

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 1993

By: Nollan

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6
7 AS INTRODUCED

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

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

24 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-1-105, as
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:

- 1 a. the willful intent by words, actions, or omissions not
2 to return for a child, or
3 b. the failure to maintain a significant parental
4 relationship with a child through visitation or
5 communication in which incidental or token visits or
6 communication are not considered significant, or
7 c. the failure to respond to notice of deprived
8 proceedings;

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

- 17 a. "Harm or threatened harm to the health or safety of a
18 child" means any real or threatened physical, mental,
19 or emotional injury or damage to the body or mind that
20 is not accidental including but not limited to sexual
21 abuse, sexual exploitation, neglect, or dependency.
22 b. "Sexual abuse" includes but is not limited to rape,
23 incest, and lewd or indecent acts or proposals made to
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1 a child, as defined by law, by a person responsible
2 for the health, safety, or welfare of the child.

3 c. "Sexual exploitation" includes but is not limited to
4 allowing, permitting, encouraging, or forcing a child
5 to engage in prostitution, as defined by law, by any
6 person eighteen (18) years of age or older or by a
7 person responsible for the health, safety, or welfare
8 of a child, or allowing, permitting, encouraging, or
9 engaging in the lewd, obscene, or pornographic, as
10 defined by law, photographing, filming, or depicting
11 of a child in those acts by a person responsible for
12 the health, safety, and welfare of the child;

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

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

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

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

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1 capacities that are typical for an age or age group,
2 and

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

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

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

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

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

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

- 7 a. nonurban centers in districts with child populations
8 that are less than sixty thousand (60,000), and
- 9 b. midlevel nonurban centers in districts with child
10 populations equal to or greater than sixty thousand
11 (60,000), but not including Oklahoma and Tulsa
12 counties;

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

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

21 12. "Children's emergency resource center" means a community-
22 based program that may provide emergency care and a safe and
23 structured homelike environment or a host home for children
24 providing food, clothing, shelter and hygiene products to each child

1 served; after-school tutoring; counseling services; life-skills
2 training; transition services; assessments; family reunification;
3 respite care; transportation to or from school, doctors'
4 appointments, visitations and other social, school, court or other
5 activities when necessary; and a stable environment for children in
6 crisis who are in custody of the Department of Human Services if
7 permitted under the Department's policies and regulations, or who
8 have been voluntarily placed by a parent or custodian during a
9 temporary crisis;

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

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

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

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

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

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

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

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

4 21. "Deprived child" means a child:

- 5 a. who is for any reason destitute, homeless, or
6 abandoned,
- 7 b. who does not have the proper parental care or
8 guardianship,
- 9 c. who has been abused, neglected, or is dependent,
- 10 d. whose home is an unfit place for the child by reason
11 of depravity on the part of the parent or legal
12 guardian of the child, or other person responsible for
13 the health or welfare of the child,
- 14 e. who is a child in need of special care and treatment
15 because of the child's physical or mental condition,
16 and the child's parents, legal guardian, or other
17 custodian is unable or willfully fails to provide such
18 special care and treatment. As used in this
19 paragraph, a child in need of special care and
20 treatment includes, but is not limited to, a child who
21 at birth tests positive for alcohol or a controlled
22 dangerous substance and who, pursuant to a drug or
23 alcohol screen of the child and an assessment of the
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- 1 parent, is determined to be at risk of harm or
2 threatened harm to the health or safety of a child,
3 f. who is a child with a disability deprived of the
4 nutrition necessary to sustain life or of the medical
5 treatment necessary to remedy or relieve a life-
6 threatening medical condition in order to cause or
7 allow the death of the child if such nutrition or
8 medical treatment is generally provided to similarly
9 situated children without a disability or children
10 with disabilities; provided that no medical treatment
11 shall be necessary if, in the reasonable medical
12 judgment of the attending physician, such treatment
13 would be futile in saving the life of the child,
14 g. who, due to improper parental care and guardianship,
15 is absent from school as specified in Section 10-106
16 of Title 70 of the Oklahoma Statutes, if the child is
17 subject to compulsory school attendance,
18 h. whose parent, legal guardian or custodian for good
19 cause desires to be relieved of custody,
20 i. who has been born to a parent whose parental rights to
21 another child have been involuntarily terminated by
22 the court and the conditions which led to the making
23 of the finding, which resulted in the termination of
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1 the parental rights of the parent to the other child,
2 have not been corrected, or

