

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 27

By: Stanley

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5  
6 AS INTRODUCED

7 An Act relating to emergency child placement;  
8 amending 10A O.S. 2011, Section 1-7-115, which  
9 relates to criminal records check; defining term;  
10 conforming language; and providing an effective date.

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

12 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-7-115, is  
13 amended to read as follows:

14 Section 1-7-115. A. When it is necessary for a child to be  
15 removed from the home due to allegations of child abuse or neglect,  
16 the Department of Human Services may consider whether another home  
17 would be suitable for the child as an emergency placement pending  
18 further court proceedings. In determining the suitability of the  
19 emergency placement home, the Department may elect to contract or  
20 otherwise collaborate with local law enforcement agencies to perform  
21 a name-based state and federal criminal history records check  
22 followed by fingerprint verification in accordance with the  
23 procedures set forth in 28 C.F.R., Section 901 et seq., and this  
24 section. For purposes of this section, "emergency placement" means

1 placement for a child removed from his or her home and taken into  
2 out-of-home care for a period of fifteen (15) days or longer.

3 B. When a child is taken into protective custody by a law  
4 enforcement officer or when the court places emergency custody of a  
5 child with the Department pursuant to the provisions of the Oklahoma  
6 Children's Code and an emergency placement for the child is  
7 identified, a preliminary Federal Bureau of Investigation Interstate  
8 Identification Index name-based check of the records of criminal  
9 history of the members of the emergency placement household shall be  
10 conducted prior to the placement of the child in the home.

11 1. When a child is in the emergency custody of the Department,  
12 the Department or its approved designee may conduct a preliminary  
13 name-based check of certain records, including full orders of  
14 protection and outstanding warrants, of each person over the age of  
15 eighteen (18) years residing in the identified potential emergency  
16 placement home where the child may be placed to determine whether  
17 any adult member of the household has been arrested for or convicted  
18 of any crime.

19 2. When the child is in protective custody of law enforcement  
20 or when requested by the Department or its approved designee, a  
21 local law enforcement agency shall immediately conduct the same type  
22 of criminal records search as described in paragraph 1 of this  
23 subsection and shall provide the Department with a verbal response  
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1 of each person's criminal history and whether any orders of  
2 protection or outstanding warrants exist.

3 C. 1. Following a name-based criminal records check conducted  
4 pursuant to this section, and within five (5) business days after  
5 the child has entered the emergency placement home as defined in  
6 subsection A of this section, all persons residing in the home who  
7 are over the age of eighteen (18) years and those persons who are  
8 under the age of eighteen (18) years and have been certified as an  
9 adult for the commission of a crime, shall submit a full set of  
10 fingerprints to the Department and provide written permission  
11 authorizing the Department to forward the fingerprints to the  
12 Oklahoma State Bureau of Investigation for submission to the Federal  
13 Bureau of Investigation for criminal records report.

14 2. The Department shall forward the fingerprints to the  
15 Oklahoma State Bureau of Investigation within fifteen (15) calendar  
16 days after the results of the preliminary name-based records check  
17 are received. The failure of any person to submit to a name-based  
18 criminal records check shall result in the immediate removal of the  
19 child from the emergency placement home.

20 D. The costs associated with fingerprinting requirements of  
21 this section shall be paid by the Department.

22 SECTION 2. This act shall become effective November 1, 2021.  
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