

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 727

By: Griffin and Pittman of the
Senate

and

Ownbey of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to foster care; amending 10A O.S.
12 2011, Section 1-1-105, as last amended by Section 1,
13 Chapter 210, O.S.L. 2016 (10A O.S. Supp. 2016,
14 Section 1-1-105), which relates to the Oklahoma
15 Children's Code; expanding scope of certain
16 definition; amending 10A O.S. 2011, Section 1-2-105,
17 as last amended by Section 2, Chapter 130, O.S.L.
18 2016 (10A O.S. Supp. 2016, Section 1-2-105), which
19 relates to investigations of abuse or neglect;
20 directing collaboration for certain decisions;
21 providing timeline for removal; amending 10A O.S.
22 2011, Section 1-4-204, as amended by Section 1,
23 Chapter 245, O.S.L. 2016 (10A O.S. Supp. 2016,
24 Section 1-4-204), which relates to placement
 preferences of child; modifying guidelines related to
 placement of siblings; amending 10A O.S. 2011,
 Section 1-7-107, as amended by Section 2, Chapter
 245, O.S.L. 2016 (10A O.S. Supp. 2016, Section 1-7-
 107), which relates to placement of child in foster
 care; modifying guidelines related to placement of
 siblings; amending Section 1, Chapter 143, O.S.L.
 2014, as amended by Section 1, Chapter 189, O.S.L.
 2015 (10A O.S. Supp. 2016, Section 1-8-111), which
 relates to annual credit report for youth in custody;
 reducing age of youth in custody of the Department
 that shall be provided with an annual credit report;

1 clarifying language; amending 10A O.S. 2011, Section
2 1-9-105, which relates to program planning and
3 monitoring; requiring certain report; specifying
4 delivery of report; stipulating contents; eliminating
5 liability for foster parents for property damage or
6 injuries in certain circumstances; providing certain
7 acts and omissions shall not limit liability;
8 amending 10A O.S. 2011, Section 1-9-119, as last
9 amended by Section 4, Chapter 257, O.S.L. 2014 (10A
10 O.S. Supp. 2016, Section 1-9-119), which relates to
11 foster parent rights; including certain meetings and
12 services; providing for codification; and providing
13 an effective date.

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

15 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-1-105, as
16 last amended by Section 1, Chapter 210, O.S.L. 2016 (10A O.S. Supp.
17 2016, Section 1-1-105), is amended to read as follows:

18 Section 1-1-105. When used in the Oklahoma Children's Code,
19 unless the context otherwise requires:

20 1. "Abandonment" means:

- 21 a. the willful intent by words, actions, or omissions not
22 to return for a child, or
- 23 b. the failure to maintain a significant parental
24 relationship with a child through visitation or
communication in which incidental or token visits or
communication are not considered significant, or
- c. the failure to respond to notice of deprived
proceedings;

1 2. "Abuse" means harm or threatened harm to the health, safety,
2 or welfare of a child by a person responsible for the child's
3 health, safety, or welfare, including but not limited to
4 nonaccidental physical or mental injury, sexual abuse, or sexual
5 exploitation. Provided, however, that nothing contained in this act
6 shall prohibit any parent from using ordinary force as a means of
7 discipline including, but not limited to, spanking, switching, or
8 paddling.

9 a. "Harm or threatened harm to the health or safety of a
10 child" means any real or threatened physical, mental,
11 or emotional injury or damage to the body or mind that
12 is not accidental including but not limited to sexual
13 abuse, sexual exploitation, neglect, or dependency.

14 b. "Sexual abuse" includes but is not limited to rape,
15 incest, and lewd or indecent acts or proposals made to
16 a child, as defined by law, by a person responsible
17 for the health, safety, or welfare of the child.

18 c. "Sexual exploitation" includes but is not limited to
19 allowing, permitting, encouraging, or forcing a child
20 to engage in prostitution, as defined by law, by any
21 person eighteen (18) years of age or older or by a
22 person responsible for the health, safety, or welfare
23 of a child, or allowing, permitting, encouraging, or
24 engaging in the lewd, obscene, or pornographic, as

1 defined by law, photographing, filming, or depicting
2 of a child in those acts by a person responsible for
3 the health, safety, and welfare of the child;

4 3. "Adjudication" means a finding by the court that the
5 allegations in a petition alleging that a child is deprived are
6 supported by a preponderance of the evidence;

7 4. "Adjudicatory hearing" means a hearing by the court as
8 provided by Section 1-4-601 of this title;

9 5. "Age-appropriate or developmentally appropriate" means:

10 a. activities or items that are generally accepted as
11 suitable for children of the same age or level of
12 maturity or that are determined to be developmentally
13 appropriate for a child, based on the development of
14 cognitive, emotional, physical, and behavioral
15 capacities that are typical for an age or age group,
16 and

17 b. in the case of a specific child, activities or items
18 that are suitable for that child based on the
19 developmental stages attained by the child with
20 respect to the cognitive, emotional, physical, and
21 behavioral capacities of the specific child.

22 In the event that any age-related activities have implications
23 relative to the academic curriculum of a child, nothing in this
24 paragraph shall be construed to authorize an officer or employee of

1 the federal government to mandate, direct, or control a state or
2 local educational agency, or the specific instructional content,
3 academic achievement standards and assessments, curriculum, or
4 program of instruction of a school;

5 6. "Assessment" means a comprehensive review of child safety
6 and evaluation of family functioning and protective capacities that
7 is conducted in response to a child abuse or neglect referral that
8 does not allege a serious and immediate safety threat to a child;

9 7. "Behavioral health" means mental health, substance abuse, or
10 co-occurring mental health and substance abuse diagnoses, and the
11 continuum of mental health, substance abuse, or co-occurring mental
12 health and substance abuse treatment;

13 8. "Child" means any unmarried person under eighteen (18) years
14 of age;

15 9. "Child advocacy center" means a center and the
16 multidisciplinary child abuse team of which it is a member that is
17 accredited by the National Children's Alliance or that is completing
18 a sixth year of reaccreditation. Child advocacy centers shall be
19 classified, based on the child population of a district attorney's
20 district, as follows:

- 21 a. nonurban centers in districts with child populations
22 that are less than sixty thousand (60,000), and
- 23 b. midlevel nonurban centers in districts with child
24 populations equal to or greater than sixty thousand

1 (60,000), but not including Oklahoma and Tulsa
2 counties;

3 10. "Child with a disability" means any child who has a
4 physical or mental impairment which substantially limits one or more
5 of the major life activities of the child, or who is regarded as
6 having such an impairment by a competent medical professional;

7 11. "Child-placing agency" means an agency that arranges for or
8 places a child in a foster family home, group home, adoptive home,
9 or a successful adulthood program;

10 12. "Community-based services" or "community-based programs"
11 means services or programs which maintain community participation or
12 supervision in their planning, operation, and evaluation.