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

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

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

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

21 23. "Drug-endangered child" means a child who is at risk of
22 suffering physical, psychological or sexual harm as a result of the
23 use, possession, distribution, manufacture or cultivation of
24 controlled substances, or the attempt of any of these acts, by a

1 person responsible for the health, safety or welfare of the child,
2 as defined in this section. This term includes circumstances
3 wherein the substance abuse of the person responsible for the
4 health, safety or welfare of the child interferes with that person's
5 ability to parent and provide a safe and nurturing environment for
6 the child;

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

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

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

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

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

9 ~~28.~~ 29. "Foster family home" means the private residence of a
10 foster parent who provides foster care services to a child. Such
11 term shall include a nonkinship foster family home, a therapeutic
12 foster family home, or the home of a relative or other kinship care
13 home;

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

21 ~~30.~~ 31. "Guardian ad litem" means a person appointed by the
22 court pursuant to the provisions of Section 1-4-306 of this title
23 having those duties and responsibilities as set forth in that
24 section. The term "guardian ad litem" shall refer to a court-

1 appointed special advocate as well as to any other person appointed
2 pursuant to the provisions of Section 1-4-306 of this title to serve
3 as a guardian ad litem;

4 ~~31.~~ 32. "Guardian ad litem of the estate of the child" means a
5 person appointed by the court to protect the property interests of a
6 child pursuant to Section 1-8-108 of this title;

7 ~~32.~~ 33. "Group home" means a residential facility licensed by
8 the Department to provide full-time care and community-based
9 services for more than five but fewer than thirteen children;

10 ~~33.~~ 34. "Harm or threatened harm to the health or safety of a
11 child" means any real or threatened physical, mental, or emotional
12 injury or damage to the body or mind that is not accidental
13 including, but not limited to, sexual abuse, sexual exploitation,
14 neglect, or dependency;

15 ~~34.~~ 35. "Heinous and shocking abuse" includes, but is not
16 limited to, aggravated physical abuse that results in serious
17 bodily, mental, or emotional injury. "Serious bodily injury" means
18 injury that involves:

- 19 a. a substantial risk of death,
- 20 b. extreme physical pain,
- 21 c. protracted disfigurement,
- 22 d. a loss or impairment of the function of a body member,
23 organ, or mental faculty,

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- 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;

~~35.~~ 36. "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,

1 c. an act or failure to act by a parent that results in
2 the death or near death of a child or sibling, serious
3 physical or emotional harm, sexual abuse, sexual
4 exploitation, or presents an imminent risk of serious
5 harm to a child, or

6 d. any other similar aggravating circumstance;

7 ~~36.~~ 37. "Individualized service plan" means a document written
8 pursuant to Section 1-4-704 of this title that has the same meaning
9 as "service plan" or "treatment plan" where those terms are used in
10 the Oklahoma Children's Code;

11 ~~37.~~ 38. "Infant" means a child who is twelve (12) months of age
12 or younger;

13 ~~38.~~ 39. "Institution" means a residential facility offering
14 care and treatment for more than twenty residents;

15 ~~39.~~ 40.

16 a. "Investigation" means a response to an allegation of
17 abuse or neglect that involves a serious and immediate
18 threat to the safety of the child, making it necessary
19 to determine:

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

22 (2) whether child abuse or neglect occurred and
23 whether the family needs prevention- and
24 intervention-related services.

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

3 (1) "substantiated" means the Department has
4 determined, after an investigation of a report of
5 child abuse or neglect and based upon some
6 credible evidence, that child abuse or neglect
7 has occurred. When child abuse or neglect is
8 substantiated, the Department may recommend:

9 (a) court intervention if the Department finds
10 the health, safety, or welfare of the child
11 is threatened, or

12 (b) child abuse and neglect prevention- and
13 intervention-related services for the child,
14 parents or persons responsible for the care
15 of the child if court intervention is not
16 determined to be necessary,

17 (2) "unsubstantiated" means the Department has
18 determined, after an investigation of a report of
19 child abuse or neglect, that insufficient
20 evidence exists to fully determine whether child
21 abuse or neglect has occurred. If child abuse or
22 neglect is unsubstantiated, the Department may
23 recommend, when determined to be necessary, that
24 the parents or persons responsible for the care

1 of the child obtain child abuse and neglect
2 prevention- and intervention-related services, or
3 (3) "ruled out" means a report in which a child
4 protective services specialist has determined,
5 after an investigation of a report of child abuse
6 or neglect, that no child abuse or neglect has
7 occurred;

