

1 ENGROSSED HOUSE
2 BILL NO. 1328

By: Albright and Munson of the
House

3 and

4 Dossett of the Senate
5

6
7 An Act relating to children; amending 10A O.S. 2011,
8 Section 1-7-111, as amended by Section 2, Chapter
9 242, O.S.L. 2012 (10A O.S. Supp. 2018, Section 1-7-
10 111), which relates to the Oklahoma Children's Code;
11 prohibiting Department of Human Services from placing
12 certain restrictions on child-placing agency;
13 providing exception for contractual prohibition;
14 mandating same reimbursement rate for kinship foster
15 families as other foster families receive; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-7-111, as
19 amended by Section 2, Chapter 242, O.S.L. 2012 (10A O.S. Supp. 2018,
20 Section 1-7-111), is amended to read as follows:

21 Section 1-7-111. A. 1. Except as otherwise provided by law,
22 the Department of Human Services or the Office of Juvenile Affairs
23 shall not place a child in a foster home prior to completion of:

24 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

1 the home, as required by the Oklahoma Child Care
2 Facilities Licensing Act and the Oklahoma Children's
3 Code,

4 c. a Motor Vehicle Report obtained from the Department of
5 Public Safety regarding each adult residing in the
6 home, and

7 d. a check of any child abuse registry maintained by a
8 state in which the prospective foster parent or any
9 adult living in the home of the prospective foster
10 parent has resided in the preceding five (5) years.

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

20 2. a. The Department shall be the lead agency for
21 disseminating fingerprint cards to courts and child-
22 placing agencies for obtaining and requesting a
23 national criminal history records search based upon
24 submission of fingerprints from the Oklahoma State

1 Bureau of Investigation. The Office of Juvenile
2 Affairs may directly request national criminal history
3 records searches as defined by Section 150.9 of Title
4 74 of the Oklahoma Statutes from the Oklahoma State
5 Bureau of Investigation for the purpose of obtaining
6 the national criminal history of any individual for
7 which such a search is required pursuant to this
8 section.

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

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

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

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

20 a. require that when custody is placed with an
21 individual, a foster family eligibility assessment be
22 conducted for the foster parents prior to placement of
23 the child, and
24

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

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

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

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

21 D. When the court awards custody of a child to an individual or
22 a child-placing agency as provided by this section, the individual
23 or child-placing agency shall be responsible for the completion of
24 and costs of the national criminal history records search based upon

1 submission of fingerprints, the foster parent eligibility
2 assessment, the preparation of an individualized service plan, and
3 the medical examination required by this section.

4 E. The Department shall not prohibit a child-placing agency
5 from recruiting, certifying or providing services for kinship foster
6 family homes unless the contract between the child-placing agency
7 and the Department explicitly prohibits these activities. Any
8 kinship foster family home that receives services from a child-
9 placing agency in compliance with the contract between the child-
10 placing agency and the Department shall be eligible to receive the
11 same reimbursement rate as other foster family homes, excluding the
12 reimbursement rate specific to therapeutic foster care homes, in
13 accordance with the contract.

14 SECTION 2. This act shall become effective November 1, 2019.

15 Passed the House of Representatives the 13th day of March, 2019.

17 _____
18 Presiding Officer of the House
19 of Representatives

20 Passed the Senate the ___ day of _____, 2019.

22 _____
23 Presiding Officer of the Senate