

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1993

By: Nollan

4
5
6 AS INTRODUCED

7 An Act relating to children; amending 10A O.S. 2011,
8 Sections 1-1-105, as last amended by Section 1,
9 Chapter 256, O.S.L. 2018, 1-4-704, as amended by
10 Section 3, Chapter 173, O.S.L. 2015, 1-4-705, 1-4-707
11 and 1-4-808, as amended by Section 1, Chapter 30,
12 O.S.L. 2015 (10A O.S. Supp. 2018, Sections 1-1-105,
13 1-4-704 and 1-4-808), which relate to the Oklahoma
14 Children's Code; adding definitions; modifying term;
15 requiring individual service plan to provide least-
16 restrictive placement information; authorizing
17 judicial discretion to place child in least-
18 restrictive placement; permitting placement of child
19 in a family-style residential program; mandating
20 report to include least-restrictive placement
21 information; and providing an effective date.

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

23 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-1-105, as
24 last amended by Section 1, Chapter 256, O.S.L. 2018 (10A O.S. Supp.
2018, Section 1-1-105), is amended to read as follows:

Section 1-1-105. 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

- 1 b. the failure to maintain a significant parental
2 relationship with a child through visitation or
3 communication in which incidental or token visits or
4 communication are not considered significant, or
5 c. the failure to respond to notice of deprived
6 proceedings;

7 2. "Abuse" means harm or threatened harm to the health, safety,
8 or welfare of a child by a person responsible for the child's
9 health, safety, or welfare, including but not limited to
10 nonaccidental physical or mental injury, sexual abuse, or sexual
11 exploitation. Provided, however, that nothing contained in the
12 Oklahoma Children's Code shall prohibit any parent from using
13 ordinary force as a means of discipline including, but not limited
14 to, spanking, switching, or paddling.

- 15 a. "Harm or threatened harm to the health or safety of a
16 child" means any real or threatened physical, mental,
17 or emotional injury or damage to the body or mind that
18 is not accidental including but not limited to sexual
19 abuse, sexual exploitation, neglect, or dependency.
20 b. "Sexual abuse" includes but is not limited to rape,
21 incest, and lewd or indecent acts or proposals made to
22 a child, as defined by law, by a person responsible
23 for the health, safety, or welfare of the child.
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1 c. "Sexual exploitation" includes but is not limited to
2 allowing, permitting, encouraging, or forcing a child
3 to engage in prostitution, as defined by law, by any
4 person eighteen (18) years of age or older or by a
5 person responsible for the health, safety, or welfare
6 of a child, or allowing, permitting, encouraging, or
7 engaging in the lewd, obscene, or pornographic, as
8 defined by law, photographing, filming, or depicting
9 of a child in those acts by a person responsible for
10 the health, safety, and welfare of the child;

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

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

16 5. "Age-appropriate or developmentally appropriate" means:

17 a. activities or items that are generally accepted as
18 suitable for children of the same age or level of
19 maturity or that are determined to be developmentally
20 appropriate for a child, based on the development of
21 cognitive, emotional, physical, and behavioral
22 capacities that are typical for an age or age group,
23 and
24

1 b. in the case of a specific child, activities or items
2 that are suitable for that child based on the
3 developmental stages attained by the child with
4 respect to the cognitive, emotional, physical, and
5 behavioral capacities of the specific child.

6 In the event that any age-related activities have implications
7 relative to the academic curriculum of a child, nothing in this
8 paragraph shall be construed to authorize an officer or employee of
9 the federal government to mandate, direct, or control a state or
10 local educational agency, or the specific instructional content,
11 academic achievement standards and assessments, curriculum, or
12 program of instruction of a school;

13 6. "Assessment" means a comprehensive review of child safety
14 and evaluation of family functioning and protective capacities that
15 is conducted in response to a child abuse or neglect referral that
16 does not allege a serious and immediate safety threat to a child;

17 7. "Behavioral health" means mental health, substance abuse, or
18 co-occurring mental health and substance abuse diagnoses, and the
19 continuum of mental health, substance abuse, or co-occurring mental
20 health and substance abuse treatment;

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

23 9. "Child advocacy center" means a center and the
24 multidisciplinary child abuse team of which it is a member that is

1 accredited by the National Children's Alliance or that is completing
2 a sixth year of reaccreditation. Child advocacy centers shall be
3 classified, based on the child population of a district attorney's
4 district, as follows:

- 5 a. nonurban centers in districts with child populations
6 that are less than sixty thousand (60,000), and
- 7 b. midlevel nonurban centers in districts with child
8 populations equal to or greater than sixty thousand
9 (60,000), but not including Oklahoma and Tulsa
10 counties;

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

15 11. "Child-placing agency" means an agency that arranges for or
16 places a child in a foster family home, family-style residential
17 program, group home, adoptive home, or a successful adulthood
18 program;

19 12. "Children's emergency resource center" means a community-
20 based program that may provide emergency care and a safe and
21 structured homelike environment or a host home for children
22 providing food, clothing, shelter and hygiene products to each child
23 served; after-school tutoring; counseling services; life-skills
24 training; transition services; assessments; family reunification;

1 respite care; transportation to or from school, doctors'
2 appointments, visitations and other social, school, court or other
3 activities when necessary; and a stable environment for children in
4 crisis who are in custody of the Department of Human Services if
5 permitted under the Department's policies and regulations, or who
6 have been voluntarily placed by a parent or custodian during a
7 temporary crisis;

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

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

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

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

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

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

21 19. "Department" means the Department of Human Services;

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

1 21. "Deprived child" means a child:

- 2 a. who is for any reason destitute, homeless, or
3 abandoned,
- 4 b. who does not have the proper parental care or
5 guardianship,
- 6 c. who has been abused, neglected, or is dependent,
- 7 d. whose home is an unfit place for the child by reason
8 of depravity on the part of the parent or legal
9 guardian of the child, or other person responsible for
10 the health or welfare of the child,
- 11 e. who is a child in need of special care and treatment
12 because of the child's physical or mental condition,
13 and the child's parents, legal guardian, or other
14 custodian is unable or willfully fails to provide such
15 special care and treatment. As used in this
16 paragraph, a child in need of special care and
17 treatment includes, but is not limited to, a child who
18 at birth tests positive for alcohol or a controlled
19 dangerous substance and who, pursuant to a drug or
20 alcohol screen of the child and an assessment of the
21 parent, is determined to be at risk of harm or
22 threatened harm to the health or safety of a child,
- 23 f. who is a child with a disability deprived of the
24 nutrition necessary to sustain life or of the medical

1 treatment necessary to remedy or relieve a life-
2 threatening medical condition in order to cause or
3 allow the death of the child if such nutrition or
4 medical treatment is generally provided to similarly
5 situated children without a disability or children
6 with disabilities; provided that no medical treatment
7 shall be necessary if, in the reasonable medical
8 judgment of the attending physician, such treatment
9 would be futile in saving the life of the child,

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

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

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

22 j. whose parent, legal guardian, or custodian has
23 subjected another child to abuse or neglect or has
24 allowed another child to be subjected to abuse or

1 neglect and is currently a respondent in a deprived
2 proceeding.

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

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

14 22. "Dispositional hearing" means a hearing by the court as
15 provided by Section 1-4-706 of this title;

16 23. "Drug-endangered child" means a child who is at risk of
17 suffering physical, psychological or sexual harm as a result of the
18 use, possession, distribution, manufacture or cultivation of
19 controlled substances, or the attempt of any of these acts, by a
20 person responsible for the health, safety or welfare of the child,
21 as defined in this section. This term includes circumstances
22 wherein the substance abuse of the person responsible for the
23 health, safety or welfare of the child interferes with that person's
24

1 ability to parent and provide a safe and nurturing environment for
2 the child;

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

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

13 26. "Failure to protect" means failure to take reasonable
14 action to remedy or prevent child abuse or neglect, and includes the
15 conduct of a non-abusing parent or guardian who knows the identity
16 of the abuser or the person neglecting the child, but lies, conceals
17 or fails to report the child abuse or neglect or otherwise take
18 reasonable action to end the abuse or neglect;

19 27. "Family-style residential program" means an agency that is
20 licensed by the Department of Human Services to provide care in a
21 family-like setting;

22 28. "Foster care" or "foster care services" means continuous
23 twenty-four-hour care and supportive services provided for a child
24 in foster placement including, but not limited to, the care,

1 supervision, guidance, and rearing of a foster child by the foster
2 parent;

3 ~~28.~~ 29. "Foster family home" means the private residence of a
4 foster parent who provides foster care services to a child. Such
5 term shall include a nonkinship foster family home, a therapeutic
6 foster family home, or the home of a relative or other kinship care
7 home;

8 ~~29.~~ 30. "Foster parent eligibility assessment" includes a
9 criminal background investigation including, but not limited to, a
10 national criminal history records search based upon the submission
11 of fingerprints, home assessments, and any other assessment required
12 by the Department of Human Services, the Office of Juvenile Affairs,
13 or any child-placing agency pursuant to the provisions of the
14 Oklahoma Child Care Facilities Licensing Act;

15 ~~30.~~ 31. "Guardian ad litem" means a person appointed by the
16 court pursuant to the provisions of Section 1-4-306 of this title
17 having those duties and responsibilities as set forth in that
18 section. The term "guardian ad litem" shall refer to a court-
19 appointed special advocate as well as to any other person appointed
20 pursuant to the provisions of Section 1-4-306 of this title to serve
21 as a guardian ad litem;

22 ~~31.~~ 32. "Guardian ad litem of the estate of the child" means a
23 person appointed by the court to protect the property interests of a
24 child pursuant to Section 1-8-108 of this title;

1 ~~32.~~ 33. "Group home" means a residential facility licensed by
2 the Department to provide full-time care and community-based
3 services for more than five but fewer than thirteen children;

4 ~~33.~~ 34. "Harm or threatened harm to the health or safety of a
5 child" means any real or threatened physical, mental, or emotional
6 injury or damage to the body or mind that is not accidental
7 including, but not limited to, sexual abuse, sexual exploitation,
8 neglect, or dependency;

9 ~~34.~~ 35. "Heinous and shocking abuse" includes, but is not
10 limited to, aggravated physical abuse that results in serious
11 bodily, mental, or emotional injury. "Serious bodily injury" means
12 injury that involves:

- 13 a. a substantial risk of death,
- 14 b. extreme physical pain,
- 15 c. protracted disfigurement,
- 16 d. a loss or impairment of the function of a body member,
17 organ, or mental faculty,
- 18 e. an injury to an internal or external organ or the
19 body,
- 20 f. a bone fracture,
- 21 g. sexual abuse or sexual exploitation,
- 22 h. chronic abuse including, but not limited to, physical,
23 emotional, or sexual abuse, or sexual exploitation
24 which is repeated or continuing,

- 1 i. torture that includes, but is not limited to,
2 inflicting, participating in or assisting in
3 inflicting intense physical or emotional pain upon a
4 child repeatedly over a period of time for the purpose
5 of coercing or terrorizing a child or for the purpose
6 of satisfying the craven, cruel, or prurient desires
7 of the perpetrator or another person, or
8 j. any other similar aggravated circumstance;

9 ~~35.~~ 36. "Heinous and shocking neglect" includes, but is not
10 limited to:

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

23 ~~36.~~ 37. "Individualized service plan" means a document written
24 pursuant to Section 1-4-704 of this title that has the same meaning

1 as "service plan" or "treatment plan" where those terms are used in
2 the Oklahoma Children's Code;

3 ~~37.~~ 38. "Infant" means a child who is twelve (12) months of age
4 or younger;

5 ~~38.~~ 39. "Institution" means a residential facility offering
6 care and treatment for more than twenty residents;

7 ~~39.~~ 40.

