

# An Act

ENROLLED SENATE  
BILL NO. 141

By: Simpson of the Senate

and

Townley and Sims of the  
House

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

SUBJECT: Foster care

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

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

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:

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

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

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

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

4. At each permanency hearing, the court may consider testimony of any person who has relevant information about the status of the child or the status of the treatment plan. All parties shall have the opportunity to present evidence and to cross-examine witnesses. The rules of evidence shall not apply to permanency hearings and all evidence helpful in determining the proper permanency goal shall be considered including, but not limited to, oral and written reports, which may be admitted and may be relied upon to the extent of their probative value, even though not competent for the purposes of the adjudicatory hearing.

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

- a. one individual selected by the child may be designated to be the advisor and, as necessary, advocate of the child, with respect to the application of the reasonable and prudent parent standard to the child, and
- b. the Department of Human Services may reject an individual selected by the child to be a member of the permanency planning team at any time if the Department has good cause to believe that the selected individual would not act in the best interests of the child.

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

C. If a foster parent, preadoptive parent, or relative is currently providing care for a child, the Department shall give the foster parent, preadoptive parent, or relative notice of a proceeding concerning the child. A foster parent, preadoptive parent, or relative providing care for a child has the right to be heard at the proceeding. Except when allowed to intervene, the foster parent, preadoptive parent, or relative providing care for the child is not considered a party to the juvenile court proceeding solely because of notice and the right to be heard at the proceeding.

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

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

1. Reunification with the parent, parents, or legal guardian of the child where:

- a. reunification can be expected to occur within an established time frame that is consistent with the developmental needs of the child, and
- b. the health and safety of the child can be adequately safeguarded if returned home;

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

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

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

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

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

- (1) the foster family home of the child or facility where the child is placed is following the reasonable and prudent parent standard, and
  - (2) the child has regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities.
- c. When a planned alternative permanent placement is the court-ordered permanency plan for the child, the court shall at each permanency hearing:
- (1) ask the child about the permanency outcome the child desires, and
  - (2) make a judicial determination, as of the date of the hearing, why a planned alternative permanent placement is the best permanency plan for the child and provide compelling reasons why it continues to not be in the best interests of the child to return home or be placed for adoption with a legal guardian or with a fit and willing relative.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. 1. Each child in foster care under the responsibility of the Department or a federally recognized Indian tribe and in an out-of-home placement, who has attained fourteen (14) years of age shall be given a written Notice of Rights that describes the following specific rights of the child:

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

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

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

1. An official or certified copy of the United States birth certificate;

2. A social security card issued by the Commissioner of Social Security;

3. Health insurance information;

4. A copy of the medical records of the child; ~~and~~

5. A state-issued driver license or identification card; and

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

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

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

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



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

SECTION 3. This act shall become effective November 1, 2019.

Passed the Senate the 11th day of March, 2019.

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Presiding Officer of the Senate

Passed the House of Representatives the 24th day of April, 2019.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_