

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 651

By: Rogers

4
5 AS INTRODUCED

6 An Act relating to the Oklahoma Children's Code;
7 amending 10A O.S. 2021, Section 1-7-109, which
8 relates to foster placements; prohibiting Department
9 of Human Services from taking adverse action under
10 certain circumstances; updating statutory reference;
11 and providing an effective date.

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

13 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-7-109, is
14 amended to read as follows:

15 Section 1-7-109. A. Except as otherwise provided by this
16 section, no child in the custody of the Department of Human Services
17 shall be placed with any foster placement unless the foster
18 placement:

19 1. Has a current license or authorization issued pursuant to
20 the Oklahoma Child Care Facilities Licensing Act; or

21 2. Meets licensing standards as required by the Oklahoma Child
22 Care Facilities Licensing Act and is otherwise approved for foster
23 care by the state agency for children within its custody.

24 B. Except as otherwise provided by this section, no person,
25 corporation, or other legal entity shall receive a child for foster

1 care or provide foster care services to a child unless such legal
2 entity has a license or meets licensing standards as required by the
3 Oklahoma Child Care Facilities Licensing Act⁷ and is otherwise
4 approved by the state agency for children within its custody.

5 C. The provisions of this section shall not be construed to
6 prohibit foster placement of children in foster homes licensed or
7 approved by Indian tribes, pursuant to the terms in Section 40.8 of
8 Title 10 of the Oklahoma Statutes.

9 D. This section shall not apply when a parent or legal
10 custodian executes a power of attorney to delegate parental or legal
11 authority as authorized by Section ~~4~~ 700 of ~~this act~~ Title 10 of the
12 Oklahoma Statutes.

13 E. The Department shall not take negative action against a
14 licensed foster placement if the licensed foster placement refuses
15 to foster a child for reasons of a genuine fear for the health,
16 welfare, or safety of the licensed foster placement or a person
17 living in the same residence as the licensed foster place. For
18 purposes of this subsection, a negative action shall include but not
19 be limited to a substantiated file maintained by the Department or
20 referring the licensed foster placement to a district attorney for
21 potential criminal charges.

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

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