

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2331

By: Branham

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5
6 AS INTRODUCED

7 An Act relating to children; enacting the Children
8 Belong With Families Act; directing Department of
9 Human Services to create the Unit for Runaway,
10 Homeless and At-Risk Youth; providing for
11 determination of child as homeless; establishing
12 deprivation and voluntary custody of child at
13 hearing; limiting when case can be closed; describing
14 criteria for reopening case; directing Department to
15 exhaust all options to ensure child appears at
16 hearing; requiring probationary period if child fails
17 to appear; mandating closing case if child fails to
18 appear during probationary period; authorizing
19 contracting with shelter in certain cases; allowing
20 child to remain in former residence if certain
21 conditions are met; restricting closing case of
22 certain child; prohibiting closing case if child is
23 absent or being considered for alternative placement;
24 directing Department to promulgate rules; providing
for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-8-113 of Title 10A, unless
there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Children
Belong With Families Act".

1 B. The Department of Human Services shall create and promulgate
2 rules for a unit within the Department which shall be known as the
3 "Unit for Runaway, Homeless and At-Risk Youth".

4 C. If a child is determined to be homeless by someone who
5 includes but is not limited to an employee of the Department, a
6 children's emergency resource center, a community-based program, a
7 group home or any other person the Department, court, a court
8 appointed special advocate or a guardian ad litem would consider a
9 credible witness, this determination shall be sufficient evidence to
10 establish deprivation and enter the child into voluntary custody
11 through a hearing.

12 D. For the purposes of voluntary custody, if the child requests
13 the case to be closed, the case shall only be closed if the court
14 finds the child is not under duress, and the Department, child's
15 attorney or person advocating for the child has stated for the court
16 it is in the best interests of the child to close the case. The
17 case may be reopened only once more in a single calendar year if the
18 child is more than fourteen (14) years of age.

19 E. To ensure the intent of the Children Belong with Families
20 Act, the Department shall exhaust all options to ensure the
21 appearance of the child at each hearing.

22 F. If the child is not excused from appearing at a hearing by
23 either the Department or the court and fails to appear, the child
24 shall enter into a probationary period. If the child is given

1 notice but does not appear at the next hearing, the court shall
2 close the case.

3 G. If a child in the custody of the Department is found seeking
4 services of a shelter, the shelter may enter into a contract with
5 the Department and be reimbursed for services rendered as a
6 transitional living program or a qualified residential treatment
7 program as provided for in federal law.

8 H. A child who has entered into voluntary custody shall not be
9 prohibited from remaining in a former place of residence unless it
10 is in the best interests of the child and deemed necessary by the
11 court, provided that the Department has approved and secured a
12 residence that will be in the least restrictive environment.

13 I. The Department shall not close the case of a child in its
14 custody if, at the time of closure, the child is both dually
15 adjudicated and residing in a juvenile facility.

16 J. If a child is considered absent without leave (AWOL) or is
17 being considered for alternative placement, the case shall not be
18 closed unless approved by the Department of Human Services Office of
19 Client Advocacy and the Oklahoma Commission on Children and Youth.

20 K. If the child is considered AWOL, the case shall not be
21 closed solely due to the inability to find the child.

22 L. The Department shall promulgate rules to implement the
23 provisions of the Children Belong with Families Act.

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

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