

An Act

ENROLLED SENATE
BILL NO. 159

By: Daniels and Boren of the
Senate

and

Lawson of the House

An Act relating to dispositional hearings; amending 10A O.S. 2021, Section 1-4-704, which relates to individualized service plans; authorizing voluntary participation in certain services; construing provisions; prohibiting use of participation in certain services as evidence for adjudication or disposition; and providing an effective date.

SUBJECT: Dispositional hearings

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

SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-4-704, is amended to read as follows:

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

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

C. 1. The individualized service plan shall be based upon a comprehensive assessment and evaluation of the child and family and

shall be developed with the participation of the parent, legal guardian, or legal custodian of the child, the attorney for the child, the guardian ad litem for the child, if any, the child's tribe, and the child, if appropriate. The health and safety of the child shall be the paramount concern in the development of the plan.

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

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

4. The plan shall be signed by:

- a. the parent or parents or legal guardian of the child,
- b. the attorney for the parent or parents or legal 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. A history of the child and family, including identification of the problems or conditions leading to the deprived child adjudication and the changes the parent or parents must make in order for the child to safely remain in or return to the home;

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

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

- a. the names and addresses of the child's health and educational providers,
- b. the child's grade-level performance,
- c. the child's school record,
- d. a record of the child's immunizations,

- e. the child's known medical problems, including any known communicable diseases,
- f. the child's medications, and
- g. any other relevant health and education information;

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

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

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

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

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

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

- a. the sequence and time frame for services to be provided to the parent, the child, and if the child is placed in foster care, the foster parent, to facilitate the child's return home or to another permanent placement,
- b. a description of the child's placement and explanation about whether it is the least-restrictive placement available and in as close proximity as possible to the home of the parent or parents or legal guardian of the child when the case plan is reunification, and how the placement is consistent with the best interests and special needs of the child,

- c. a description of any services or resources that were requested by the child or the parent or legal guardian of the child since the date of the child's placement, and whether those services or resources were provided and if not, the basis for the denial of the services or resources,
- d. efforts to be made by the parent of the child and the Department to enable the child to return to his or her home,
- e. a description of the transition planning for a successful adulthood for a child age fourteen (14) or older that includes how the following objectives will be met:
 - (1) education, vocational, or employment planning,
 - (2) health care planning and medical coverage,
 - (3) transportation including, where appropriate, assisting the child in obtaining a driver license,
 - (4) money management,
 - (5) planning for housing,
 - (6) social and recreational skills, and
 - (7) establishing and maintaining connections with the child's family and community,
- f. for a child in placement due solely or in part to the child's behavioral health or medical health issues, diagnostic and assessment information, specific services relating to meeting the applicable behavioral health and medical care needs of the child, and desired treatment outcomes,
- g. a plan and schedule for regular and frequent visitation for the child and the child's parent or

parents or legal guardian and siblings, unless the court has determined that visitation, even if supervised, would be harmful to the child, and

- h. a plan for ensuring the educational stability of the child while in out-of-home placement, including:
 - (1) assurances that the placement of the child considers the appropriateness of the current educational setting and the proximity to the school in which the child was enrolled at the time of placement, and
 - (2) where appropriate, an assurance that the Department has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child was enrolled at the time of placement, or
 - (3) if remaining in the school in which the child was enrolled at the time of placement is not in the best interests of the child, assurances by the Department and the local educational agencies to provide immediate and appropriate enrollment in a new school with all of the educational records of the child provided to the school; and

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

- a. When the permanency plan is adoption or legal guardianship, the Department shall describe, at a minimum, child-specific recruitment efforts such as relative searches conducted and the use of state, regional, and national adoption exchanges to facilitate the orderly and timely placement of the child, whether in or outside of the state.
- b. When the child is age fourteen (14) or older, the permanency plan and any revision or addition to the

plan, shall include planning for the transition of the child to a successful adulthood.

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

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

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

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

I. Prior to adjudication, a parent or legal guardian may voluntarily participate in services related to the behaviors and conditions that led to the filing of a deprived petition. Participation in such services shall not be construed as an admission that the child is deprived and shall not be used as evidence for the purpose of adjudication or disposition.

SECTION 2. This act shall become effective November 1, 2023.

Passed the Senate the 14th day of February, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 18th day of April, 2023.

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: _____