8 a. "Investigation" means a response to an allegation of
9 abuse or neglect that involves a serious and immediate
10 threat to the safety of the child, making it necessary
11 to determine:

12 (1) the current safety of a child and the risk of
13 subsequent abuse or neglect, and

14 (2) whether child abuse or neglect occurred and
15 whether the family needs prevention- and
16 intervention-related services.

17 b. "Investigation" results in a written response stating
18 one of the following findings:

19 (1) "substantiated" means the Department has
20 determined, after an investigation of a report of
21 child abuse or neglect and based upon some
22 credible evidence, that child abuse or neglect
23 has occurred. When child abuse or neglect is
24 substantiated, the Department may recommend:

1 (a) court intervention if the Department finds
2 the health, safety, or welfare of the child
3 is threatened, or

4 (b) child abuse and neglect prevention- and
5 intervention-related services for the child,
6 parents or persons responsible for the care
7 of the child if court intervention is not
8 determined to be necessary,

9 (2) "unsubstantiated" means the Department has
10 determined, after an investigation of a report of
11 child abuse or neglect, that insufficient
12 evidence exists to fully determine whether child
13 abuse or neglect has occurred. If child abuse or
14 neglect is unsubstantiated, the Department may
15 recommend, when determined to be necessary, that
16 the parents or persons responsible for the care
17 of the child obtain child abuse and neglect
18 prevention- and intervention-related services, or

19 (3) "ruled out" means a report in which a child
20 protective services specialist has determined,
21 after an investigation of a report of child abuse
22 or neglect, that no child abuse or neglect has
23 occurred;

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1 ~~40.~~ 41. "Kinship care" means full-time care of a child by a
2 kinship relation;

3 ~~41.~~ 42. "Kinship guardianship" means a permanent guardianship
4 as defined in this section;

5 ~~42.~~ 43. "Kinship relation" or "kinship relationship" means
6 relatives, stepparents, or other responsible adults who have a bond
7 or tie with a child and/or to whom has been ascribed a family
8 relationship role with the child's parents or the child; provided,
9 however, in cases where the Indian Child Welfare Act applies, the
10 definitions contained in 25 U.S.C., Section 1903 shall control;

11 ~~43.~~ 44. "Least-restrictive placement" means a placement for a
12 child that, in comparison to all other available placements, is the
13 most family-like setting. This term includes a foster family home
14 or a family-style residential program;

15 45. "Mental health facility" means a mental health or substance
16 abuse treatment facility as defined by the Inpatient Mental Health
17 and Substance Abuse Treatment of Minors Act;

18 ~~44.~~ 46. "Minor" means the same as the term "child" as defined
19 in this section;

20 ~~45.~~ 47. "Minor in need of treatment" means a child in need of
21 mental health or substance abuse treatment as defined by the
22 Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

23 ~~46.~~ 48. "Multidisciplinary child abuse team" means any team
24 established pursuant to Section 1-9-102 of this title of three or

1 more persons who are trained in the prevention, identification,
2 investigation, prosecution, and treatment of physical and sexual
3 child abuse and who are qualified to facilitate a broad range of
4 prevention- and intervention-related services and services related
5 to child abuse. For purposes of this definition, "freestanding"
6 means a team not used by a child advocacy center for its
7 accreditation;

8 ~~47.~~ 49. "Near death" means a child is in serious or critical
9 condition, as certified by a physician, as a result of abuse or
10 neglect;

11 ~~48.~~ 50. "Neglect" means:

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

- 14 (1) adequate nurturance and affection, food,
15 clothing, shelter, sanitation, hygiene, or
16 appropriate education,
17 (2) medical, dental, or behavioral health care,
18 (3) supervision or appropriate caretakers, or
19 (4) special care made necessary by the physical or
20 mental condition of the child,

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

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

1 (2) illegal activities, or

2 (3) sexual acts or materials that are not age-
3 appropriate, or

4 c. abandonment.

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

16 ~~49.~~ 51. "Permanency hearing" means a hearing by the court
17 pursuant to Section 1-4-811 of this title;

18 ~~50.~~ 52. "Permanent custody" means the court-ordered custody of
19 an adjudicated deprived child when a parent-child relationship no
20 longer exists due to termination of parental rights or due to the
21 death of a parent or parents;

22 ~~51.~~ 53. "Permanent guardianship" means a judicially created
23 relationship between a child, a kinship relation of the child, or
24

1 other adult established pursuant to the provisions of Section 1-4-
2 709 of this title;

3 ~~52.~~ 54. "Person responsible for a child's health, safety, or
4 welfare" includes a parent; a legal guardian; custodian; a foster
5 parent; a person eighteen (18) years of age or older with whom the
6 child's parent cohabitates or any other adult residing in the home
7 of the child; an agent or employee of a public or private
8 residential home, institution, facility or day treatment program as
9 defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or
10 an owner, operator, or employee of a child care facility as defined
11 by Section 402 of Title 10 of the Oklahoma Statutes;

12 ~~53.~~ 55. "Plan of safe care" means a plan developed for an
13 infant with Neonatal Abstinence Syndrome or a Fetal Alcohol Spectrum
14 Disorder upon release from the care of a health care provider that
15 addresses the health and substance use treatment needs of the infant
16 and mother or caregiver;

17 ~~54.~~ 56. "Protective custody" means custody of a child taken by
18 a law enforcement officer or designated employee of the court
19 without a court order;

20 ~~55.~~ 57. "Putative father" means an alleged father as that term
21 is defined in Section 7700-102 of Title 10 of the Oklahoma Statutes;

22 ~~56.~~ 58. "Reasonable and prudent parent standard" means the
23 standard characterized by careful and sensible parental decisions
24 that maintain the health, safety, and best interests of a child

1 while at the same time encouraging the emotional and developmental
2 growth of the child. This standard shall be used by the child's
3 caregiver when determining whether to allow a child to participate
4 in extracurricular, enrichment, cultural, and social activities.
5 For purposes of this definition, the term "caregiver" means a foster
6 parent with whom a child in foster care has been placed, a
7 representative of a group home where a child has been placed or a
8 designated official for a residential child care facility where a
9 child in foster care has been placed;