8 ~~40.~~ 41. "Kinship care" means full-time care of a child by a
9 kinship relation;

10 ~~41.~~ 42. "Kinship guardianship" means a permanent guardianship
11 as defined in this section;

12 ~~42.~~ 43. "Kinship relation" or "kinship relationship" means
13 relatives, stepparents, or other responsible adults who have a bond
14 or tie with a child and/or to whom has been ascribed a family
15 relationship role with the child's parents or the child; provided,
16 however, in cases where the Indian Child Welfare Act applies, the
17 definitions contained in 25 U.S.C., Section 1903 shall control;

18 ~~43.~~ 44. "Least-restrictive placement" means a placement for a
19 child that, in comparison to all other available placements, is the
20 most family-like setting. This term includes a foster family home
21 or a family-style residential program;

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

1 ~~44.~~ 46. "Minor" means the same as the term "child" as defined
2 in this section;

3 ~~45.~~ 47. "Minor in need of treatment" means a child in need of
4 mental health or substance abuse treatment as defined by the
5 Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

6 ~~46.~~ 48. "Multidisciplinary child abuse team" means any team
7 established pursuant to Section 1-9-102 of this title of three or
8 more persons who are trained in the prevention, identification,
9 investigation, prosecution, and treatment of physical and sexual
10 child abuse and who are qualified to facilitate a broad range of
11 prevention- and intervention-related services and services related
12 to child abuse. For purposes of this definition, "freestanding"
13 means a team not used by a child advocacy center for its
14 accreditation;

15 ~~47.~~ 49. "Near death" means a child is in serious or critical
16 condition, as certified by a physician, as a result of abuse or
17 neglect;

18 ~~48.~~ 50. "Neglect" means:

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

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

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

- 1 (3) supervision or appropriate caretakers, or
2 (4) special care made necessary by the physical or
3 mental condition of the child,

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

- 6 (1) the use, possession, sale, or manufacture of
7 illegal drugs,
8 (2) illegal activities, or
9 (3) sexual acts or materials that are not age-
10 appropriate, or

11 c. abandonment.

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

23 ~~49.~~ 51. "Permanency hearing" means a hearing by the court
24 pursuant to Section 1-4-811 of this title;

1 ~~50.~~ 52. "Permanent custody" means the court-ordered custody of
2 an adjudicated deprived child when a parent-child relationship no
3 longer exists due to termination of parental rights or due to the
4 death of a parent or parents;

5 ~~51.~~ 53. "Permanent guardianship" means a judicially created
6 relationship between a child, a kinship relation of the child, or
7 other adult established pursuant to the provisions of Section 1-4-
8 709 of this title;

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

18 ~~53.~~ 55. "Plan of safe care" means a plan developed for an
19 infant with Neonatal Abstinence Syndrome or a Fetal Alcohol Spectrum
20 Disorder upon release from the care of a health care provider that
21 addresses the health and substance use treatment needs of the infant
22 and mother or caregiver;

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1 ~~54.~~ 56. "Protective custody" means custody of a child taken by
2 a law enforcement officer or designated employee of the court
3 without a court order;

4 ~~55.~~ 57. "Putative father" means an alleged father as that term
5 is defined in Section 7700-102 of Title 10 of the Oklahoma Statutes;

6 ~~56.~~ 58. "Reasonable and prudent parent standard" means the
7 standard characterized by careful and sensible parental decisions
8 that maintain the health, safety, and best interests of a child
9 while at the same time encouraging the emotional and developmental
10 growth of the child. This standard shall be used by the child's
11 caregiver when determining whether to allow a child to participate
12 in extracurricular, enrichment, cultural, and social activities.
13 For purposes of this definition, the term "caregiver" means a foster
14 parent with whom a child in foster care has been placed, a
15 representative of a group home where a child has been placed or a
16 designated official for a residential child care facility where a
17 child in foster care has been placed;

18 ~~57.~~ 59. "Relative" means a grandparent, great-grandparent,
19 brother or sister of whole or half blood, aunt, uncle or any other
20 person related to the child;

21 ~~58.~~ 60. "Residential child care facility" means a twenty-four-
22 hour residential facility where children live together with or are
23 supervised by adults who are not their parents or relatives;

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

3 ~~60.~~ 62. "Risk" means the likelihood that an incident of child
4 abuse or neglect will occur in the future;

