

1 ENGROSSED SENATE
2 BILL NO. 141

By: Simpson of the Senate

3 and

4 Townley of the House

5
6 An Act relating to foster care; amending 10A O.S.
7 2011, Section 1-4-811, as amended by Section 5,
8 Chapter 173, O.S.L. 2015 (10A O.S. Supp. 2018,
9 Section 1-4-811), which relates to permanency hearing
10 and findings; requiring permanency plan and
11 permanency team to be developed in consultation with
12 the child; amending 10A O.S. 2011, Section 1-9-107,
13 as last amended by Section 9, Chapter 173, O.S.L.
14 2015 (10A O.S. Supp. 2018, Section 1-9-107), which
15 relates to the Successful Adulthood Act; adding
16 certain purpose of act; adding documentation to be
17 provided to certain child leaving foster care;
18 increasing age of eligibility for certain services;
19 and providing an effective date.

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

21 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-4-811, as
22 amended by Section 5, Chapter 173, O.S.L. 2015 (10A O.S. Supp. 2018,
23 Section 1-4-811), is amended to read as follows:

24 Section 1-4-811. A. 1. The court shall conduct a permanency
hearing to determine the appropriate permanency goal for the child
and to order completion of all steps necessary to finalize the
permanent plan. The hearing shall be held no later than:

- 1 a. six (6) months after placing the child in out-of-home
- 2 placement and every six (6) months thereafter, and
- 3 b. thirty (30) days after a determination by the court
- 4 that reasonable efforts to return a child to either
- 5 parent are not required pursuant to the provisions of
- 6 Section 1-4-809 of this title.

7 2. A child shall be considered to have entered out-of-home
8 placement on the earlier of:

- 9 a. the adjudication date, or
- 10 b. the date that is sixty (60) days after the date on
- 11 which the child is removed from the home.

12 3. Subsequent permanency hearings shall be held at least every
13 six (6) months for any child who continues to be in an out-of-home
14 placement. At the request of a party, the Department of Human
15 Services, or on the motion of the court, the initial and subsequent
16 permanency hearings may be held more frequently.

17 4. At each permanency hearing, the court may consider testimony
18 of any person who has relevant information about the status of the
19 child or the status of the treatment plan. All parties shall have
20 the opportunity to present evidence and to cross-examine witnesses.
21 The rules of evidence shall not apply to permanency hearings and all
22 evidence helpful in determining the proper permanency goal shall be
23 considered including, but not limited to, oral and written reports,
24 which may be admitted and may be relied upon to the extent of their

1 probative value, even though not competent for the purposes of the
2 adjudicatory hearing.

3 5. The permanency plan for the child in transition to a
4 successful adulthood shall be developed in consultation with the
5 child and, at the option of the child, with up to two members of the
6 permanency planning team to be chosen by the child, excluding the
7 foster parent and caseworker for the child, subject to the following
8 provisions:

9 a. one individual selected by the child may be designated
10 to be the advisor and, as necessary, advocate of the
11 child, with respect to the application of the
12 reasonable and prudent parent standard to the child,
13 and

14 b. the Department of Human Services may reject an
15 individual selected by the child to be a member of the
16 permanency planning team at any time if the Department
17 has good cause to believe that the selected individual
18 would not act in the best interests of the child.

19 B. A permanency hearing may be held concurrently with a
20 dispositional or review hearing.

21 C. If a foster parent, preadoptive parent, or relative is
22 currently providing care for a child, the Department shall give the
23 foster parent, preadoptive parent, or relative notice of a
24 proceeding concerning the child. A foster parent, preadoptive

1 parent, or relative providing care for a child has the right to be
2 heard at the proceeding. Except when allowed to intervene, the
3 foster parent, preadoptive parent, or relative providing care for
4 the child is not considered a party to the juvenile court proceeding
5 solely because of notice and the right to be heard at the
6 proceeding.

7 D. At the hearing, the court shall determine or review the
8 continued appropriateness of the permanency plan of the child and
9 whether a change in the plan is necessary, the date by which the
10 goal of permanency for the child is scheduled to be achieved, and
11 whether the current placement of the child continues to be the most
12 suitable for the health, safety, and welfare of the child. The
13 court shall also, in an age-appropriate manner, inquire or cause
14 inquiry to be made of the child regarding the proposed permanency
15 plan and if the child is age fourteen (14) or older, the planning
16 for the transition of the child to a successful adulthood.