13 Community-based services and programs may include, but are not
14 limited to, emergency shelter, crisis intervention, group work, case
15 supervision, job placement, recruitment and training of volunteers,
16 consultation, medical, educational, home-based services, vocational,
17 social, preventive and psychological guidance, training, counseling,
18 early intervention and diversionary substance abuse treatment,
19 sexual abuse treatment, transitional living, independent living, and
20 other related services and programs;

21 13. "Concurrent permanency planning" means, when indicated, the
22 implementation of two plans for a child entering foster care. One
23 plan focuses on reuniting the parent and child; the other seeks to
24

1 find a permanent out-of-home placement for the child with both plans
2 being pursued simultaneously;

3 14. "Court-appointed special advocate" or "CASA" means a
4 responsible adult volunteer who has been trained and is supervised
5 by a court-appointed special advocate program recognized by the
6 court, and when appointed by the court, serves as an officer of the
7 court in the capacity as a guardian ad litem;

8 15. "Court-appointed special advocate program" means an
9 organized program, administered by either an independent, not-for-
10 profit corporation, a dependent project of an independent, not-for-
11 profit corporation or a unit of local government, which recruits,
12 screens, trains, assigns, supervises and supports volunteers to be
13 available for appointment by the court as guardians ad litem;

14 16. "Custodian" means an individual other than a parent, legal
15 guardian or Indian custodian, to whom legal custody of the child has
16 been awarded by the court. As used in this title, the term
17 "custodian" shall not mean the Department of Human Services;

18 17. "Day treatment" means a nonresidential program which
19 provides intensive services to a child who resides in the child's
20 own home, the home of a relative, group home, a foster home or
21 residential child care facility. Day treatment programs include,
22 but are not limited to, educational services;

23 18. "Department" means the Department of Human Services;

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1 19. "Dependency" means a child who is homeless or without
2 proper care or guardianship through no fault of his or her parent,
3 legal guardian, or custodian;

4 20. "Deprived child" means a child:

- 5 a. who is for any reason destitute, homeless, or
6 abandoned,
- 7 b. who does not have the proper parental care or
8 guardianship,
- 9 c. who has been abused, neglected, or is dependent,
- 10 d. whose home is an unfit place for the child by reason
11 of depravity on the part of the parent or legal
12 guardian of the child, or other person responsible for
13 the health or welfare of the child,
- 14 e. who is a child in need of special care and treatment
15 because of the child's physical or mental condition,
16 and the child's parents, legal guardian, or other
17 custodian is unable or willfully fails to provide such
18 special care and treatment. As used in this
19 paragraph, a child in need of special care and
20 treatment includes, but is not limited to, a child who
21 at birth tests positive for alcohol or a controlled
22 dangerous substance and who, pursuant to a drug or
23 alcohol screen of the child and an assessment of the
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- 1 parent, is determined to be at risk of harm or
2 threatened harm to the health or safety of a child,
3 f. who is a child with a disability deprived of the
4 nutrition necessary to sustain life or of the medical
5 treatment necessary to remedy or relieve a life-
6 threatening medical condition in order to cause or
7 allow the death of the child if such nutrition or
8 medical treatment is generally provided to similarly
9 situated children without a disability or children
10 with disabilities; provided that no medical treatment
11 shall be necessary if, in the reasonable medical
12 judgment of the attending physician, such treatment
13 would be futile in saving the life of the child,
14 g. who, due to improper parental care and guardianship,
15 is absent from school as specified in Section 10-106
16 of Title 70 of the Oklahoma Statutes, if the child is
17 subject to compulsory school attendance,
18 h. whose parent, legal guardian or custodian for good
19 cause desires to be relieved of custody,
20 i. who has been born to a parent whose parental rights to
21 another child have been involuntarily terminated by
22 the court and the conditions which led to the making
23 of the finding, which resulted in the termination of
24

1 the parental rights of the parent to the other child,
2 have not been corrected, or

3 j. whose parent, legal guardian, or custodian has
4 subjected another child to abuse or neglect or has
5 allowed another child to be subjected to abuse or
6 neglect and is currently a respondent in a deprived
7 proceeding.

8 Nothing in the Oklahoma Children's Code shall be construed to
9 mean a child is deprived for the sole reason the parent, legal
10 guardian, or person having custody or control of a child, in good
11 faith, selects and depends upon spiritual means alone through
12 prayer, in accordance with the tenets and practice of a recognized
13 church or religious denomination, for the treatment or cure of
14 disease or remedial care of such child.

15 Nothing contained in this paragraph shall prevent a court from
16 immediately assuming custody of a child and ordering whatever action
17 may be necessary, including medical treatment, to protect the
18 child's health or welfare;

19 21. "Dispositional hearing" means a hearing by the court as
20 provided by Section 1-4-706 of this title;

21 22. "Drug-endangered child" means a child who is at risk of
22 suffering physical, psychological or sexual harm as a result of the
23 use, possession, distribution, manufacture or cultivation of
24 controlled substances, or the attempt of any of these acts, by a

1 person responsible for the health, safety or welfare of the child,
2 as defined in paragraph 51 of this section. This term includes
3 circumstances wherein the substance abuse of the person responsible
4 for the health, safety or welfare of the child interferes with that
5 person's ability to parent and provide a safe and nurturing
6 environment for the child. The term also includes newborns who test
7 positive for a controlled dangerous substance, with the exception of
8 those substances administered under the care of a physician;

9 23. "Emergency custody" means the custody of a child prior to
10 adjudication of the child following issuance of an order of the
11 district court pursuant to Section 1-4-201 of this title or
12 following issuance of an order of the district court pursuant to an
13 emergency custody hearing, as specified by Section 1-4-203 of this
14 title;

15 24. "Facility" means a place, an institution, a building or
16 part thereof, a set of buildings, or an area whether or not
17 enclosing a building or set of buildings used for the lawful custody
18 and treatment of children;

19 25. "Failure to protect" means failure to take reasonable
20 action to remedy or prevent child abuse or neglect, and includes the
21 conduct of a non-abusing parent or guardian who knows the identity
22 of the abuser or the person neglecting the child, but lies, conceals
23 or fails to report the child abuse or neglect or otherwise take
24 reasonable action to end the abuse or neglect;