5 ~~61.~~ 63. "Safety threat" means the threat of serious harm due to
6 child abuse or neglect occurring in the present or in the very near
7 future and without the intervention of another person, a child would
8 likely or in all probability sustain severe or permanent disability
9 or injury, illness, or death;

10 ~~62.~~ 64. "Safety analysis" means action taken by the Department
11 in response to a report of alleged child abuse or neglect that may
12 include an assessment or investigation based upon an analysis of the
13 information received according to priority guidelines and other
14 criteria adopted by the Department;

15 ~~63.~~ 65. "Safety evaluation" means evaluation of a child's
16 situation by the Department using a structured, evidence-based tool
17 to determine if the child is subject to a safety threat;

18 ~~64.~~ 66. "Secure facility" means a facility which is designed
19 and operated to ensure that all entrances and exits from the
20 facility are subject to the exclusive control of the staff of the
21 facility, whether or not the juvenile being detained has freedom of
22 movement within the perimeter of the facility, or a facility which
23 relies on locked rooms and buildings, fences, or physical restraint
24 in order to control behavior of its residents;

1 ~~65.~~ 67. "Sibling" means a biologically or legally related
2 brother or sister of a child. This includes an individual who
3 satisfies at least one of the following conditions with respect to a
4 child:

- 5 a. the individual is considered by state law to be a
6 sibling of the child, or
- 7 b. the individual would have been considered a sibling
8 under state law but for a termination or other
9 disruption of parental rights, such as the death of a
10 parent;

11 ~~66.~~ 68. "Specialized foster care" means foster care provided to
12 a child in a foster home or agency-contracted home which:

- 13 a. has been certified by the Developmental Disabilities
14 Services Division of the Department of Human Services,
- 15 b. is monitored by the Division, and
- 16 c. is funded through the Home- and Community-Based Waiver
17 Services Program administered by the Division;

18 ~~67.~~ 69. "Successful adulthood program" means a program
19 specifically designed to assist a child to enhance those skills and
20 abilities necessary for successful adult living. A successful
21 adulthood program may include, but shall not be limited to, such
22 features as minimal direct staff supervision, and the provision of
23 supportive services to assist children with activities necessary for
24 finding an appropriate place of residence, completing an education

1 or vocational training, obtaining employment, or obtaining other
2 similar services;

3 ~~68.~~ 70. "Temporary custody" means court-ordered custody of an
4 adjudicated deprived child;

5 ~~69.~~ 71. "Therapeutic foster family home" means a foster family
6 home which provides specific treatment services, pursuant to a
7 therapeutic foster care contract, which are designed to remedy
8 social and behavioral problems of a foster child residing in the
9 home;

10 ~~70.~~ 72. "Trafficking in persons" means sex trafficking or
11 severe forms of trafficking in persons as described in Section 7102
12 of Title 22 of the United States Code:

13 a. "sex trafficking" means the recruitment, harboring,
14 transportation, provision, obtaining, patronizing or
15 soliciting of a person for the purpose of a commercial
16 sex act, and

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

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

22 (2) the recruitment, harboring, transportation,
23 provision, obtaining, patronizing or soliciting
24 of a person for labor or services, through the

1 use of force, fraud, or coercion for the purpose
2 of subjection to involuntary servitude, peonage,
3 debt bondage, or slavery;

4 ~~71.~~ 73. "Transitional living program" means a residential
5 program that may be attached to an existing facility or operated
6 solely for the purpose of assisting children to develop the skills
7 and abilities necessary for successful adult living. The program
8 may include, but shall not be limited to, reduced staff supervision,
9 vocational training, educational services, employment and employment
10 training, and other appropriate independent living skills training
11 as a part of the transitional living program; and

12 ~~72.~~ 74. "Voluntary foster care placement" means the temporary
13 placement of a child by the parent, legal guardian or custodian of
14 the child in foster care pursuant to a signed placement agreement
15 between the Department or a child-placing agency and the child's
16 parent, legal guardian or custodian.

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

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

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

6 C. 1. The individualized service plan shall be based upon a
7 comprehensive assessment and evaluation of the child and family and
8 shall be developed with the participation of the parent, legal
9 guardian, or legal custodian of the child, the attorney for the
10 child, the guardian ad litem for the child, if any, the child's
11 tribe, and the child, if appropriate. The health and safety of the
12 child shall be the paramount concern in the development of the plan.