10 ~~57.~~ 59. "Relative" means a grandparent, great-grandparent,
11 brother or sister of whole or half blood, aunt, uncle or any other
12 person related to the child;

13 ~~58.~~ 60. "Residential child care facility" means a twenty-four-
14 hour residential facility where children live together with or are
15 supervised by adults who are not their parents or relatives;

16 ~~59.~~ 61. "Review hearing" means a hearing by the court pursuant
17 to Section 1-4-807 of this title;

18 ~~60.~~ 62. "Risk" means the likelihood that an incident of child
19 abuse or neglect will occur in the future;

20 ~~61.~~ 63. "Safety threat" means the threat of serious harm due to
21 child abuse or neglect occurring in the present or in the very near
22 future and without the intervention of another person, a child would
23 likely or in all probability sustain severe or permanent disability
24 or injury, illness, or death;

1 ~~62.~~ 64. "Safety analysis" means action taken by the Department
2 in response to a report of alleged child abuse or neglect that may
3 include an assessment or investigation based upon an analysis of the
4 information received according to priority guidelines and other
5 criteria adopted by the Department;

6 ~~63.~~ 65. "Safety evaluation" means evaluation of a child's
7 situation by the Department using a structured, evidence-based tool
8 to determine if the child is subject to a safety threat;

9 ~~64.~~ 66. "Secure facility" means a facility which is designed
10 and operated to ensure that all entrances and exits from the
11 facility are subject to the exclusive control of the staff of the
12 facility, whether or not the juvenile being detained has freedom of
13 movement within the perimeter of the facility, or a facility which
14 relies on locked rooms and buildings, fences, or physical restraint
15 in order to control behavior of its residents;

16 ~~65.~~ 67. "Sibling" means a biologically or legally related
17 brother or sister of a child. This includes an individual who
18 satisfies at least one of the following conditions with respect to a
19 child:

- 20 a. the individual is considered by state law to be a
21 sibling of the child, or
- 22 b. the individual would have been considered a sibling
23 under state law but for a termination or other

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1 disruption of parental rights, such as the death of a
2 parent;

3 ~~66.~~ 68. "Specialized foster care" means foster care provided to
4 a child in a foster home or agency-contracted home which:

- 5 a. has been certified by the Developmental Disabilities
- 6 Services Division of the Department of Human Services,
- 7 b. is monitored by the Division, and
- 8 c. is funded through the Home- and Community-Based Waiver
- 9 Services Program administered by the Division;

10 ~~67.~~ 69. "Successful adulthood program" means a program
11 specifically designed to assist a child to enhance those skills and
12 abilities necessary for successful adult living. A successful
13 adulthood program may include, but shall not be limited to, such
14 features as minimal direct staff supervision, and the provision of
15 supportive services to assist children with activities necessary for
16 finding an appropriate place of residence, completing an education
17 or vocational training, obtaining employment, or obtaining other
18 similar services;

19 ~~68.~~ 70. "Temporary custody" means court-ordered custody of an
20 adjudicated deprived child;

21 ~~69.~~ 71. "Therapeutic foster family home" means a foster family
22 home which provides specific treatment services, pursuant to a
23 therapeutic foster care contract, which are designed to remedy
24

1 social and behavioral problems of a foster child residing in the
2 home;

3 ~~70.~~ 72. "Trafficking in persons" means sex trafficking or
4 severe forms of trafficking in persons as described in Section 7102
5 of Title 22 of the United States Code:

6 a. "sex trafficking" means the recruitment, harboring,
7 transportation, provision, obtaining, patronizing or
8 soliciting of a person for the purpose of a commercial
9 sex act, and

10 b. "severe forms of trafficking in persons" means:

11 (1) sex trafficking in which a commercial sex act is
12 induced by force, fraud, or coercion, or in which
13 the person induced to perform such act has not
14 attained eighteen (18) years of age, or

15 (2) the recruitment, harboring, transportation,
16 provision, obtaining, patronizing or soliciting
17 of a person for labor or services, through the
18 use of force, fraud, or coercion for the purpose
19 of subjection to involuntary servitude, peonage,
20 debt bondage, or slavery;

21 ~~71.~~ 73. "Transitional living program" means a residential
22 program that may be attached to an existing facility or operated
23 solely for the purpose of assisting children to develop the skills
24 and abilities necessary for successful adult living. The program

1 may include, but shall not be limited to, reduced staff supervision,
2 vocational training, educational services, employment and employment
3 training, and other appropriate independent living skills training
4 as a part of the transitional living program; and

5 ~~72.~~ 74. "Voluntary foster care placement" means the temporary
6 placement of a child by the parent, legal guardian or custodian of
7 the child in foster care pursuant to a signed placement agreement
8 between the Department or a child-placing agency and the child's
9 parent, legal guardian or custodian.

10 SECTION 2. AMENDATORY 10A O.S. 2011, Section 1-4-704, as
11 amended by Section 3, Chapter 173, O.S.L. 2015 (10A O.S. Supp. 2018,
12 Section 1-4-704), is amended to read as follows:

13 Section 1-4-704. A. The Department of Human Services or
14 licensed child-placing agency shall prepare and maintain a written
15 individualized service plan for any child that has been adjudicated
16 to be a deprived child.

17 B. The plan shall be furnished to the court within thirty (30)
18 days after the adjudication of the child and shall be made available
19 to counsel for the parties and any applicable tribe by the
20 Department or the licensed child-placing agency having custody of
21 the child or responsibility for the supervision of the case.

22 C. 1. The individualized service plan shall be based upon a
23 comprehensive assessment and evaluation of the child and family and
24 shall be developed with the participation of the parent, legal

1 guardian, or legal custodian of the child, the attorney for the
2 child, the guardian ad litem for the child, if any, the child's
3 tribe, and the child, if appropriate. The health and safety of the
4 child shall be the paramount concern in the development of the plan.

