

An Act

ENROLLED SENATE
BILL NO. 178

By: Daniels and Boren of the
Senate

and

Lawson of the House

An Act relating to the Oklahoma Children's Code; amending 10A O.S. 2021, Section 1-4-806, which relates to trial reunification; clarifying time period for certain review; authorizing court to return custody to parent or legal guardian under certain circumstances; allowing subsequent review under certain circumstances; placing limitation on duration of trial reunification; authorizing court to order additional Department of Human Services supervision; conforming language; and providing an effective date.

SUBJECT: Trial reunification

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

SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-4-806, is amended to read as follows:

Section 1-4-806. A. The court may order a trial ~~home~~ reunification by returning the child to the care of the parent or legal guardian from whom the child was removed ~~for a period not to exceed~~ and setting a date for review within six (6) months; ~~provided, when determined necessary the court may extend the period of trial reunification to a specific date certain by entering such extension order prior to the expiration of the initial six-month trial reunification period.~~ At any time during trial reunification, when reunification appears successful, the court may return legal

custody to the parent or legal guardian and relieve the Department of Human Services of legal custody. If the court determines trial reunification should be extended, the court shall set a new date for review. A child shall spend no longer than a total of twelve (12) months in trial reunification. The ~~Prior to trial reunification, the Department of Human Services~~ shall conduct a criminal background check of any adult in the home, who is not a parent, legal guardian, or custodian, ~~prior to any trial reunification.~~ The background check shall include inquiries into Oklahoma State Bureau of Investigation and Federal Bureau of Investigation records for a national criminal history record check pursuant to the provisions of Section 150.9 of Title 74 of the Oklahoma Statutes.

During ~~the period of the~~ trial ~~home~~ reunification, the Department ~~of Human Services~~ shall:

1. Continue to have legal custody of the child, thereby permitting the Department to visit the child in the home of the parent, at school, in a child care facility, or any other setting the Department deems necessary and appropriate;

2. Continue to provide appropriate services to both the parent, if eligible, and the child during ~~the period of the~~ trial ~~home~~ reunification;

3. Terminate ~~the~~ trial ~~home~~ reunification and remove the child to foster care, without court order or authorization, when necessary to protect the child's health, safety, or welfare; and

4. Advise the court and parties within three (3) judicial days of the termination of ~~the~~ trial ~~home~~ reunification when terminated by the Department without a court order.

B. 1. When trial ~~home~~ reunification is terminated, whether by the Department or court order, the Department shall prepare a report for the court which describes the circumstances of the child during ~~the~~ trial ~~home~~ reunification period and recommends court orders, if any, deemed appropriate to provide for the safety and stability of the child.

2. In the event a trial ~~home~~ reunification is terminated by the Department by removing the child to foster care without prior court

order or authorization, the court shall conduct a hearing within fifteen (15) days of receiving notice of the termination of ~~the~~ trial ~~home~~ reunification by the Department and shall determine whether a continuation of the child in the child's home or with the child's caretaker is contrary to the welfare of the child and whether reasonable efforts were made to prevent the removal of the child from ~~the~~ trial ~~home~~ reunification.

C. 1. ~~Upon the completion of the six-month~~ If the court determines that supervision should continue after twelve (12) months of trial ~~home~~ reunification period or any extension thereof, the court may ~~further extend supervision of the child in the home by~~ awarding award legal custody of the child to the parent or legal guardian with whom the child has been reunited and ~~ordering order~~ the Department to provide supervision in accordance with the rules promulgated by the ~~Commission~~ Department.

2. The duration of the extended supervision shall not exceed six (6) months except in circumstances the court deems appropriate and necessary to protect the health, safety or welfare of the child.

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

Passed the Senate the 2nd day of March, 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: _____