1 26. "Foster care" or "foster care services" means continuous
2 twenty-four-hour care and supportive services provided for a child
3 in foster placement including, but not limited to, the care,
4 supervision, guidance, and rearing of a foster child by the foster
5 parent;

6 27. "Foster family home" means the private residence of a
7 foster parent who provides foster care services to a child. Such
8 term shall include a nonkinship foster family home, a therapeutic
9 foster family home, or the home of a relative or other kinship care
10 home;

11 28. "Foster parent eligibility assessment" includes a criminal
12 background investigation including, but not limited to, a national
13 criminal history records search based upon the submission of
14 fingerprints, home assessments, and any other assessment required by
15 the Department of Human Services, the Office of Juvenile Affairs, or
16 any child-placing agency pursuant to the provisions of the Oklahoma
17 Child Care Facilities Licensing Act;

18 29. "Guardian ad litem" means a person appointed by the court
19 pursuant to the provisions of Section 1-4-306 of this title having
20 those duties and responsibilities as set forth in that section. The
21 term "guardian ad litem" shall refer to a court-appointed special
22 advocate as well as to any other person appointed pursuant to the
23 provisions of Section 1-4-306 of this title to serve as a guardian
24 ad litem;

1 30. "Guardian ad litem of the estate of the child" means a
2 person appointed by the court to protect the property interests of a
3 child pursuant to Section 1-8-108 of this title;

4 31. "Group home" means a residential facility licensed by the
5 Department to provide full-time care and community-based services
6 for more than five but fewer than thirteen children;

7 32. "Harm or threatened harm to the health or safety of a
8 child" means any real or threatened physical, mental, or emotional
9 injury or damage to the body or mind that is not accidental
10 including, but not limited to, sexual abuse, sexual exploitation,
11 neglect, or dependency;

12 33. "Heinous and shocking abuse" includes, but is not limited
13 to, aggravated physical abuse that results in serious bodily,
14 mental, or emotional injury. "Serious bodily injury" means injury
15 that involves:

- 16 a. a substantial risk of death,
- 17 b. extreme physical pain,
- 18 c. protracted disfigurement,
- 19 d. a loss or impairment of the function of a body member,
20 organ, or mental faculty,
- 21 e. an injury to an internal or external organ or the
22 body,
- 23 f. a bone fracture,
- 24 g. sexual abuse or sexual exploitation,

- 1 h. chronic abuse including, but not limited to, physical,
2 emotional, or sexual abuse, or sexual exploitation
3 which is repeated or continuing,
4 i. torture that includes, but is not limited to,
5 inflicting, participating in or assisting in
6 inflicting intense physical or emotional pain upon a
7 child repeatedly over a period of time for the purpose
8 of coercing or terrorizing a child or for the purpose
9 of satisfying the craven, cruel, or prurient desires
10 of the perpetrator or another person, or
11 j. any other similar aggravated circumstance;

12 34. "Heinous and shocking neglect" includes, but is not limited
13 to:

- 14 a. chronic neglect that includes, but is not limited to,
15 a persistent pattern of family functioning in which
16 the caregiver has not met or sustained the basic needs
17 of a child which results in harm to the child,
18 b. neglect that has resulted in a diagnosis of the child
19 as a failure to thrive,
20 c. an act or failure to act by a parent that results in
21 the death or near death of a child or sibling, serious
22 physical or emotional harm, sexual abuse, sexual
23 exploitation, or presents an imminent risk of serious
24 harm to a child, or

1 d. any other similar aggravating circumstance;

2 35. "Individualized service plan" means a document written
3 pursuant to Section 1-4-704 of this title that has the same meaning
4 as "service plan" or "treatment plan" where those terms are used in
5 the Oklahoma Children's Code;

6 36. "Infant" means a child who is twelve (12) months of age or
7 younger;

8 37. "Institution" means a residential facility offering care
9 and treatment for more than twenty residents;

10 38. a. "Investigation" means a response to an allegation of
11 abuse or neglect that involves a serious and immediate
12 threat to the safety of the child, making it necessary
13 to determine:

14 (1) the current safety of a child and the risk of
15 subsequent abuse or neglect, and

16 (2) whether child abuse or neglect occurred and
17 whether the family needs prevention- and
18 intervention-related services.

19 b. "Investigation" results in a written response stating
20 one of the following findings:

21 (1) "substantiated" means the Department has
22 determined, after an investigation of a report of
23 child abuse or neglect and based upon some
24 credible evidence, that child abuse or neglect

1 has occurred. When child abuse or neglect is
2 substantiated, the Department may recommend:

3 (a) court intervention if the Department finds
4 the health, safety, or welfare of the child
5 is threatened, or

6 (b) child abuse and neglect prevention- and
7 intervention-related services for the child,
8 parents or persons responsible for the care
9 of the child if court intervention is not
10 determined to be necessary,

11 (2) "unsubstantiated" means the Department has
12 determined, after an investigation of a report of
13 child abuse or neglect, that insufficient
14 evidence exists to fully determine whether child
15 abuse or neglect has occurred. If child abuse or
16 neglect is unsubstantiated, the Department may
17 recommend, when determined to be necessary, that
18 the parents or persons responsible for the care
19 of the child obtain child abuse and neglect
20 prevention- and intervention-related services, or

21 (3) "ruled out" means a report in which a child
22 protective services specialist has determined,
23 after an investigation of a report of child abuse
24

1 or neglect, that no child abuse or neglect has
2 occurred;

3 39. "Kinship care" means full-time care of a child by a kinship
4 relation;

5 40. "Kinship guardianship" means a permanent guardianship as
6 defined in this section;

7 41. "Kinship relation" or "kinship relationship" means
8 relatives, stepparents, or other responsible adults who have a bond
9 or tie with a child and/or to whom has been ascribed a family
10 relationship role with the child's parents or the child; provided,
11 however, in cases where the Indian Child Welfare Act applies, the
12 definitions contained in 25 U.S.C., Section 1903 shall control;

13 42. "Mental health facility" means a mental health or substance
14 abuse treatment facility as defined by the Inpatient Mental Health
15 and Substance Abuse Treatment of Minors Act;

16 43. "Minor" means the same as the term "child" as defined in
17 this section;

18 44. "Minor in need of treatment" means a child in need of
19 mental health or substance abuse treatment as defined by the
20 Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