5 2. If any part of the plan is disputed or not approved by the
6 court, an evidentiary hearing may be held and at its conclusion, the
7 court shall determine the content of the individualized service plan
8 in accord with the evidence presented and the best interests of the
9 child.

10 3. When approved by the court, each individualized service plan
11 shall be incorporated and made a part of the dispositional order of
12 the court.

13 4. The plan shall be signed by:

- 14 a. the parent or parents or legal guardian of the child,
- 15 b. the attorney for the parent or parents or legal
16 guardian of the child,
- 17 c. the child's attorney,
- 18 d. the guardian ad litem of the child, which may be a
19 court-appointed special advocate,
- 20 e. a representative of the child's tribe,
- 21 f. the child, if possible, and
- 22 g. the Department or other responsible agency.

23 D. 1. Every service plan prepared shall be individualized and
24 specific to each child and the family of the child.

1 2. The individualized service plan shall be written in simple
2 and clear English. If English is not the principal language of the
3 parent, legal guardian, or custodian of the child, and such person
4 is unable to read or comprehend the English language, to the extent
5 possible the plan shall be written in the principal language of the
6 person.

7 3. The individualized service plan may be modified based on
8 changing circumstances consistent with the correction of the
9 conditions that led to the adjudication of the child or other
10 conditions inconsistent with the health, safety, or welfare of the
11 child.

12 4. The individualized service plan shall be measurable,
13 realistic and consistent with the requirements of other court
14 orders.

15 E. The individualized service plan shall include, but not be
16 limited to:

17 1. A history of the child and family, including identification
18 of the problems or conditions leading to the deprived child
19 adjudication and the changes the parent or parents must make in
20 order for the child to safely remain in or return to the home;

21 2. Identification of time-limited reunification services to be
22 provided to the parent, legal guardian, or legal custodian,
23 stepparent, other adult person living in the home, or other family
24 members;

1 3. Identification of the specific services to be provided to
2 the child including, but not limited to, educational, vocational
3 educational, medical, drug or alcohol abuse treatment, or counseling
4 or other treatment services. The most recent available health and
5 educational records of the child shall be provided to the court upon
6 the court's request including:

- 7 a. the names and addresses of the child's health and
- 8 educational providers,
- 9 b. the child's grade-level performance,
- 10 c. the child's school record,
- 11 d. a record of the child's immunizations,
- 12 e. the child's known medical problems, including any
- 13 known communicable diseases,
- 14 f. the child's medications, and
- 15 g. any other relevant health and education information;

16 4. A schedule of the frequency of services and the means by
17 which delivery of the services will be assured or, as necessary, the
18 proposed means by which support services or other assistance will be
19 provided to enable the parent or the child to obtain the services;

20 5. The name of the social worker assigned to the case;

21 6. A projected date for the completion of the individualized
22 service plan;

23 7. Performance criteria that will measure the progress of the
24 child and family toward completion of the individualized service

1 plan including, but not limited to, time frames for achieving
2 objectives and addressing the identified problems;

3 8. The name and business address of the attorney representing
4 the child;

5 9. If the child is placed outside the home, the individualized
6 service plan shall further provide:

7 a. the sequence and time frame for services to be
8 provided to the parent, the child, and if the child is
9 placed in foster care, the foster parent, to
10 facilitate the child's return home or to another
11 permanent placement,

12 b. a description of the child's placement and explanation
13 about whether ~~the placement~~ it is the least-
14 restrictive, ~~most family-like setting~~ placement
15 available and in as close proximity as possible to the
16 home of the parent or parents or legal guardian of the
17 child when the case plan is reunification, and how the
18 placement is consistent with the best interests and
19 special needs of the child,

20 c. a description of any services or resources that were
21 requested by the child or the parent or legal guardian
22 of the child since the date of the child's placement,
23 and whether those services or resources were provided
24

1 and if not, the basis for the denial of the services
2 or resources,

3 d. efforts to be made by the parent of the child and the
4 Department to enable the child to return to his or her
5 home,

6 e. a description of the transition planning for a
7 successful adulthood for a child age fourteen (14) or
8 older that includes how the following objectives will
9 be met:

10 (1) education, vocational, or employment planning,

11 (2) health care planning and medical coverage,

12 (3) transportation including, where appropriate,
13 assisting the child in obtaining a driver
14 license,

15 (4) money management,

16 (5) planning for housing,

17 (6) social and recreational skills, and

18 (7) establishing and maintaining connections with the
19 child's family and community,

20 f. for a child in placement due solely or in part to the
21 child's behavioral health or medical health issues,
22 diagnostic and assessment information, specific
23 services relating to meeting the applicable behavioral
24

1 health and medical care needs of the child, and
2 desired treatment outcomes,

3 g. a plan and schedule for regular and frequent
4 visitation for the child and the child's parent or
5 parents or legal guardian and siblings, unless the
6 court has determined that visitation, even if
7 supervised, would be harmful to the child, and

8 h. a plan for ensuring the educational stability of the
9 child while in out-of-home placement, including:

10 (1) assurances that the placement of the child
11 considers the appropriateness of the current
12 educational setting and the proximity to the
13 school in which the child was enrolled at the
14 time of placement, and

15 (2) where appropriate, an assurance that the
16 Department has coordinated with appropriate local
17 educational agencies to ensure that the child
18 remains in the school in which the child was
19 enrolled at the time of placement, or

20 (3) if remaining in the school in which the child was
21 enrolled at the time of placement is not in the
22 best interests of the child, assurances by the
23 Department and the local educational agencies to
24 provide immediate and appropriate enrollment in a

1 new school with all of the educational records of
2 the child provided to the school; and

3 10. The permanency plan for the child, the reason for selection
4 of that plan and a description of the steps being taken by the
5 Department to finalize the plan.

6 a. When the permanency plan is adoption or legal
7 guardianship, the Department shall describe, at a
8 minimum, child-specific recruitment efforts such as
9 relative searches conducted and the use of state,
10 regional, and national adoption exchanges to
11 facilitate the orderly and timely placement of the
12 child, whether in or outside of the state.