13 2. If any part of the plan is disputed or not approved by the
14 court, an evidentiary hearing may be held and at its conclusion, the
15 court shall determine the content of the individualized service plan
16 in accord with the evidence presented and the best interests of the
17 child.

18 3. When approved by the court, each individualized service plan
19 shall be incorporated and made a part of the dispositional order of
20 the court.

21 4. The plan shall be signed by:

- 22 a. the parent or parents or legal guardian of the child,
- 23 b. the attorney for the parent or parents or legal
24 guardian of the child,

- c. the child's attorney,
- d. the guardian ad litem of the child, which may be a court-appointed special advocate,
- e. a representative of the child's tribe,
- f. the child, if possible, and
- g. the Department or other responsible agency.

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

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

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

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

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

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

5 2. Identification of time-limited reunification services to be
6 provided to the parent, legal guardian, or legal custodian,
7 stepparent, other adult person living in the home, or other family
8 members;

9 3. Identification of the specific services to be provided to
10 the child including, but not limited to, educational, vocational
11 educational, medical, drug or alcohol abuse treatment, or counseling
12 or other treatment services. The most recent available health and
13 educational records of the child shall be provided to the court upon
14 the court's request including:

- 15 a. the names and addresses of the child's health and
- 16 educational providers,
- 17 b. the child's grade-level performance,
- 18 c. the child's school record,
- 19 d. a record of the child's immunizations,
- 20 e. the child's known medical problems, including any
- 21 known communicable diseases,
- 22 f. the child's medications, and
- 23 g. any other relevant health and education information;

24

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

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

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

8 7. Performance criteria that will measure the progress of the
9 child and family toward completion of the individualized service
10 plan including, but not limited to, time frames for achieving
11 objectives and addressing the identified problems;

12 8. The name and business address of the attorney representing
13 the child;

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

16 a. the sequence and time frame for services to be
17 provided to the parent, the child, and if the child is
18 placed in foster care, the foster parent, to
19 facilitate the child's return home or to another
20 permanent placement,

21 b. a description of the child's placement and explanation
22 about whether ~~the placement~~ it is the least-
23 restrictive, ~~most family-like setting~~ placement
24 available and in as close proximity as possible to the

1 home of the parent or parents or legal guardian of the
2 child when the case plan is reunification, and how the
3 placement is consistent with the best interests and
4 special needs of the child,

5 c. a description of any services or resources that were
6 requested by the child or the parent or legal guardian
7 of the child since the date of the child's placement,
8 and whether those services or resources were provided
9 and if not, the basis for the denial of the services
10 or resources,

11 d. efforts to be made by the parent of the child and the
12 Department to enable the child to return to his or her
13 home,

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

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

19 (2) health care planning and medical coverage,

20 (3) transportation including, where appropriate,

21 assisting the child in obtaining a driver

22 license,

23 (4) money management,

24 (5) planning for housing,

1 (6) social and recreational skills, and

2 (7) establishing and maintaining connections with the
3 child's family and community,

4 f. for a child in placement due solely or in part to the
5 child's behavioral health or medical health issues,
6 diagnostic and assessment information, specific
7 services relating to meeting the applicable behavioral
8 health and medical care needs of the child, and
9 desired treatment outcomes,

10 g. a plan and schedule for regular and frequent
11 visitation for the child and the child's parent or
12 parents or legal guardian and siblings, unless the
13 court has determined that visitation, even if
14 supervised, would be harmful to the child, and

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

17 (1) assurances that the placement of the child
18 considers the appropriateness of the current
19 educational setting and the proximity to the
20 school in which the child was enrolled at the
21 time of placement, and

22 (2) where appropriate, an assurance that the
23 Department has coordinated with appropriate local
24 educational agencies to ensure that the child

1 remains in the school in which the child was
2 enrolled at the time of placement, or

3 (3) if remaining in the school in which the child was
4 enrolled at the time of placement is not in the
5 best interests of the child, assurances by the
6 Department and the local educational agencies to
7 provide immediate and appropriate enrollment in a
8 new school with all of the educational records of
9 the child provided to the school; and

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

13 a. When the permanency plan is adoption or legal
14 guardianship, the Department shall describe, at a
15 minimum, child-specific recruitment efforts such as
16 relative searches conducted and the use of state,
17 regional, and national adoption exchanges to
18 facilitate the orderly and timely placement of the
19 child, whether in or outside of the state.