21 45. "Multidisciplinary child abuse team" means any team
22 established pursuant to Section 1-9-102 of this title of three or
23 more persons who are trained in the prevention, identification,
24 investigation, prosecution, and treatment of physical and sexual

1 child abuse and who are qualified to facilitate a broad range of
2 prevention- and intervention-related services and services related
3 to child abuse. For purposes of this definition, "freestanding"
4 means a team not used by a child advocacy center for its
5 accreditation;

6 46. "Near death" means a child is in serious or critical
7 condition, as certified by a physician, as a result of abuse or
8 neglect;

9 47. "Neglect" means:

10 a. the failure or omission to provide any of the
11 following:

- 12 (1) adequate nurturance and affection, food,
13 clothing, shelter, sanitation, hygiene, or
14 appropriate education,
- 15 (2) medical, dental, or behavioral health care,
- 16 (3) supervision or appropriate caretakers, or
- 17 (4) special care made necessary by the physical or
18 mental condition of the child,

19 b. the failure or omission to protect a child from
20 exposure to any of the following:

- 21 (1) the use, possession, sale, or manufacture of
22 illegal drugs,
- 23 (2) illegal activities, or

24

1 (3) sexual acts or materials that are not age-
2 appropriate, or

3 c. abandonment.

4 Nothing in this paragraph shall be construed to mean a child is
5 abused or neglected for the sole reason the parent, legal guardian
6 or person having custody or control of a child, in good faith,
7 selects and depends upon spiritual means alone through prayer, in
8 accordance with the tenets and practice of a recognized church or
9 religious denomination, for the treatment or cure of disease or
10 remedial care of such child. Nothing contained in this paragraph
11 shall prevent a court from immediately assuming custody of a child,
12 pursuant to the Oklahoma Children's Code, and ordering whatever
13 action may be necessary, including medical treatment, to protect the
14 child's health or welfare;

15 48. "Permanency hearing" means a hearing by the court pursuant
16 to Section 1-4-811 of this title;

17 49. "Permanent custody" means the court-ordered custody of an
18 adjudicated deprived child when a parent-child relationship no
19 longer exists due to termination of parental rights or due to the
20 death of a parent or parents;

21 50. "Permanent guardianship" means a judicially created
22 relationship between a child, a kinship relation of the child, or
23 other adult established pursuant to the provisions of Section 1-4-
24 709 of this title;

1 51. "Person responsible for a child's health, safety, or
2 welfare" includes a parent; a legal guardian; custodian; a foster
3 parent; a person eighteen (18) years of age or older with whom the
4 child's parent cohabitates or any other adult residing in the home
5 of the child; an agent or employee of a public or private
6 residential home, institution, facility or day treatment program as
7 defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or
8 an owner, operator, or employee of a child care facility as defined
9 by Section 402 of Title 10 of the Oklahoma Statutes;

10 52. "Protective custody" means custody of a child taken by a
11 law enforcement officer or designated employee of the court without
12 a court order;

13 53. "Putative father" means an alleged father as that term is
14 defined in Section 7700-102 of Title 10 of the Oklahoma Statutes;

15 54. "Reasonable and prudent parent standard" means the standard
16 characterized by careful and sensible parental decisions that
17 maintain the health, safety, and best interests of a child while at
18 the same time encouraging the emotional and developmental growth of
19 the child. This standard shall be used by the child's caregiver
20 when determining whether to allow a child to participate in
21 extracurricular, enrichment, cultural, and social activities. For
22 purposes of this definition, the term "caregiver" means a foster
23 parent with whom a child in foster care has been placed, a
24 representative of a group home where a child has been placed or a

1 designated official for a residential child care facility where a
2 child in foster care has been placed;

3 55. "Relative" means a grandparent, great-grandparent, brother
4 or sister of whole or half blood, aunt, uncle or any other person
5 related to the child;

6 56. "Residential child care facility" means a twenty-four-hour
7 residential facility where children live together with or are
8 supervised by adults who are not their parents or relatives;

9 57. "Review hearing" means a hearing by the court pursuant to
10 Section 1-4-807 of this title;

11 58. "Risk" means the likelihood that an incident of child abuse
12 or neglect will occur in the future;

13 59. "Safety threat" means the threat of serious harm due to
14 child abuse or neglect occurring in the present or in the very near
15 future and without the intervention of another person, a child would
16 likely or in all probability sustain severe or permanent disability
17 or injury, illness, or death;

18 60. "Safety analysis" means action taken by the Department in
19 response to a report of alleged child abuse or neglect that may
20 include an assessment or investigation based upon an analysis of the
21 information received according to priority guidelines and other
22 criteria adopted by the Department;

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1 61. "Safety evaluation" means evaluation of a child's situation
2 by the Department using a structured, evidence-based tool to
3 determine if the child is subject to a safety threat;

4 62. "Secure facility" means a facility which is designed and
5 operated to ensure that all entrances and exits from the facility
6 are subject to the exclusive control of the staff of the facility,
7 whether or not the juvenile being detained has freedom of movement
8 within the perimeter of the facility, or a facility which relies on
9 locked rooms and buildings, fences, or physical restraint in order
10 to control behavior of its residents;

11 63. "Sibling" means a biologically or legally related brother
12 or sister of a child;

13 64. "Specialized foster care" means foster care provided to a
14 child in a foster home or agency-contracted home which:

- 15 a. has been certified by the Developmental Disabilities
16 Services Division of the Department of Human Services,
- 17 b. is monitored by the Division, and
- 18 c. is funded through the Home- and Community-Based Waiver
19 Services Program administered by the Division;

20 65. "Successful adulthood program" means a program specifically
21 designed to assist a child to enhance those skills and abilities
22 necessary for successful adult living. A successful adulthood
23 program may include, but shall not be limited to, such features as
24 minimal direct staff supervision, and the provision of supportive

1 services to assist children with activities necessary for finding an
2 appropriate place of residence, completing an education or
3 vocational training, obtaining employment, or obtaining other
4 similar services;

5 66. "Temporary custody" means court-ordered custody of an
6 adjudicated deprived child;

7 67. "Therapeutic foster family home" means a foster family home
8 which provides specific treatment services, pursuant to a
9 therapeutic foster care contract, which are designed to remedy
10 social and behavioral problems of a foster child residing in the
11 home;

12 68. "Trafficking in persons" means sex trafficking or severe
13 forms of trafficking in persons as described in Section 7102 of
14 Title 22 of the United States Code:

