation or assessment may include an interview with the parents of the child or any other person responsible for the health, safety, or welfare of the child and an interview with and examination of any child in the home.

2. The investigation or assessment may include a medical, psychological, or psychiatric examination of any child in the home. If admission to the home, school, or any place where the child may be located cannot be obtained, then the district court having jurisdiction, upon application by the district attorney and upon cause shown, shall order the person responsible for the health, safety, or welfare of the child, or the person in charge of any place where the child may be located, to allow entrance for the interview, the examination, and the investigation or assessment. If the person responsible for the health, safety, or welfare of the child does not consent to a medical, psychological, or psychiatric examination of the child that is requested by the Department, the district court having jurisdiction, upon application by the district attorney and upon cause shown, shall order the examination to be made at the times and places designated by the court.

3. The investigation or assessment may include an inquiry into the possibility that the child or a person responsible for the health, safety, or welfare of the child has a history of mental illness. If the person responsible for the child's health, safety, or welfare does not allow the Department to have access to behavioral health records or treatment plans requested by the Department, which may be relevant to the alleged abuse or neglect, the district court having jurisdiction, upon application by the district attorney and upon good cause shown, shall by order allow the Department to have access to the records pursuant to terms and conditions prescribed by the court.

4. a. If the court determines that the subject of the behavioral health records is indigent, the court shall appoint an attorney to represent that person at the hearing to obtain behavioral health records.

b. A person responsible for the <<-child's->> health, safety, or welfare of the child is entitled to notice and a hearing when the Department seeks a court order to allow a psychological or psychiatric examination or access to behavioral health records.

c. Access to behavioral health records does not constitute a waiver of confidentiality.

5. The investigation of a report of sexual abuse or serious physical abuse or both sexual abuse and serious physical abuse shall be conducted, when appropriate and possible, using a multidisciplinary team approach as provided by Section 1-9-102 of this title. Law enforcement and the Department shall exchange investigation information.

C. 1. Every physician <<-or->><<+,+>> surgeon<<+, or other health [FN1] care provider+>> making a report of abuse or neglect as required by this section or examining a child to determine the likelihood of abuse or neglect and every hospital or related institution in which the child was examined or treated shall provide copies of the results of the examination or copies of the examination on which the report was based and any other clinical notes, x-rays, photographs, and other previous or current records relevant to the case to law enforcement officers conducting a criminal investigation into the case and to employees of the Department conducting an assessment or investigation of alleged abuse or neglect in the case.

2. As necessary in the course of conducting an assessment or investigation, the Department may request and obtain, without a court order, copies of all prior medical records of a child including, but not limited to, hospital records, medical, and dental records. The physician-patient privilege shall not constitute grounds for failure to produce such records.

D. If, before the assessment or investigation is complete, the Department determines that immediate removal of the child is necessary to protect the child from further abuse or neglect, the Department shall recommend that the child be taken into custody.

E. The Department shall make a complete written report of the investigation. The investigation report, together with its recommendations, shall be submitted to the appropriate district attorney's office. Reports of assessment recommendations shall be submitted to appropriate district attorneys.

F. The Department, where appropriate and in its discretion, shall identify prevention and intervention-related services available in the community and arrange for such services to be provided to the family when an investigation or assessment indicates the family would benefit from such services, or the Department may provide such services directly. The Department shall document in the record its attempts to provide, or arrange for the provision of, voluntary services and shall determine within sixty (60) days whether the family has accessed such services. If the family refuses voluntary services or does not access such services, and it is determined by the Department that the child's surroundings endanger the health, safety, or welfare of the child, the Department may recommend that the child be placed in protective or emergency custody or that a petition be filed.

G. If the Department has reason to believe that a person responsible for the health, safety, and welfare of the child may remove the child from the state before the investigation is completed, the Department may request the district attorney to file an application for a temporary restraining order in any district court in the State of Oklahoma without regard to continuing jurisdiction of the child. Upon cause shown, the court may enter a temporary restraining order prohibiting the parent or other person from removing the child from the state pending completion of the assessment or investigation.

H. The Director of the Department or designee may request an investigation be conducted by the Oklahoma State Bureau of Investigation or other law enforcement agency in cases where it reasonably believes that criminally injurious conduct including, but not limited to, physical or sexual abuse of a child has occurred.

<< OK ST T. 10 § 7209 >>

SECTION 12. AMENDATORY 10 O.S. 2001, Section 7209, as last amended by Section 101 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 284 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 101. A. 1. Except as otherwise provided by law, the Department of Human Services or the Office of Juvenile Affairs shall not place a child in a foster home prior to completion of:

- a. a foster parent eligibility assessment on the foster parent applicant,
- b. a national criminal history records search based upon submission of fingerprints for any adult residing in the home, as required by the Oklahoma Child Care Facilities Licensing Act and the Oklahoma Children's Code, and
- c. a check of any child abuse registry maintained by a state in which the prospective foster parent or any adult living in the home of the prospective foster parent has resided in the preceding five (5) years.