17 E. A transcript shall be made of each permanency hearing or the
18 proceeding shall be memorialized by appropriate written findings of
19 facts, and the court having considered all relevant information
20 shall order one of the following permanency plans for the child:

21 1. Reunification with the parent, parents, or legal guardian of
22 the child where:
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1 a. reunification can be expected to occur within an
2 established time frame that is consistent with the
3 developmental needs of the child, and

4 b. the health and safety of the child can be adequately
5 safeguarded if returned home;

6 2. Placement for adoption after the rights of the parents have
7 been terminated or after a petition has been filed to terminate
8 parental rights;

9 3. Placement with a person who will be the permanent guardian
10 of the child and is able to adequately and appropriately safeguard
11 the health, safety, and welfare of the child; or

12 4. a. Placement in the legal custody of the Department under
13 a planned alternative permanent placement, provided
14 the child is age sixteen (16) or older and there are
15 compelling reasons documented by the Department and
16 presented to the court at each permanency hearing that
17 include the intensive, ongoing and, as of the date of
18 the hearing, unsuccessful efforts made to:

19 (1) return the child home, or

20 (2) place the child with a fit and willing relative,
21 including adult siblings, a legal guardian, or an
22 adoptive parent, and
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1 (3) find biological family members for the child
2 utilizing search technology, including social
3 media.

4 b. The Department shall also document at each permanency
5 hearing the steps taken, including inquiry of the
6 child in an age-appropriate manner, to ensure that:

7 (1) the foster family home of the child or facility
8 where the child is placed is following the
9 reasonable and prudent parent standard, and

10 (2) the child has regular, ongoing opportunities to
11 engage in age-appropriate or developmentally
12 appropriate activities.

13 c. When a planned alternative permanent placement is the
14 court-ordered permanency plan for the child, the court
15 shall at each permanency hearing:

16 (1) ask the child about the permanency outcome the
17 child desires, and

18 (2) make a judicial determination, as of the date of
19 the hearing, why a planned alternative permanent
20 placement is the best permanency plan for the
21 child and provide compelling reasons why it
22 continues to not be in the best interests of the
23 child to return home or be placed for adoption
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1 with a legal guardian or with a fit and willing
2 relative.

3 F. In addition to the findings required under subsection E of
4 this section, the court shall also make written findings related to:

5 1. Whether the Department has made reasonable efforts to
6 finalize the permanency plan that is in effect for the child and a
7 summary of the efforts the Department has made; or, in the case of
8 an Indian child, whether the Department has made active efforts to
9 provide remedial services and rehabilitative programs as required by
10 25 U.S.C., Section 1912(d);

11 2. If the permanency plan is for the child to remain in out-of-
12 home care, whether the child's out-of-home placement continues to be
13 appropriate and in the best interests of the child;

14 3. If the current placement is not expected to be permanent,
15 the court's projected timetable for return home or for placement in
16 an adoptive home with a guardian, or another planned permanent
17 living arrangement; and

18 4. Whether reasonable efforts, in accordance with the safety or
19 well-being of any child, have been made to:

20 a. place siblings, who have been removed, together in the
21 same foster care, guardianship, or adoptive placement,
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1 b. provide for frequent visitation or other ongoing
2 interaction in the case of siblings who have been
3 removed and who are not placed together.

4 G. The court may make appropriate orders to ensure timely
5 implementation of the permanency plan and shall order the plan to be
6 accomplished within a specified period of time.