15 a. "sex trafficking" means the recruitment, harboring,
16 transportation, provision, ~~or~~ obtaining, patronizing
17 or soliciting of a person for the purpose of a
18 commercial sex act, and

19 b. "severe forms of trafficking in persons" means:

20 (1) sex trafficking in which a commercial sex act is
21 induced by force, fraud, or coercion, or in which
22 the person induced to perform such act has not
23 attained eighteen (18) years of age, or
24

1 (2) the recruitment, harboring, transportation,
2 provision, ~~or~~ obtaining, patronizing or
3 soliciting of a person for labor or services,
4 through the use of force, fraud, or coercion for
5 the purpose of subjection to involuntary
6 servitude, peonage, debt bondage, or slavery;

7 69. "Transitional living program" means a residential program
8 that may be attached to an existing facility or operated solely for
9 the purpose of assisting children to develop the skills and
10 abilities necessary for successful adult living. The program may
11 include, but shall not be limited to, reduced staff supervision,
12 vocational training, educational services, employment and employment
13 training, and other appropriate independent living skills training
14 as a part of the transitional living program; and

15 70. "Voluntary foster care placement" means the temporary
16 placement of a child by the parent, legal guardian or custodian of
17 the child in foster care pursuant to a signed placement agreement
18 between the Department or a child-placing agency and the child's
19 parent, legal guardian or custodian.

20 SECTION 2. AMENDATORY 10A O.S. 2011, Section 1-2-105, as
21 last amended by Section 2, Chapter 130, O.S.L. 2016 (10A O.S. Supp.
22 2016, Section 1-2-105), is amended to read as follows:

23 Section 1-2-105. A. 1. Any county office of the Department of
24 Human Services receiving a child abuse or neglect report shall

1 promptly respond to the report by initiating an investigation of the
2 report or an assessment of the family in accordance with priority
3 guidelines established by the Department. The Department may
4 prioritize reports of alleged child abuse or neglect based on the
5 severity and immediacy of the alleged harm to the child. The
6 Department shall adopt a priority system pursuant to rules
7 promulgated by the Department. The primary purpose of the
8 investigation or assessment shall be the protection of the child.
9 For investigations or assessments, the Department shall give special
10 consideration to the risks of any minor, including a child with a
11 disability, who is unable to communicate effectively about abuse,
12 neglect or other safety threat or who is in a vulnerable position
13 due to the inability to communicate effectively.

14 2. If an investigation or assessment conducted by the
15 Department in response to any report of child abuse or neglect shows
16 that the incident reported was the result of the reasonable exercise
17 of parental discipline involving the use of ordinary force,
18 including, but not limited to, spanking, switching, or paddling, the
19 investigation or assessment will proceed no further and all records
20 regarding the incident shall be expunged.

21 B. 1. The investigation or assessment shall include a visit to
22 the home of the child, unless there is reason to believe that there
23 is an extreme safety risk to the child or worker or it appears that
24 the referral has been made in bad faith. The visit shall include an

1 interview with and examination of the subject child and may be
2 conducted at any reasonable time and at any place including, but not
3 limited to, the child's school. The Department shall notify the
4 person responsible for the health, safety, and welfare of the child
5 that the child has been interviewed at a school. The investigation
6 or assessment may include an interview with the parents of the child
7 or any other person responsible for the health, safety, or welfare
8 of the child and an interview with and examination of any child in
9 the home.

10 2. The investigation or assessment may include a medical,
11 psychological, or psychiatric examination of any child in the home.
12 If admission to the home, school, or any place where the child may
13 be located cannot be obtained, then the district court having
14 jurisdiction, upon application by the district attorney and upon
15 cause shown, shall order the person responsible for the health,
16 safety, or welfare of the child, or the person in charge of any
17 place where the child may be located, to allow entrance for the
18 interview, the examination, and the investigation or assessment. If
19 the person responsible for the health, safety, or welfare of the
20 child does not consent to a medical, psychological, or psychiatric
21 examination of the child that is requested by the Department, the
22 district court having jurisdiction, upon application by the district
23 attorney and upon cause shown, shall order the examination to be
24 made at the times and places designated by the court.

1 3. The investigation or assessment may include an inquiry into
2 the possibility that the child or a person responsible for the
3 health, safety, or welfare of the child has a history of mental
4 illness. If the person responsible for the child's health, safety,
5 or welfare does not allow the Department to have access to
6 behavioral health records or treatment plans requested by the
7 Department, which may be relevant to the alleged abuse or neglect,
8 the district court having jurisdiction, upon application by the
9 district attorney and upon good cause shown, shall by order allow
10 the Department to have access to the records pursuant to terms and
11 conditions prescribed by the court.

12 4. a. If the court determines that the subject of the
13 behavioral health records is indigent, the court shall
14 appoint an attorney to represent that person at the
15 hearing to obtain behavioral health records.

16 b. A person responsible for the health, safety, or
17 welfare of the child is entitled to notice and a
18 hearing when the Department seeks a court order to
19 allow a psychological or psychiatric examination or
20 access to behavioral health records.

21 c. Access to behavioral health records does not
22 constitute a waiver of confidentiality.

23 5. The investigation of a report of sexual abuse or serious
24 physical abuse or both sexual abuse and serious physical abuse shall

1 be conducted, when appropriate and possible, using a
2 multidisciplinary team approach as provided by Section 1-9-102 of
3 this title. Law enforcement and the Department shall exchange
4 investigation information.

5 6. The investigation or assessment shall include an inquiry
6 into whether the person responsible for the health, safety or
7 welfare of the child is an active duty service member of the
8 military or the spouse of an active duty service member. The
9 Department shall collect and report information related to the
10 military affiliation of the person or spouse responsible for the
11 health, safety or welfare of the child to the designated federal
12 authorities at the federal military installation where the service
13 member is assigned as provided by paragraph 4 of subsection A of
14 Section 1-2-102 of this title.

15 C. 1. Every physician, surgeon, or other health care provider
16 making a report of abuse or neglect as required by this section or
17 examining a child to determine the likelihood of abuse or neglect
18 and every hospital or related institution in which the child was
19 examined or treated shall provide copies of the results of the
20 examination or copies of the examination on which the report was
21 based and any other clinical notes, x-rays, photographs, and other
22 previous or current records relevant to the case to law enforcement
23 officers conducting a criminal investigation into the case and to
24

1 employees of the Department conducting an assessment or
2 investigation of alleged abuse or neglect in the case.