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

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

5 G. The individualized service plan shall include the following
6 statement:

7 TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE
8 IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE
9 REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR
10 UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME OR ATTEND COURT
11 HEARINGS, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE
12 RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.

13 H. Whenever a child who is subject to the provisions of this
14 section is committed for inpatient behavioral health or substance
15 abuse treatment pursuant to the Inpatient Mental Health and
16 Substance Abuse Treatment of Minors Act, the individualized service
17 plan shall be amended as necessary and appropriate, including, but
18 not limited to, identification of the treatment and services to be
19 provided to the child and the child's family upon discharge of the
20 child from inpatient behavioral health or substance abuse treatment.

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

23 Section 1-4-705. A. In placing a child in the custody of an
24 individual, a private agency, or institution, the court and the

1 Department of Human Services shall, if possible, select a person,
2 agency, or institution governed by persons of the same religious
3 faith as that of the parents of the child, or in case of a
4 difference in the religious faith of the parents, then of the
5 religious faith of the child.

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

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

- 18 1. Within the five-year period preceding the application date,
19 a physical assault, battery, or a drug-related offense;
- 20 2. Child abuse or neglect;
- 21 3. Domestic abuse;
- 22 4. A crime against a child, including, but not limited to,
23 child pornography; or

24

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

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

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

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

17 4. For purposes of this subsection the terms:

- 18 a. "relevant misdemeanor" may include assault and
19 battery, alcohol- or drug-related offenses, domestic
20 violence or other offenses involving the use of
21 physical force or violence against the person or
22 property of another, and
- 23 b. "individual" shall not include a parent or legal
24 guardian of the child.

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

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

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

9 1. a. The court may place the child under protective
10 supervision by the Department of Human Services in the
11 home of the child with the parent or legal guardian
12 with whom the child was residing at the time the
13 events or conditions arose that brought the child
14 within the jurisdiction of the court, subject to such
15 conditions as the court may prescribe that would
16 reasonably prevent the child from continuing to be
17 deprived.

18 b. The court may place the child with the noncustodial
19 parent, if available, upon completion of a home
20 assessment, unless the court finds that the placement
21 would not be in the best interests of the child. Any
22 party with knowledge of the facts may present evidence
23 to the court regarding whether the placement is in the
24 best interests of the child. If the court places the

1 child with the parent, it may do either of the
2 following:

3 (1) order that the noncustodial parent assume sole
4 custodial responsibilities for the child. The
5 court may also order reasonable visitation and
6 the payment of child support by the child's other
7 parent. The court may then terminate its
8 jurisdiction by entering a final permanency
9 order. The final order entered determining
10 custody, visitation and child support from the
11 deprived action:

12 (a) shall remain in full force and effect and
13 shall control over any custody or child
14 support order entered in an administrative
15 or district court action initiated prior to
16 or during the pendency of the deprived
17 action until such time as it is modified by
18 a subsequent order of the district court,
19 and

20 (b) may be docketed and filed in the prior
21 existing or pending administrative or
22 district court action; provided, however, if
23 there is no administrative or district court
24 action then in existence, the surviving

1 order may be used as the sole basis for
2 opening a new administrative or district
3 court action in the same county where the
4 deprived action was pending or in the county
5 where the legal custodian of the child
6 resides. When applicable, the clerk of the
7 juvenile court shall transmit the surviving
8 order to the clerk of the district court of
9 the county where the order is to be filed
10 along with the names and last-known
11 addresses of the parents of the child. The
12 clerk of the district court shall
13 immediately upon receipt open a file without
14 a filing fee, assign a new case number and,
15 when applicable, file the order and send by
16 first-class mail a copy of the order with
17 the new or prior existing case number back
18 to the juvenile court and to the parents of
19 the child at their last-known address. The
20 order shall not be confidential and may be
21 enforced or modified after being docketed
22 and filed in the prior existing or new
23 administrative or district court action, or
24

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

4 (a) reunification services be provided to the
5 parent or legal guardian from whom the child
6 has been or is being removed,

7 (b) services be provided solely to the parent
8 who is assuming physical custody of the
9 child in order to allow that parent to later
10 obtain legal custody without court
11 supervision, or

12 (c) services be provided to both parents, in
13 which case the court shall determine, at a
14 subsequent review hearing, which parent, if
15 either, shall have custody of the child.