Provided, however, the state agencies may place a child in the home of a foster parent, pending completion of the national criminal history records search, if the foster parent and every adult residing in the home of the foster parent have resided in this state for at least five (5) years immediately preceding placement. The director of such state agency or designee may authorize an exception to the fingerprinting requirement for any person residing in the home who has a severe physical condition which precludes such person from being fingerprinted.

2. a. The Department shall be the lead agency for disseminating fingerprint cards to courts and child-placing agencies for obtaining and requesting a national criminal history records search based upon submission of fingerprints from the Oklahoma State Bureau of Investigation. The Office of Juvenile Affairs may directly request national criminal history records searches as defined by Section 150.9 of Title 74 of the Oklahoma Statutes from the Oklahoma State Bureau of Investigation for the purpose of obtaining the national criminal history of any individual for which such a search is required pursuant to this section.

b. Courts and child-placing agencies may request the Department to obtain from the Oklahoma State Bureau of Investigation a national criminal history records search based upon submission of fingerprints for foster parents and other persons requiring such search pursuant to the Oklahoma Child Care Facilities Licensing Act and the Oklahoma Children's Code. Any fees charged by the Oklahoma State Bureau of Investigation or the Federal Bureau of Investigation for such searches shall be paid by the requesting entity.

c. Either the Department or the Office of Juvenile Affairs, whichever is applicable, shall contract with the Oklahoma State Bureau of Investigation to obtain national criminal history records searches based upon submission of fingerprints.

<<-d.->> <<-(1)->> <<-If the Department is considering placement of a child with an

individual

in an emergency situation and after normal business hours, the Department may request local law enforcement to conduct a criminal history records search based upon submission of the individual's name, race, sex, date of birth, and social security number.->>

<<-(2)->> <<-Within five (5) business days of the name-based search, the Department shall submit fingerprints on the individual to the Oklahoma State Bureau of Investigation. In the event the individual refuses to submit to a name-based or fingerprint search, the Department shall either not place or shall remove the child from the individual's home.->>

<<-e.->> <<-Upon request for a national criminal history records search based upon->> <<-submission of fingerprints, the Oklahoma State Bureau of Investigation shall forward one set of fingerprints to the Federal Bureau of Investigation for the purpose of conducting such a national criminal history records search.->>

B. A child-placing agency shall not place a child who is in the custody of the agency in a foster home until completion of a foster parent eligibility assessment and a national criminal history records search based upon submission of fingerprints has been completed for each individual residing in the home in which the child will be placed, as required pursuant to the Oklahoma Child Care Facilities Licensing Act or the Oklahoma Children's Code, and a check of any child abuse registry maintained by a state in which the prospective foster parent or any adult living in the home of the prospective foster parent has resided in the past five (5) years; provided, however, the child-placing agency may place a child in a foster family home pending completion of the national criminal history records search if the foster parent and every adult residing in the home have resided in this state for at least five (5) years immediately preceding the placement.

C. 1. Whenever a court awards custody of a child to an individual or a child-placing agency other than the Department or the Office of Juvenile Affairs, for placement of the child, the court shall:

a. require that when custody is placed with an individual, a foster family eligibility assessment be conducted for the foster parents prior to placement of the child, and

b. require that if custody is awarded to a child-placing agency, a foster family eligibility assessment be conducted as required by the Oklahoma Child Care Facilities Licensing Act.

2. A child-placing agency other than the Department or the Office of Juvenile Affairs shall, within thirty (30) days of placement, provide for an assessment of the child for the purpose of establishing an appropriate individualized service plan for the child. The court shall require the individualized service plan to be completed in substantially the same form and with the same content as required by the Oklahoma Children's Code for a deprived child or as required by the Oklahoma Juvenile Code for a delinquent child or a child in need of supervision.

3. The child shall receive a complete medical examination within thirty (30) days of initial placement unless a medical examination was conducted on the child upon the removal of the child and the court finds no need for an additional examination.

4. The child may receive such further diagnosis and evaluation as necessary as determined by the court to preserve the physical and mental well-being of the child.

D. When the court awards custody of a child to an individual or a child-placing agency as provided by this section, the individual or child-placing agency shall be responsible for the completion of and costs of the national criminal history records search based upon submission of fingerprints, the foster parent eligibility assessment, the preparation of an individualized service plan, and the medical examination required by this section.

<< OK ST T. 10 § 7221 >>

SECTION 13. AMENDATORY 10 O.S. 2001, Section 7221, as last amended by Section 108 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, and as recodified by Section 286 of Enrolled House Bill No. 2028 of the 1st Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 108. The Department of Human Services or child-placing agency shall visit each foster child a minimum of one time per month, with no less than two visits per quarter in the foster placement. <<-Required visitations for the foster child are to be made in the home of the foster parent whenever possible and if indicated, the->> <<+Each+>> child <<-may->> <<+shall+>> be interviewed<<+, or if an infant+>> <<+observed,+>> alone without the foster parent present <<+at least one time per quarter+>>.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-7-115 of Title 10A, unless there is created a duplication in numbering, reads as follows:

<< OK ST T. 10A § 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 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 name-based records check are received. The failure of any person to submit to a name-based criminal records check 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 15. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The Department of Human Services shall implement a plan of reorganization of the offices servicing the two largest counties by population, according to the most recent Federal Decennial Census, in this state. The plan and reorganization shall establish a chain of command for the child welfare, family support, and adult protective services programs whereby each program and associated field units are managed by program experts.