3 2. As necessary in the course of conducting an assessment or
4 investigation, the Department may request and obtain, without a
5 court order, copies of all prior medical records of a child
6 including, but not limited to, hospital records, medical, and dental
7 records. The physician-patient privilege shall not constitute
8 grounds for failure to produce such records.

9 D. 1. The Department shall engage in a collaborative decision-
10 making process to address each child's needs related to safety and
11 whether the child's condition warrants a safety intervention
12 including but not limited to a change in placement, and:

13 a. those involved in the collaborative decision-making
14 process shall include at a minimum appropriate
15 Department staff, the parents of the child and, if the
16 parent requests, an advocate or representative,

17 b. to protect the safety of those involved and to promote
18 efficiency, the Department may limit participants as
19 determined to be in the best interests of the child,

20 c. the Department shall make reasonable efforts to
21 provide a trained facilitator to guide the decision-
22 making process, and

23 d. any determination that a collaborative decision-making
24 process is not possible or is unnecessary shall

1 require supervisor approval and documentation of the
2 reasons supporting the determination.

3 2. If, before the assessment or investigation is complete, the
4 Department determines that immediate removal of the child is
5 necessary to protect the child from further abuse or neglect, the
6 Department shall recommend that the child be taken into custody and,
7 if feasible, utilize the collaborative decision-making process
8 provided by paragraph 1 of this subsection prior to the emergency
9 custody hearing.

10 E. The Department shall make a complete written report of the
11 investigation. The investigation report, together with its
12 recommendations, shall be submitted to the appropriate district
13 attorney's office. Reports of assessment recommendations shall be
14 submitted to appropriate district attorneys.

15 F. The Department, where appropriate and in its discretion,
16 shall identify prevention- and intervention-related services
17 available in the community and refer the family to or arrange for
18 such services when an investigation or assessment indicates the
19 family would benefit from such services, or the Department may
20 provide such services directly. The Department shall document in
21 the record its attempts to provide, refer or arrange for the
22 provision of voluntary services and shall determine within sixty
23 (60) days whether the family has accessed those services directly
24 related to safety of the child. If the family refuses voluntary

1 services or does not access those services directly related to
2 safety of the child, and it is determined by the Department that the
3 child's surroundings endanger the health, safety, or welfare of the
4 child, the Department may recommend that the child be placed in
5 protective or emergency custody or that a petition be filed.

6 G. If the Department has reason to believe that a person
7 responsible for the health, safety, and welfare of the child may
8 remove the child from the state before the investigation is
9 completed, the Department may request the district attorney to file
10 an application for a temporary restraining order in any district
11 court in the State of Oklahoma without regard to continuing
12 jurisdiction of the child. Upon cause shown, the court may enter a
13 temporary restraining order prohibiting the parent or other person
14 from removing the child from the state pending completion of the
15 assessment or investigation.

16 H. The Director of the Department or designee may request an
17 investigation be conducted by the Oklahoma State Bureau of
18 Investigation or other law enforcement agency in cases where it
19 reasonably believes that criminally injurious conduct including, but
20 not limited to, physical or sexual abuse of a child has occurred.

21 I. Child Welfare Services, in collaboration with the
22 Developmental Disabilities Services Division, shall implement a
23 protocol to be used in cases where the subject child is a child with
24 a disability who has complex medical needs, and the protocol shall

1 include, but not be limited to: resource coordination, medical
2 consultation or medical evaluation, when needed.

3 SECTION 3. AMENDATORY 10A O.S. 2011, Section 1-4-204, as
4 amended by Section 1, Chapter 245, O.S.L. 2016 (10A O.S. Supp. 2016,
5 Section 1-4-204), is amended to read as follows:

6 Section 1-4-204. A. 1. When awarding custody or determining
7 the placement of a child, a preference shall be given to relatives
8 and persons who have a kinship relationship with the child. The
9 Department of Human Services shall make diligent efforts to place
10 the child with such persons and shall report to the court the
11 efforts made to secure that placement. In cases where the Indian
12 Child Welfare Act applies, the placement preferences of the act
13 shall be followed.

14 2. When two or more children are siblings, every reasonable
15 attempt shall be made to place the siblings in the same home, except
16 as provided in paragraph 3 of this subsection. In making a
17 permanent placement, siblings shall be placed in the same permanent
18 home or, if the siblings are separated, shall be allowed contact or
19 visitation with each other; provided, however, the best interests of
20 each sibling shall be the standard for determining the appropriate
21 custodian or placement as well as the contact and visitation with
22 the other siblings.

23

24

1 3. Siblings may be separated if the court and the Department
2 find that placement of siblings together would be contrary to the
3 safety or well-being of any of the siblings, and:

4 a. one sibling has resided in a foster family home for
5 six (6) or more months and has established a
6 relationship with the foster family,

7 b. the siblings have never resided in the same home
8 together ~~or there is no established relationship~~
9 ~~between the siblings,~~

10 c. ~~placement of siblings together would be contrary to~~
11 ~~the safety or well-being of any of the~~ there is no
12 established relationship between the siblings, ~~and or~~

13 d. it is in the best interests of the child to remain in
14 the current foster family home placement.

15 B. In determining the appropriate custodian or placement for a
16 child pursuant to subsection A of this section, the court and the
17 Department shall consider, but not be limited to, the following
18 factors:

19 1. The ability of the person being considered to provide safety
20 for the child, including a willingness to cooperate with any
21 restrictions placed on contact between the child and others, and to
22 prevent others from influencing the child in regard to the
23 allegations of the case;

1 2. The ability of the person being considered to support the
2 efforts of the Department to implement the permanent plan for the
3 child;

4 3. The ability of the person being considered to meet the
5 child's physical, emotional, and educational needs, including the
6 child's need to continue in the same school or educational
7 placement;

8 4. The person who has the closest existing personal
9 relationship with the child if more than one person requests
10 placement of the child pursuant to this section;

11 5. The ability of the person being considered to provide a
12 placement for the child's sibling who is also in need of placement
13 or continuation in substitute care;

14 6. The wishes of the parent, the relative, and the child, if
15 appropriate;

16 7. The ability of the person being considered to care for the
17 child as long as is necessary and to provide a permanent home if
18 necessary; and

19 8. The best interests of the child.

20 C. 1. The Department of Human Services shall consider
21 placement with a relative without delay and shall identify relatives
22 of the child and notify them of the need for temporary placement and
23 the possibility of the need for a permanent out-of-home placement of
24 the child. The relative search shall be reasonable and

1 comprehensive in scope and may continue until a fit and willing
2 relative is identified.