7 SECTION 2. AMENDATORY 10A O.S. 2011, Section 1-9-107, as
8 last amended by Section 9, Chapter 173, O.S.L. 2015 (10A O.S. Supp.
9 2018, Section 1-9-107), is amended to read as follows:

10 Section 1-9-107. A. This section shall be known and may be
11 cited as the "Successful Adulthood Act".

12 B. The purpose of the Successful Adulthood Act shall be:

13 1. To ensure that eligible individuals, who have been or are in
14 the foster care program of the Department of Human Services or a
15 federally recognized Indian tribe with whom the Department has a
16 contract, due to abuse or neglect, receive the protection and
17 support necessary to allow those individuals to become self-reliant
18 and productive citizens through the provision of requisite services
19 that include, but are not limited to, transitional planning,
20 housing, medical coverage, and education; provided, that eligibility
21 for tuition waivers shall be as set forth in Section 3230 of Title
22 70 of the Oklahoma Statutes; ~~and~~

23 2. To break the cycle of abuse and neglect that obligates the
24 state to assume custody of children; and

1 3. To help children who have experienced foster care at age
2 fourteen (14) or older achieve meaningful permanent connections with
3 a caring adult.

4 C. An individual is eligible to receive services for the
5 transition of the child to a successful adulthood from the age of
6 fourteen (14) until the age of eighteen (18), during the time the
7 individual is in the custody of the Department or a federally
8 recognized Indian tribe and in an out-of-home placement.

9 D. The permanency plan for the child in transition to a
10 successful adulthood shall be developed in consultation with the
11 child and, at the option of the child, with up to two members of the
12 permanency planning team to be chosen by the child, excluding the
13 foster parent and caseworker for the child, subject to the following
14 provisions:

15 1. One individual selected by the child may be designated to be
16 the advisor and, as necessary, advocate of the child, with respect
17 to the application of the reasonable and prudent parent standard to
18 the child; and

19 2. The Department may reject an individual selected by the
20 child to be a member of the permanency planning team at any time if
21 the Department has good cause to believe that the selected
22 individual would not act in the best interests of the child.

23 E. 1. Each child in foster care under the responsibility of
24 the Department or a federally recognized Indian tribe and in an out-

1 of-home placement, who has attained fourteen (14) years of age shall
2 be given a written Notice of Rights that describes the following
3 specific rights of the child:

- 4 a. the rights of the child with respect to education,
5 health, visitation, and court participation,
- 6 b. the right to be provided with the documents specified
7 in subsection F of this section, and
- 8 c. the right to stay safe and avoid exploitation.

9 2. The child shall sign an acknowledgment stating that the
10 child has been provided with a copy of the Notice of Rights and that
11 the rights described in the notice have been explained to the child
12 in an age-appropriate way.

13 F. A child about to leave foster care by reason of having
14 attained eighteen (18) years of age and who has been in foster care
15 for at least six (6) months shall be given the following documents
16 pertaining to the child:

- 17 1. An official or certified copy of the United States birth
18 certificate;
- 19 2. A social security card issued by the Commissioner of Social
20 Security;
- 21 3. Health insurance information;
- 22 4. A copy of the medical records of the child; ~~and~~
- 23 5. A state-issued driver license or identification card; and

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1 6. Official documentation necessary to show that the child was
2 previously in foster care.

3 G. Successful adulthood services may continue to the age of
4 twenty-one (21), provided the individual is in the custody of the
5 Department or a federally recognized Indian tribe due to abuse or
6 neglect and is in an out-of-home placement at the time of the
7 individual's eighteenth birthday.

8 H. Individuals who are ~~fourteen (14)~~ sixteen (16) years of age
9 or older, who have been released from the custody of the Department
10 or federally recognized Indian tribe due to the entry of an adoption
11 decree or guardianship order are eligible to receive successful
12 adulthood services until the age of twenty-one (21).

13 I. Individuals who are eligible for services pursuant to the
14 Successful Adulthood Act and who are between eighteen (18) and
15 twenty-one (21) years of age shall be eligible for Medicaid
16 coverage, provided such individuals were also in the custody of the
17 Department or a federally recognized Indian tribe on the date they
18 reached eighteen (18) years of age and meet Medicaid financial
19 eligibility guidelines.

20 J. The Department, in conjunction with the Oklahoma State
21 Regents for Higher Education, shall provide parents and legal
22 guardians of foster youth with information on the Oklahoma Higher
23 Learning Access Program (OHLAP) including, but not limited to,
24 eligibility, application guidelines, academic requirements, and any

1 other information required by the Oklahoma Higher Learning Access
2 Act for participation in the Program.

3 SECTION 3. This act shall become effective November 1, 2019.
4 Passed the Senate the 11th day of March, 2019.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2019.

Presiding Officer of the House
of Representatives