16 c. If the court orders the child into the home of a
17 father whose paternity has not been established, the
18 alleged father must cooperate in establishing
19 paternity as a condition for the child's continued
20 placement in the alleged father's home.

21 d. If the court issues an order for protective
22 supervision of the child in the home of a parent, the
23 court may order any of the following:
24

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

5 (2) that a party, a parent, or a legal guardian of
6 the child prevent a particular person from having
7 contact with the child.

8 e. At any time during the deprived child proceedings, the
9 court may issue an order specifying the conduct to be
10 followed by any person living in the home that the
11 court determines would be in the best interests of the
12 child. The conduct specified shall be such as would
13 reasonably prevent the child from continuing to be
14 deprived.

15 f. The order placing the child under supervision by the
16 Department in the child's own home shall remain in
17 effect for a period of one (1) year. In appropriate
18 circumstances, the court may extend or reduce the
19 period of supervision by the Department.

20 2. a. If the court is unable to place the child in the home
21 of a parent, the court shall give a preference for
22 placing temporary custody of the child with a relative
23 as specified in Section 1-4-204 of this title, subject
24 to the best interests of the child and the conditions

1 and restrictions specified in Section 1-4-705 of Title
2 10A of the Oklahoma Statutes. In determining whether
3 to place temporary custody of the child with a
4 relative, the court may consider the following
5 factors:

- 6 (1) the physical, psychological, educational,
7 medical, and emotional needs of the child,
- 8 (2) the wishes of the parent, the relative, and
9 child, if appropriate,
- 10 (3) whether placement of the siblings and half-
11 siblings can be made in the same home, if that
12 placement is found to be in the best interest of
13 each child,
- 14 (4) the background information of the relative and
15 any other person living in the home, including
16 whether any such person has a prior history of
17 violence, acts of child abuse or neglect, or any
18 other background that would render the home
19 unsuitable,
- 20 (5) the nature and duration of the relationship
21 between the child and the relative, and the
22 relative's desire to care for and to provide
23 long-term permanency for the child if
24 reunification is unsuccessful, and

1 (6) the ability of the relative to do the following:

2 (a) provide a safe, secure, and stable
3 environment for the child,

4 (b) exercise proper and effective care and
5 control of the child,

6 (c) provide a home and the necessities of life
7 for the child,

8 (d) protect the child from his or her parents,

9 (e) facilitate court-ordered reunification
10 efforts with the parent,

11 (f) facilitate visitation with the child's
12 siblings and other relatives, and

13 (g) arrange for appropriate and safe child care,
14 if necessary.

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

24

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

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

10 b. In placing a child in a private institution or agency,
11 the court shall select one that is licensed by the
12 Department or any other state department supervising
13 or licensing private institutions and agencies; or, if
14 such institution or agency is in another state, by the
15 analogous department of that state.

16 c. Whenever the court shall place a child in any
17 institution or agency, it shall transmit with the
18 order of commitment a summary of its information
19 concerning the child, and such institution or agency
20 shall give to the court such information concerning
21 the child as the court may at any time require.

22 4. The court may place the child in the custody of the
23 Department.
24

1 a. In selecting a placement for a child in its custody,
2 the Department shall make an individualized
3 determination based upon the child's best interests
4 and permanency plan regarding the following placement
5 options:

6 (1) a home or facility that meets the preferences
7 specified by the state and federal Indian Child
8 Welfare Acts when applicable,

9 (2) the home of a noncustodial parent,

10 (3) the home of a relative approved by the
11 Department,

12 (4) the home of a nonrelative kinship family approved
13 by the Department,

14 (5) an approved foster home in which the child has
15 been previously placed,

16 (6) a suitable nonkinship foster family or family-
17 style residential program approved by the
18 Department,

19 (7) a suitable licensed group home for children, or

20 (8) an independent living program.

21 b. (1) Unless the child is placed with relatives or in
22 accord with the federal and state Indian Child
23 Welfare Acts, the child shall be placed, when
24 possible, in the county of residence of the

1 child's parent or legal guardian in order to
2 facilitate reunification of the family.

3 (2) If an appropriate placement is not available in
4 the county of residence of the parent or legal
5 guardian, the child shall be placed in an
6 appropriate home in the nearest proximity to the
7 resident county of the parent or legal guardian.

8 (3) Nothing in this section shall be construed to
9 mean that the child's placements shall correspond
10 in frequency to changes of residence by the
11 parent or legal guardian. In determining whether
12 the child should be moved, the Department shall
13 take into consideration the potential harmful
14 effects of disrupting the placement of the child
15 and the reason of the parent or legal guardian
16 for the move.