3 2. The relatives shall be notified of the need to keep the
4 Department informed of their current address in order to receive
5 notice when a permanent out-of-home placement is being sought for
6 the child. A relative who fails to provide a current address may
7 forfeit the right to be considered for the child's permanent out-of-
8 home placement.

9 3. A decision by a relative to not participate in the child's
10 placement planning at the beginning of the case or to cooperate with
11 the Department to expedite procedures for placement of the child in
12 the child's home may affect whether that relative will be considered
13 for permanent placement of the child if the child cannot be safely
14 returned to the home of the child's parent or parents.

15 D. The Department, while assessing the relatives for the
16 possibility of placement, shall be authorized to disclose to the
17 relative, as appropriate, the fact that the child is in custody, the
18 alleged reasons for the custody, and the projected date for the
19 child's return home or other permanent placement as well as any
20 other confidential information deemed necessary and appropriate to
21 secure a suitable placement.

22 E. Following an initial placement with a relative, whenever a
23 new placement of the child is made, consideration for placement
24 shall again be given as described in this section to approved

1 relatives who will fulfill the reunification or permanent plan
2 requirements of the child. The Department shall consider whether
3 the relative has established and maintained a relationship with the
4 child.

5 F. If the child is not placed with a relative who has been
6 considered for placement pursuant to this section, the Department
7 shall advise the court, in writing, the reasons why that relative
8 was denied and the written reasons shall be made a part of the court
9 record.

10 G. The provisions of this section shall apply to all custody or
11 placement proceedings which concern a child alleged or adjudicated
12 to be deprived including, but not limited to, guardianship and
13 adoption proceedings.

14 SECTION 4. AMENDATORY 10A O.S. 2011, Section 1-7-107, as
15 amended by Section 2, Chapter 245, O.S.L. 2016 (10A O.S. Supp. 2016,
16 Section 1-7-107), is amended to read as follows:

17 Section 1-7-107. A. When two or more children in foster care
18 are siblings, every reasonable attempt should be made to place them
19 in the same home, except as provided in subsection B of this
20 section. In making a permanent placement, such children should be
21 placed in the same permanent home or, if the siblings are separated,
22 should be allowed contact or visitation with other siblings;
23 provided, however, the best interests of each sibling shall be the
24 standard for determining whether they should be placed in the same

1 foster placement or permanent placement, or allowed contact or
2 visitation with other siblings.

3 B. Siblings may be separated if the court and the Department of
4 Human Services find that placement of siblings together would be
5 contrary to the safety or well-being of any of the siblings, and:

6 1. One sibling has resided in a foster family home for six (6)
7 or more months and has established a relationship with the foster
8 family;

9 2. The siblings have never resided in the same home ~~together or~~
10 ~~there is no established relationship between the siblings; and~~

11 3. There is no established relationship between the siblings;
12 or

13 4. It is in the best interests of the child to remain in the
14 current foster family home placement.

15 SECTION 5. AMENDATORY Section 1, Chapter 143, O.S.L.
16 2014, as amended by Section 1, Chapter 189, O.S.L. 2015 (10A O.S.
17 Supp. 2016, Section 1-8-111), is amended to read as follows:

18 Section 1-8-111. A. The Department of Human Services shall
19 provide each youth in its custody ~~sixteen (16)~~ fourteen (14) years
20 and older an annual credit report. The Department shall inform the
21 court with jurisdiction over the youth of any inaccuracies in a
22 credit report displaying evidence of identity theft or any other
23 activity fraudulently made on behalf of the youth in custody. The
24 Department may implement the requirements of this section in stages

1 beginning with youth in the independent living program whose credit
2 rating may inhibit employment and housing opportunities when the
3 child is no longer in custody.

4 B. Within one (1) year of ~~the effective date of this act~~
5 November 1, 2014, the Department of Human Services shall submit
6 annual reports on the implementation of the provisions of this ~~act~~
7 section to the Chair and Vice Chair of the Senate Health and Human
8 Services Committee and the Chair and Vice Chair of the House Human
9 Services Committee. Such reports shall include, but not be limited
10 to, the number of youths in the Department's custody receiving
11 credit score reports, the frequency of such reports, and
12 administrative issues faced by the Department in the implementation
13 of this ~~act~~ section. Such reports shall continue to be issued by
14 the Department until November 1, 2018.

15 SECTION 6. AMENDATORY 10A O.S. 2011, Section 1-9-105, is
16 amended to read as follows:

17 Section 1-9-105. A. The Department of Human Services shall
18 carefully define the children and youth programs of the Department
19 as to their purpose, the population served, and performance
20 expectations. Planning for new programs and services and major
21 modifications to existing ones shall include evaluation of their
22 effect on other programs and services and communication and
23 coordination with other public and private children and youth
24 service providers in order to assure successful and cost-effective

1 implementation of the program. An evaluation component that
2 includes monitoring and evaluation of client outcomes shall be
3 incorporated into all of the Department's programs and services to
4 children and youth, whether provided directly by the agency or
5 through a contract.

6 1. All programs and services shall be designed to ensure the
7 accessibility of the program to the persons served. Provision for
8 transportation, child care and similar services necessary in order
9 to assist persons to access the services shall be made. If the
10 service is provided in an office setting, the service shall be
11 available during the evening.

12 2. Programs and services shall be targeted to the areas of the
13 state having the greatest need for them. The programs and services
14 shall be designed to meet the needs of the area in which they are
15 located. Programs and services intended for statewide
16 implementation shall be implemented first in those areas that have
17 the greatest need for them.

18 3. As a part of the Department's program planning and
19 monitoring processes, the Department shall examine its programs and
20 services to children and youth to ensure that the practices within
21 them do not operate to detriment of minority children and youth.

22 4. All child care services and facilities operated by the
23 Department shall be accredited by the National Council on
24 Accreditation, when applicable.

1 B. The Department shall develop a five-year plan for children
2 and youth services provided by the agency. The plan shall be
3 reviewed annually and modified as necessary. Agency budget
4 recommendations of the Department for services to children and youth
5 shall be based upon documented needs, and the development of budget
6 recommendations and priorities shall be closely integrated with
7 agency and interagency program planning and management.