13 b. When the child is age fourteen (14) or older, the
14 permanency plan and any revision or addition to the
15 plan, shall include planning for the transition of the
16 child to a successful adulthood.

17 F. Each individualized service plan shall specifically provide
18 for the safety of the child, in accordance with state and federal
19 law, and clearly define what actions or precautions will, or may, be
20 necessary to provide for the safety and protection of the child.

21 G. The individualized service plan shall include the following
22 statement:

23 TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE
24 IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE

1 REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR
2 UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME OR ATTEND COURT
3 HEARINGS, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE
4 RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.

5 H. Whenever a child who is subject to the provisions of this
6 section is committed for inpatient behavioral health or substance
7 abuse treatment pursuant to the Inpatient Mental Health and
8 Substance Abuse Treatment of Minors Act, the individualized service
9 plan shall be amended as necessary and appropriate, including, but
10 not limited to, identification of the treatment and services to be
11 provided to the child and the child's family upon discharge of the
12 child from inpatient behavioral health or substance abuse treatment.

13 SECTION 3. AMENDATORY 10A O.S. 2011, Section 1-4-705, is
14 amended to read as follows:

15 Section 1-4-705. A. In placing a child in the custody of an
16 individual, a private agency, or institution, the court and the
17 Department of Human Services shall, if possible, select a person,
18 agency, or institution governed by persons of the same religious
19 faith as that of the parents of the child, or in case of a
20 difference in the religious faith of the parents, then of the
21 religious faith of the child.

22 B. Except as otherwise provided by this section or by law, it
23 shall be left to the discretion of the judge to place the custody of
24 children in the least-restrictive placement where their total needs

1 will best be served. If an individual meets the minimum required
2 age for placement purposes, the age of an otherwise eligible
3 individual shall not be a reason for denying the individual
4 placement or custody of a child.

5 C. A prospective foster or adoptive parent shall not be an
6 approved placement for a child if the prospective foster or adoptive
7 parent or any other person residing in the home of the prospective
8 foster or adoptive parent has been convicted of any of the following
9 felony offenses:

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

12 2. Child abuse or neglect;

13 3. Domestic abuse;

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

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

19 D. 1. Under no circumstances shall a child be placed with or
20 in the custody of an individual subject to the Oklahoma Sex
21 Offenders Registration Act or an individual who is married to or
22 living with an individual subject to the Oklahoma Sex Offenders
23 Registration Act.

24

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

5 3. Prior to the custody order being entered, the individual
6 seeking custody shall provide an Oklahoma criminal history record
7 obtained pursuant to Section 150.9 of Title 74 of the Oklahoma
8 Statutes to the court.

9 4. For purposes of this subsection the terms:

10 a. "relevant misdemeanor" may include assault and
11 battery, alcohol- or drug-related offenses, domestic
12 violence or other offenses involving the use of
13 physical force or violence against the person or
14 property of another, and

15 b. "individual" shall not include a parent or legal
16 guardian of the child.

17 E. The provisions of this section shall not apply in any
18 paternity or domestic relations case, unless otherwise ordered by
19 the court.

20 SECTION 4. AMENDATORY 10A O.S. 2011, Section 1-4-707, is
21 amended to read as follows:

22 Section 1-4-707. A. The following kinds of dispositional
23 orders may be made and shall be in accordance with the best
24 interests of the child:

1 1. a. The court may place the child under protective
2 supervision by the Department of Human Services in the
3 home of the child with the parent or legal guardian
4 with whom the child was residing at the time the
5 events or conditions arose that brought the child
6 within the jurisdiction of the court, subject to such
7 conditions as the court may prescribe that would
8 reasonably prevent the child from continuing to be
9 deprived.

10 b. The court may place the child with the noncustodial
11 parent, if available, upon completion of a home
12 assessment, unless the court finds that the placement
13 would not be in the best interests of the child. Any
14 party with knowledge of the facts may present evidence
15 to the court regarding whether the placement is in the
16 best interests of the child. If the court places the
17 child with the parent, it may do either of the
18 following:

19 (1) order that the noncustodial parent assume sole
20 custodial responsibilities for the child. The
21 court may also order reasonable visitation and
22 the payment of child support by the child's other
23 parent. The court may then terminate its
24 jurisdiction by entering a final permanency

1 order. The final order entered determining
2 custody, visitation and child support from the
3 deprived action:

4 (a) shall remain in full force and effect and
5 shall control over any custody or child
6 support order entered in an administrative
7 or district court action initiated prior to
8 or during the pendency of the deprived
9 action until such time as it is modified by
10 a subsequent order of the district court,
11 and

12 (b) may be docketed and filed in the prior
13 existing or pending administrative or
14 district court action; provided, however, if
15 there is no administrative or district court
16 action then in existence, the surviving
17 order may be used as the sole basis for
18 opening a new administrative or district
19 court action in the same county where the
20 deprived action was pending or in the county
21 where the legal custodian of the child
22 resides. When applicable, the clerk of the
23 juvenile court shall transmit the surviving
24 order to the clerk of the district court of

1 the county where the order is to be filed
2 along with the names and last-known
3 addresses of the parents of the child. The
4 clerk of the district court shall
5 immediately upon receipt open a file without
6 a filing fee, assign a new case number and,
7 when applicable, file the order and send by
8 first-class mail a copy of the order with
9 the new or prior existing case number back
10 to the juvenile court and to the parents of
11 the child at their last-known address. The
12 order shall not be confidential and may be
13 enforced or modified after being docketed
14 and filed in the prior existing or new
15 administrative or district court action, or

16 (2) order that the noncustodial parent assume custody
17 of the child under protective supervision by the
18 Department. The court may order that:

19 (a) reunification services be provided to the
20 parent or legal guardian from whom the child
21 has been or is being removed,

22 (b) services be provided solely to the parent
23 who is assuming physical custody of the
24 child in order to allow that parent to later

1 obtain legal custody without court
2 supervision, or

3 (c) services be provided to both parents, in
4 which case the court shall determine, at a
5 subsequent review hearing, which parent, if
6 either, shall have custody of the child.