17 c. If the child is part of a sibling group, it shall be
18 presumed that placement of the entire sibling group in
19 the same placement is in the best interests of the
20 child and siblings unless the presumption is rebutted
21 by a preponderance of the evidence to the contrary.

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

1 6. a. If the court determines that reunification services
2 are appropriate for the child and a parent, the court
3 shall allow reasonable visitation with the parent or
4 legal guardian from whose custody the child was
5 removed, unless visitation is not in the best interest
6 of the child, taking into consideration:

- 7 (1) protection of the physical safety of the child,
- 8 (2) protection of the life of the child,
- 9 (3) protection of the child from being traumatized by
10 contact with the parent, and
- 11 (4) the child's expressed wishes.

12 b. A court may not deny visitation based solely on the
13 failure of a parent to prove that the parent has not
14 used legal or illegal substances or complied with an
15 aspect of the court-ordered individualized service
16 plan.

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

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

23 B. Any order entered pursuant to this section shall include:
24

1 1. A statement informing the child's parent that the
2 consequences of noncompliance with the requirement of the court may
3 include termination of the parent's rights with respect to the
4 child; or

5 2. A statement informing the child's legal guardian or
6 custodian that the consequences of noncompliance with the
7 requirement of the court may include removal of the child from the
8 custody of the legal guardian or custodian.

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

14 2. If reasonable efforts are required for the safe return of
15 the child to the child's home, the court shall allow the parent of
16 the child not less than three (3) months to correct the conditions
17 which led to the adjudication of the child as a deprived child;
18 however, the time period for reunification services may not exceed
19 seventeen (17) months from the date that the child was initially
20 removed from the child's home, absent a finding of compelling
21 reasons to the contrary.

22 3. If the court finds that continuation of reasonable efforts
23 to return the child home are inconsistent with the permanency plan
24 for a child, the court shall determine whether reasonable efforts

1 have been made to complete the steps necessary to finalize the
2 permanent placement of the child.

3 4. Reasonable efforts to reunite the child with the child's
4 family shall not be required pursuant to the provisions of Section
5 1-4-809 of Title 10A of the Oklahoma Statutes.

6 D. In any dispositional order involving a child sixteen (16)
7 years of age or older, the court shall make a determination, where
8 appropriate, of the services needed to assist the child to make the
9 transition from out-of-home care to independent living.

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

13 a. place siblings, who have been removed, together in the
14 same foster care, guardianship, or adoptive placement,
15 and

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

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

22 Section 1-4-808. A. The Department of Human Services or the
23 agency having supervision of the case or, if the child has been
24 removed from the custody of the child's parents, the Department or

1 the agency or child-placing agency having custody of the child shall
2 cause to be prepared for each review hearing required herein a
3 written report concerning each child who is the subject of review.

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

5 1. A summary of the physical, mental, and emotional condition
6 of the child, the conditions existing in the out-of-home placement
7 where the child has been placed, and the adjustment of the child
8 thereto;

9 2. A report on the progress of the child in school and, if the
10 child has been placed outside the child's home, the visitation
11 exercised by the parents of the child or other persons authorized by
12 the court;

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

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

18 a. progress on the part of the parent or parents to
19 correct the conditions which caused the child to be
20 adjudicated deprived,

21 b. changes that still need to occur and the specific
22 actions the parents would take to make the changes,
23 and
24

1 c. services and assistance that have been offered or
2 provided to the parents since the previous hearing and
3 the services which are needed in the future;

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

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

11 7. Compliance by the Department, as applicable, and the parent
12 with the court's orders concerning the individualized service plans,
13 previous court orders, and the Department recommendations;

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

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

19 10. Specific recommendations, giving reasons whether:

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

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

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

1 d. the child should remain in the current placement when
2 the permanency plan is other than reunification with
3 the parent or legal guardian of the child.

4 C. The attorney representing a child, the foster parents of the
5 child and the guardian ad litem of a child, if any, whose case is
6 being reviewed may submit a report to the court for presentation at
7 the review hearing to assist the court in reviewing the placement or
8 status of the child. The legal custodian shall not deny to a child
9 the right of access to counsel and shall facilitate such access.

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

11
12 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
13 SERVICES, dated 02/14/2019 - DO PASS.
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