8 C. The Department shall annually review its programs and
9 services and submit a report to the Governor, the Speaker of the
10 House of Representatives, the President Pro Tempore of the Senate,
11 and the Supreme Court of the State of Oklahoma, analyzing and
12 evaluating the effectiveness of the programs and services being
13 carried out by the Department. Such report shall include, but not
14 be limited to:

15 1. An analysis and evaluation of programs and services
16 continued, established and discontinued during the period covered by
17 the report;

18 2. A description of programs and services which should be
19 implemented;

20 3. Statutory changes necessary;

21 4. Relevant information concerning the number of children in
22 the Department's custody during the period covered by the report;

23 and

24

1 5. Such other information as will enable a user of the report
2 to ascertain the effectiveness of the Department's programs and
3 services.

4 D. The Department shall, on or before January 31 of each year,
5 submit a report to the Governor, President Pro Tempore of the
6 Senate, Speaker of the House of Representatives and the Oklahoma
7 Supreme Court which shall include:

8 1. Information concerning the number of children in the
9 Department's custody that are placed in nonfamily settings,
10 including but not limited to the types of settings utilized and the
11 duration of the children's stays in such settings;

12 2. A census of approved foster homes and the number of children
13 placed in those homes and a comparative review of foster home room-
14 and-board rates; and

15 3. Information concerning child welfare staff workloads and
16 comparative salaries for such staff.

17 SECTION 7. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1-9-116.1 of Title 10A, unless
19 there is created a duplication in numbering, reads as follows:

20 A foster parent who is acting in good faith and pursuant to the
21 reasonable and prudent parent standard shall not be liable for
22 property damage or injuries caused by the child or injuries to the
23 child placed in his or her care when the child engages in
24 appropriate activities and such damage or injuries result from the

1 inherent risks typically associated with such activities. Nothing
2 in this section shall prevent or limit the liability of a foster
3 parent if the foster parent commits an act or omission that
4 constitutes willful or wanton disregard for the safety of the child
5 or other persons or their property, and that act or omission caused
6 the damage or injuries.

7 SECTION 8. AMENDATORY 10A O.S. 2011, Section 1-9-119, as
8 last amended by Section 4, Chapter 257, O.S.L. 2014 (10A O.S. Supp.
9 2016, Section 1-9-119), is amended to read as follows:

10 Section 1-9-119. A. A statement of foster parent's rights
11 shall be given to every foster parent annually and shall include,
12 but not be limited to, the right to:

- 13 1. Be treated with dignity, respect, and consideration as a
14 professional member of the child welfare team;
- 15 2. Be notified of and be given appropriate, ongoing education
16 and continuing education and training to develop and enhance foster
17 parenting skills;
- 18 3. Be informed about ways to contact the state agency or the
19 child-placing agency in order to receive information and assistance
20 to access supportive services for any child in the foster parent's
21 care;
- 22 4. Receive timely financial reimbursement for providing foster
23 care services;

24

1 5. Be notified of any costs or expenses for which the foster
2 parent may be eligible for reimbursement;

3 6. Be provided a clear, written explanation of the individual
4 treatment and service plan concerning the child in the foster
5 parent's home, listing components of the plan pursuant to the
6 provisions of the Oklahoma Children's Code;

7 7. Receive, at any time during which a child is placed with the
8 foster parent, additional or necessary information that is relevant
9 to the care of the child;

10 8. Be notified of scheduled review meetings, permanency
11 planning meetings, family team meetings and special staffing
12 ~~concerning the~~ concerns for any foster child placed in the foster
13 parent's home in order to actively participate in the case planning
14 and decision-making process regarding the child;

15 9. Provide input concerning the plan of services for the child
16 and to have that input be given full consideration in the same
17 manner as information presented by any other professional on the
18 team;

19 10. Communicate with other foster parents in order to share
20 information regarding the foster child. In particular, receive any
21 information concerning the number of times a foster child has been
22 moved and the reasons why, and the names and telephone numbers of
23 the previous foster parent if the previous foster parent has
24 authorized such release;

1 11. Communicate with other professionals who work with the
2 foster child within the context of the team including, but not
3 limited to, therapists, physicians, and teachers;

4 12. Be given, in a timely and consistent manner, any
5 information regarding the child and the child's family which is
6 pertinent to the care and needs of the child and to the making of a
7 permanency plan for the child. Disclosure of information shall be
8 limited to that information which is authorized by the provisions of
9 Chapter VI of the Oklahoma Children's Code for foster parents;

10 13. Be given reasonable notice of any change in or addition to
11 the services provided to the child pursuant to the child's
12 individual treatment and service plan;

13 14. a. Be given written notice of:

14 (1) plans to terminate the placement of the child
15 with the foster parent pursuant to Section 1-4-
16 805 of this title, and

17 (2) the reasons for the changes or termination in
18 placement.

19 b. The notice shall be waived only in emergency cases
20 pursuant to Section 1-4-805 of this title;

21 15. Be notified by the applicable state agency in a timely and
22 complete manner of all court hearings, including notice of the date
23 and time of any court hearing, the name of the judge or hearing
24

1 officer hearing the case, the location of the hearing, and the court
2 docket number of the case;

3 16. Be informed of decisions made by the court, the state
4 agency or the child-placing agency concerning the child;

5 17. Be considered as a preferred placement option when a foster
6 child who was formerly placed with the foster parent is to reenter
7 foster care at the same level and type of care, if that placement is
8 consistent with the best interest of the child and other children in
9 the home of the foster parent;

10 18. Be provided a fair, timely, and impartial investigation of
11 complaints concerning the certification of the foster parent;

12 19. Be provided the opportunity to request and receive a fair
13 and impartial hearing regarding decisions that affect certification
14 retention or placement of children in the home;

15 20. Be allowed the right to exercise parental substitute
16 authority;

17 21. Have timely access to the appeals process of the state
18 agency and child placement agency and the right to be free from acts
19 of harassment and retaliation by any other party when exercising the
20 right to appeal;

21 22. Be given the number of the statewide toll-free Foster
22 Parent Hotline;

23 23. File a grievance and be informed of the process for filing
24 a grievance; and

1 24. Receive a copy of the liability insurance policy the
2 Department of Human Services maintains for every Department-
3 contracted foster home placement.

4 B. The Department of Human Services and a child-placing agency
5 under contract with the Department shall be responsible for
6 implementing this section.

7 C. Nothing in this section shall be construed to create a
8 private right of action or claim on the part of any individual, the
9 Department, the Office of Juvenile Affairs, or any child-placing
10 agency.

11 SECTION 9. This act shall become effective November 1, 2017.

12

13 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
14 SERVICES, dated 04/12/2017 - DO PASS, As Amended and Coauthored.

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