7 c. If the court orders the child into the home of a
8 father whose paternity has not been established, the
9 alleged father must cooperate in establishing
10 paternity as a condition for the child's continued
11 placement in the alleged father's home.

12 d. If the court issues an order for protective
13 supervision of the child in the home of a parent, the
14 court may order any of the following:

15 (1) that a party or other person living in the home
16 vacate the child's home indefinitely or for a
17 specified period of time within forty-eight (48)
18 hours of issuing the order, and

19 (2) that a party, a parent, or a legal guardian of
20 the child prevent a particular person from having
21 contact with the child.

22 e. At any time during the deprived child proceedings, the
23 court may issue an order specifying the conduct to be
24 followed by any person living in the home that the

1 court determines would be in the best interests of the
2 child. The conduct specified shall be such as would
3 reasonably prevent the child from continuing to be
4 deprived.

5 f. The order placing the child under supervision by the
6 Department in the child's own home shall remain in
7 effect for a period of one (1) year. In appropriate
8 circumstances, the court may extend or reduce the
9 period of supervision by the Department.

10 2. a. If the court is unable to place the child in the home
11 of a parent, the court shall give a preference for
12 placing temporary custody of the child with a relative
13 as specified in Section 1-4-204 of this title, subject
14 to the best interests of the child and the conditions
15 and restrictions specified in Section 1-4-705 of Title
16 10A of the Oklahoma Statutes. In determining whether
17 to place temporary custody of the child with a
18 relative, the court may consider the following
19 factors:

- 20 (1) the physical, psychological, educational,
21 medical, and emotional needs of the child,
22 (2) the wishes of the parent, the relative, and
23 child, if appropriate,
24

- 1 (3) whether placement of the siblings and half-
2 siblings can be made in the same home, if that
3 placement is found to be in the best interest of
4 each child,
- 5 (4) the background information of the relative and
6 any other person living in the home, including
7 whether any such person has a prior history of
8 violence, acts of child abuse or neglect, or any
9 other background that would render the home
10 unsuitable,
- 11 (5) the nature and duration of the relationship
12 between the child and the relative, and the
13 relative's desire to care for and to provide
14 long-term permanency for the child if
15 reunification is unsuccessful, and
- 16 (6) the ability of the relative to do the following:
- 17 (a) provide a safe, secure, and stable
18 environment for the child,
- 19 (b) exercise proper and effective care and
20 control of the child,
- 21 (c) provide a home and the necessities of life
22 for the child,
- 23 (d) protect the child from his or her parents,
24

- (e) facilitate court-ordered reunification efforts with the parent,
- (f) facilitate visitation with the child's siblings and other relatives, and
- (g) arrange for appropriate and safe child care, if necessary.

b. If more than one appropriate relative requests preferential consideration pursuant to this section, each relative shall be evaluated under the factors enumerated in this paragraph. However, whenever a new temporary custody order regarding the child must be entered, consideration shall again be given as described in this section to relatives who have been found to be suitable and who will fulfill the permanency needs of the child.

c. If the court does not place temporary custody of the child with a relative pursuant to this subsection, the court shall state for the record the reasons placement with that relative was denied.

3. a. The court may place the child in the custody of a private institution or agency, including any institution established and operated by the county, authorized to care for children or to place them in family homes.

1 b. In placing a child in a private institution or agency,
2 the court shall select one that is licensed by the
3 Department or any other state department supervising
4 or licensing private institutions and agencies; or, if
5 such institution or agency is in another state, by the
6 analogous department of that state.

7 c. Whenever the court shall place a child in any
8 institution or agency, it shall transmit with the
9 order of commitment a summary of its information
10 concerning the child, and such institution or agency
11 shall give to the court such information concerning
12 the child as the court may at any time require.

13 4. The court may place the child in the custody of the
14 Department.

15 a. In selecting a placement for a child in its custody,
16 the Department shall make an individualized
17 determination based upon the child's best interests
18 and permanency plan regarding the following placement
19 options:

- 20 (1) a home or facility that meets the preferences
21 specified by the state and federal Indian Child
22 Welfare Acts when applicable,
23 (2) the home of a noncustodial parent,

- 1 (3) the home of a relative approved by the
- 2 Department,
- 3 (4) the home of a nonrelative kinship family approved
- 4 by the Department,
- 5 (5) an approved foster home in which the child has
- 6 been previously placed,
- 7 (6) a suitable nonkinship foster family or family-
- 8 style residential program approved by the
- 9 Department,
- 10 (7) a suitable licensed group home for children, or
- 11 (8) an independent living program.

- 12 b. (1) Unless the child is placed with relatives or in
- 13 accord with the federal and state Indian Child
- 14 Welfare Acts, the child shall be placed, when
- 15 possible, in the county of residence of the
- 16 child's parent or legal guardian in order to
- 17 facilitate reunification of the family.
- 18 (2) If an appropriate placement is not available in
- 19 the county of residence of the parent or legal
- 20 guardian, the child shall be placed in an
- 21 appropriate home in the nearest proximity to the
- 22 resident county of the parent or legal guardian.
- 23 (3) Nothing in this section shall be construed to
- 24 mean that the child's placements shall correspond

1 in frequency to changes of residence by the
2 parent or legal guardian. In determining whether
3 the child should be moved, the Department shall
4 take into consideration the potential harmful
5 effects of disrupting the placement of the child
6 and the reason of the parent or legal guardian
7 for the move.

8 c. If the child is part of a sibling group, it shall be
9 presumed that placement of the entire sibling group in
10 the same placement is in the best interests of the
11 child and siblings unless the presumption is rebutted
12 by a preponderance of the evidence to the contrary.

13 5. The court may order the Department to coordinate the
14 provision of services provided by other agencies in order that the
15 court-approved permanency plan may be achieved.

