

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1867

By: Shelton

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6 AS INTRODUCED

7 An Act relating to children; amending 10A O.S. 2011,
8 Section 1-4-204, which relates to relative preference
9 placement; directing Department of Human Services to
10 develop and distribute informational pamphlet to
11 relatives; describing contents of pamphlet; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-4-204, is
15 amended to read as follows:

16 Section 1-4-204. A. 1. When awarding custody or determining
17 the placement of a child, a preference shall be given to relatives
18 and persons who have a kinship relationship with the child. The
19 Department of Human Services shall make diligent efforts to place
20 the child with such persons and shall report to the court the
21 efforts made to secure that placement. In cases where the Indian
22 Child Welfare Act applies, the placement preferences of the act
23 shall be followed.

24 2. When two or more children are siblings, every reasonable
attempt shall be made to place the siblings in the same home. In

1 making a permanent placement, siblings shall be placed in the same
2 permanent home or, if the siblings are separated, shall be allowed
3 contact or visitation with each other; provided, however, the best
4 interests of each sibling shall be the standard for determining the
5 appropriate custodian or placement as well as the contact and
6 visitation with the other siblings.

7 3. In determining the appropriate custodian or placement for a
8 child pursuant to subsection A of this section, the court and the
9 Department shall consider, but not be limited to, the following
10 factors:

- 11 a. the ability of the person being considered to provide
12 safety for the child, including a willingness to
13 cooperate with any restrictions placed on contact
14 between the child and others, and to prevent others
15 from influencing the child in regard to the
16 allegations of the case,
- 17 b. the ability of the person being considered to support
18 the efforts of the Department to implement the
19 permanent plan for the child,
- 20 c. the ability of the person being considered to meet the
21 child's physical, emotional, and educational needs,
22 including the child's need to continue in the same
23 school or educational placement,

- 1 d. the person who has the closest existing personal
2 relationship with the child if more than one person
3 requests placement of the child pursuant to this
4 section,
5 e. the ability of the person being considered to provide
6 a placement for the child's sibling who is also in
7 need of placement or continuation in substitute care,
8 f. the wishes of the parent, the relative, and the child,
9 if appropriate,
10 g. the ability of the person being considered to care for
11 the child as long as is necessary and to provide a
12 permanent home if necessary, and
13 h. the best interests of the child.

14 B. 1. The Department of Human Services shall consider
15 placement with a relative without delay and shall identify relatives
16 of the child and notify them of the need for temporary placement and
17 the possibility of the need for a permanent out-of-home placement of
18 the child. The relative search shall be reasonable and
19 comprehensive in scope and may continue until a fit and willing
20 relative is identified.

21 2. The relatives shall be notified of the need to keep the
22 Department informed of their current address in order to receive
23 notice when a permanent out-of-home placement is being sought for
24 the child. A relative who fails to provide a current address may

1 forfeit the right to be considered for the child's permanent out-of-
2 home placement.

3 3. A decision by a relative to not participate in the child's
4 placement planning at the beginning of the case or to cooperate with
5 the Department to expedite procedures for placement of the child in
6 the child's home may affect whether that relative will be considered
7 for permanent placement of the child if the child cannot be safely
8 returned to the home of the child's parent or parents.

9 C. The Department, while assessing the relatives for the
10 possibility of placement, shall be authorized to disclose to the
11 relative, as appropriate, the fact that the child is in custody, the
12 alleged reasons for the custody, and the projected date for the
13 child's return home or other permanent placement as well as any
14 other confidential information deemed necessary and appropriate to
15 secure a suitable placement.

16 D. Following an initial placement with a relative, whenever a
17 new placement of the child is made, consideration for placement
18 shall again be given as described in this section to approved
19 relatives who will fulfill the reunification or permanent plan
20 requirements of the child. The Department shall consider whether
21 the relative has established and maintained a relationship with the
22 child.

23 E. If the child is not placed with a relative who has been
24 considered for placement pursuant to this section, the Department

1 shall advise the court, in writing, the reasons why that relative
2 was denied and the written reasons shall be made a part of the court
3 record.

4 F. The provisions of this section shall apply to all custody or
5 placement proceedings which concern a child alleged or adjudicated
6 to be deprived including, but not limited to, guardianship and
7 adoption proceedings.

8 G. The Department shall develop an informational pamphlet that
9 explains the placement preference for relatives and their
10 eligibility to be considered for foster care, guardianship or
11 adoptive placement. The pamphlet shall give an overview of Child
12 Welfare Services, include contact information within the Department
13 and be distributed to relatives of a child taken into custody by the
14 Department.

15 SECTION 2. This act shall become effective November 1, 2015.

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