SECTION 16. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The Department of Human Services shall establish a formal curriculum for the training of workers on:

1. A safety assessment protocol and risk assessment protocol adopted by the Department;
2. Core areas of the Department; and

3. Job-specific areas and the application of necessary skills to effectively perform the duties of the position.

SECTION 17. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The central office program divisions of the Department of Human Services shall conduct an area-level services needs assessment, at least annually and using evidence-based practices as available, to determine the needs of families and children in each area, and the most efficient way to address those needs. Based upon the assessment, the Department shall increase the number and types of in-home services. The Department shall report the results of the needs assessments and any action taken to the Oversight Committee created in Section 22 of this act on an annual basis.

SECTION 18. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

It is the intent of the Legislature to provide a consistent means of funding salary increases for Department of Human Services employees based on performance.

SECTION 19. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The Department of Human Services shall experiment with recruiting staff with different demographic characteristics to determine which groups are more likely to remain with the agency.

SECTION 20. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

It is the intent of the Legislature:

1. To provide foster families with an increase in the daily reimbursement rate and provide for a one-hundred-fifty-dollar clothing allowance for each child placed in the foster home, even if the initial allowance has been spent on the child in another placement; and
2. To provide foster families a reimbursement for transportation based on the requirements of the service plan, unless the foster family is receiving a difficulty-of-care payment.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-8-109 of Title 10A, unless there is created a duplication in numbering, reads as follows:

<< OK ST T. 10A § 1-8-109 >>

A. Unless prohibited by state or federal law, the Department shall develop, where feasible, an agency-wide process for conducting background checks, fingerprinting, and personal care applications.

B. The Department shall maintain limits on the number of children a person is

authorized to care for; however, a person shall be permitted to provide multiple services where authorized.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-10-101 of Title 10A, unless there is created a duplication in numbering, reads as follows:

<< OK ST T. 10A § 1-10-101 >>

A. There is hereby created, to continue until January 1, 2011, the "Children's Services Oversight Committee".

B. 1. The Committee shall consist of six (6) members with three members to be appointed by the Speaker of the Oklahoma House of Representatives, and three members to be appointed by the President Pro Tempore of the State Senate.

2. A vacancy on the Committee shall be filled by the appointing authority.

3. Appointments to the Committee shall be made by August 1, 2009.

4. The Speaker of the Oklahoma House of Representatives shall designate a chair from among the members of the Committee.

5. The chair shall convene the first meeting of the Committee by September 1, 2009.

6. A majority of the members present at a meeting shall constitute a quorum to conduct business.

7. The Committee shall meet at least biannually to review the reports provided by the Department as required by Section 23 of this act.

8. Members of the Committee shall receive no compensation for their service, but shall receive travel reimbursement in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes.

9. Administrative support for the Committee including, but not limited to, personnel necessary to ensure the proper performance of the duties and responsibilities of the Committee shall be provided by the staff of the Oklahoma House of Representatives.

C. The Committee shall:

1. Provide oversight of the implementation of recommendations made pursuant to an audit of the Department of Human Services;

2. Be authorized to contract with third parties for the collection and assessment of follow-up information to ascertain the status of implementation of the recommendations, if necessary;

3. Examine legal representation models for child welfare cases; and

4. Review the training curriculum and progress on implementation and client outcomes.

D. The Committee shall issue a report of its findings to the Legislature and Governor no later than December 1, 2011.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-10-102 of Title 10A, unless there is created a duplication in numbering, reads as follows:

<< OK ST T. 10A § 1-10-102 >>

The Department of Human Services shall provide a report to the Children's Services Oversight Committee at least biannually to update the Committee on the status of the implementation of the provisions of the audit and of this act.

<< OK ST T. 10 § 7305-1.8 >>

SECTION 24. AMENDATORY 10 O.S. 2001, Section 7305-1.8, is amended to read as follows:

Section 7305-1.8. A detention home <<+and group homes+>> may be established as <<-a part->> <<+parts+>> of the juvenile bureau of the court. <<-Judge->> <<+The judge+>> of the Juvenile Division, subject to the general administrative authority of the Presiding Judge of the Judicial Administrative District, may appoint necessary technicians and other employees for such <<-home->> <<+homes+>> in the same manner as is provided herein for the appointment of other employees of the bureau<<-, their->><<+. The+>> salaries <<-to->> <<+of the technicians and other employees of the detention and group homes shall+>> be fixed and paid in the same manner as the salaries of other employees.

SECTION 25. This act shall become effective July 1, 2009.

SECTION 26. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Approved May 27, 2009.

[FN1] So in original.

OK LEGIS 338 (2009)