16 6. a. If the court determines that reunification services
17 are appropriate for the child and a parent, the court
18 shall allow reasonable visitation with the parent or
19 legal guardian from whose custody the child was
20 removed, unless visitation is not in the best interest
21 of the child, taking into consideration:
22 (1) protection of the physical safety of the child,
23 (2) protection of the life of the child,

- 1 (3) protection of the child from being traumatized by
2 contact with the parent, and
3 (4) the child's expressed wishes.

4 b. A court may not deny visitation based solely on the
5 failure of a parent to prove that the parent has not
6 used legal or illegal substances or complied with an
7 aspect of the court-ordered individualized service
8 plan.

9 7. The court may order a permanent guardianship to be
10 established as more fully set forth in Section 1-4-709 of this
11 title.

12 8. Except as otherwise provided by law, the court may dismiss
13 the petition and terminate its jurisdiction at any time for good
14 cause shown when doing so is in the best interests of the child.

15 B. Any order entered pursuant to this section shall include:

16 1. A statement informing the child's parent that the
17 consequences of noncompliance with the requirement of the court may
18 include termination of the parent's rights with respect to the
19 child; or

20 2. A statement informing the child's legal guardian or
21 custodian that the consequences of noncompliance with the
22 requirement of the court may include removal of the child from the
23 custody of the legal guardian or custodian.

1 C. 1. In any dispositional order removing a child from the
2 home of the child, the court shall make a determination as to
3 whether, in accordance with the best interests and the health,
4 safety, or welfare of the child, reasonable efforts have been made
5 to provide for the safe return of the child to the child's own home.

6 2. If reasonable efforts are required for the safe return of
7 the child to the child's home, the court shall allow the parent of
8 the child not less than three (3) months to correct the conditions
9 which led to the adjudication of the child as a deprived child;
10 however, the time period for reunification services may not exceed
11 seventeen (17) months from the date that the child was initially
12 removed from the child's home, absent a finding of compelling
13 reasons to the contrary.

14 3. If the court finds that continuation of reasonable efforts
15 to return the child home are inconsistent with the permanency plan
16 for a child, the court shall determine whether reasonable efforts
17 have been made to complete the steps necessary to finalize the
18 permanent placement of the child.

19 4. Reasonable efforts to reunite the child with the child's
20 family shall not be required pursuant to the provisions of Section
21 1-4-809 of Title 10A of the Oklahoma Statutes.

22 D. In any dispositional order involving a child sixteen (16)
23 years of age or older, the court shall make a determination, where
24

1 appropriate, of the services needed to assist the child to make the
2 transition from out-of-home care to independent living.

3 E. In accordance with the safety or well-being of any child,
4 the court shall determine in any dispositional order whether
5 reasonable efforts have been made to:

6 a. place siblings, who have been removed, together in the
7 same foster care, guardianship, or adoptive placement,
8 and

9 b. provide for frequent visitation or other ongoing
10 interaction in the case of siblings who have been
11 removed and who are not placed together.

12 SECTION 5. AMENDATORY 10A O.S. 2011, Section 1-4-808, as
13 amended by Section 1, Chapter 30, O.S.L. 2015 (10A O.S. Supp. 2018,
14 Section 1-4-808), is amended to read as follows:

15 Section 1-4-808. A. The Department of Human Services or the
16 agency having supervision of the case or, if the child has been
17 removed from the custody of the child's parents, the Department or
18 the agency or child-placing agency having custody of the child shall
19 cause to be prepared for each review hearing required herein a
20 written report concerning each child who is the subject of review.

21 B. The report shall include, but not be limited to:

22 1. A summary of the physical, mental, and emotional condition
23 of the child, the conditions existing in the out-of-home placement
24

1 where the child has been placed, and the adjustment of the child
2 thereto;

3 2. A report on the progress of the child in school and, if the
4 child has been placed outside the child's home, the visitation
5 exercised by the parents of the child or other persons authorized by
6 the court;

7 3. Services being provided to a child sixteen (16) years of age
8 or older to assist in the transition from out-of-home care or other
9 community placement to independent living;

10 4. When the Department is responsible for supervision of the
11 child or is the legal custodian of the child, a description of:

12 a. progress on the part of the parent or parents to
13 correct the conditions which caused the child to be
14 adjudicated deprived,

15 b. changes that still need to occur and the specific
16 actions the parents would take to make the changes,
17 and

18 c. services and assistance that have been offered or
19 provided to the parents since the previous hearing and
20 the services which are needed in the future;

21 5. A description of the placements of the child by number and
22 type with dates of entry and exit, reasons for the placement or
23 change in placement, and a statement about the success or lack of
24 success of each placement;

1 6. The efforts of the Department to locate the parents and
2 involve them in the planning for the child if the parents are not
3 currently communicating with the Department;

4 7. Compliance by the Department, as applicable, and the parent
5 with the court's orders concerning the individualized service plans,
6 previous court orders, and the Department recommendations;

7 8. Whether the current placement is appropriate for the child,
8 its distance from the home of the child, and whether it is the
9 least_restrictive, ~~most family-like~~ placement available;

10 9. A proposed timetable for the return of the child to the home
11 or other permanent placement; and

12 10. Specific recommendations, giving reasons whether:

13 a. trial reunification should be approved by the court,

14 b. trial reunification should be continued to a date
15 certain as specified by the court,

16 c. the child should remain in or be placed outside of the
17 home of the parent or legal guardian of the child, or

18 d. the child should remain in the current placement when
19 the permanency plan is other than reunification with
20 the parent or legal guardian of the child.

21 C. The attorney representing a child, the foster parents of the
22 child and the guardian ad litem of a child, if any, whose case is
23 being reviewed may submit a report to the court for presentation at
24 the review hearing to assist the court in reviewing the placement or

1 status of the child. The legal custodian shall not deny to a child
2 the right of access to counsel and shall facilitate such access.

3 SECTION 6. This act shall become effective November 1, 2019.

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