

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 776

By: Treat

4
5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Children's Code;
8 amending 10A O.S. 2011, Section 1-1-105, as last
9 amended by Section 1, Chapter 210, O.S.L. 2016 (10A
10 O.S. Supp. 2016, Section 1-1-105), which relates to
11 definition; broadening certain definition to include
12 certain actions; amending 10A O.S. 2011, Section 1-7-
13 107, as amended by Section 2, Chapter 245, O.S.L.
14 2016 (10A O.S. Supp. 2016, Section 1-7-107), which
15 relates to placement with siblings; adding certain
16 condition; providing an effective date; and declaring
17 an emergency.

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

19 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-1-105, as
20 last amended by Section 1, Chapter 210, O.S.L. 2016 (10A O.S. Supp.
21 2016, Section 1-1-105), is amended to read as follows:

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

24 1. "Abandonment" means:

- a. the willful intent by words, actions, or omissions not
to return for a child, or

- 1 b. the failure to maintain a significant parental
2 relationship with a child through visitation or
3 communication in which incidental or token visits or
4 communication are not considered significant, or
5 c. the failure to respond to notice of deprived
6 proceedings;

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

- 15 a. "Harm or threatened harm to the health or safety of a
16 child" means any real or threatened physical, mental,
17 or emotional injury or damage to the body or mind that
18 is not accidental including but not limited to sexual
19 abuse, sexual exploitation, neglect, or dependency.
20 b. "Sexual abuse" includes but is not limited to rape,
21 incest, and lewd or indecent acts or proposals made to
22 a child, as defined by law, by a person responsible
23 for the health, safety, or welfare of the child.
24

1 c. "Sexual exploitation" includes but is not limited to
2 allowing, permitting, encouraging, or forcing a child
3 to engage in prostitution, as defined by law, by any
4 person eighteen (18) years of age or older or by a
5 person responsible for the health, safety, or welfare
6 of a child, or allowing, permitting, encouraging, or
7 engaging in the lewd, obscene, or pornographic, as
8 defined by law, photographing, filming, or depicting
9 of a child in those acts by a person responsible for
10 the health, safety, and welfare of the child;

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

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

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

17 a. activities or items that are generally accepted as
18 suitable for children of the same age or level of
19 maturity or that are determined to be developmentally
20 appropriate for a child, based on the development of
21 cognitive, emotional, physical, and behavioral
22 capacities that are typical for an age or age group,
23 and
24

1 b. in the case of a specific child, activities or items
2 that are suitable for that child based on the
3 developmental stages attained by the child with
4 respect to the cognitive, emotional, physical, and
5 behavioral capacities of the specific child.

6 In the event that any age-related activities have implications
7 relative to the academic curriculum of a child, nothing in this
8 paragraph shall be construed to authorize an officer or employee of
9 the federal government to mandate, direct, or control a state or
10 local educational agency, or the specific instructional content,
11 academic achievement standards and assessments, curriculum, or
12 program of instruction of a school;

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

17 7. "Behavioral health" means mental health, substance abuse, or
18 co-occurring mental health and substance abuse diagnoses, and the
19 continuum of mental health, substance abuse, or co-occurring mental
20 health and substance abuse treatment;

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

23 9. "Child advocacy center" means a center and the
24 multidisciplinary child abuse team of which it is a member that is

1 accredited by the National Children's Alliance or that is completing
2 a sixth year of reaccreditation. Child advocacy centers shall be
3 classified, based on the child population of a district attorney's
4 district, as follows:

5 a. nonurban centers in districts with child populations
6 that are less than sixty thousand (60,000), and

7 b. midlevel nonurban centers in districts with child
8 populations equal to or greater than sixty thousand
9 (60,000), but not including Oklahoma and Tulsa
10 counties;

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

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

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

21 Community-based services and programs may include, but are not
22 limited to, emergency shelter, crisis intervention, group work, case
23 supervision, job placement, recruitment and training of volunteers,
24 consultation, medical, educational, home-based services, vocational,

1 social, preventive and psychological guidance, training, counseling,
2 early intervention and diversionary substance abuse treatment,
3 sexual abuse treatment, transitional living, independent living, and
4 other related services and programs;

5 13. "Concurrent permanency planning" means, when indicated, the
6 implementation of two plans for a child entering foster care. One
7 plan focuses on reuniting the parent and child; the other seeks to
8 find a permanent out-of-home placement for the child with both plans
9 being pursued simultaneously;

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

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

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

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

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

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

10 20. "Deprived child" means a child:

- 11 a. who is for any reason destitute, homeless, or
12 abandoned,
- 13 b. who does not have the proper parental care or
14 guardianship,
- 15 c. who has been abused, neglected, or is dependent,
- 16 d. whose home is an unfit place for the child by reason
17 of depravity on the part of the parent or legal
18 guardian of the child, or other person responsible for
19 the health or welfare of the child,
- 20 e. who is a child in need of special care and treatment
21 because of the child's physical or mental condition,
22 and the child's parents, legal guardian, or other
23 custodian is unable or willfully fails to provide such
24 special care and treatment. As used in this

1 paragraph, a child in need of special care and
2 treatment includes, but is not limited to, a child who
3 at birth tests positive for alcohol or a controlled
4 dangerous substance and who, pursuant to a drug or
5 alcohol screen of the child and an assessment of the
6 parent, is determined to be at risk of harm or
7 threatened harm to the health or safety of a child,

8 f. who is a child with a disability deprived of the
9 nutrition necessary to sustain life or of the medical
10 treatment necessary to remedy or relieve a life-
11 threatening medical condition in order to cause or
12 allow the death of the child if such nutrition or
13 medical treatment is generally provided to similarly
14 situated children without a disability or children
15 with disabilities; provided that no medical treatment
16 shall be necessary if, in the reasonable medical
17 judgment of the attending physician, such treatment
18 would be futile in saving the life of the child,

19 g. who, due to improper parental care and guardianship,
20 is absent from school as specified in Section 10-106
21 of Title 70 of the Oklahoma Statutes, if the child is
22 subject to compulsory school attendance,

23 h. whose parent, legal guardian or custodian for good
24 cause desires to be relieved of custody,

- 1 i. who has been born to a parent whose parental rights to
2 another child have been involuntarily terminated by
3 the court and the conditions which led to the making
4 of the finding, which resulted in the termination of
5 the parental rights of the parent to the other child,
6 have not been corrected, or
- 7 j. whose parent, legal guardian, or custodian has
8 subjected another child to abuse or neglect or has
9 allowed another child to be subjected to abuse or
10 neglect and is currently a respondent in a deprived
11 proceeding.

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

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

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

1 22. "Drug-endangered child" means a child who is at risk of
2 suffering physical, psychological or sexual harm as a result of the
3 use, possession, distribution, manufacture or cultivation of
4 controlled substances, or the attempt of any of these acts, by a
5 person responsible for the health, safety or welfare of the child,
6 as defined in paragraph 51 of this section. This term includes
7 circumstances wherein the substance abuse of the person responsible
8 for the health, safety or welfare of the child interferes with that
9 person's ability to parent and provide a safe and nurturing
10 environment for the child. The term also includes newborns who test
11 positive for a controlled dangerous substance, with the exception of
12 those substances administered under the care of a physician;

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

19 24. "Facility" means a place, an institution, a building or
20 part thereof, a set of buildings, or an area whether or not
21 enclosing a building or set of buildings used for the lawful custody
22 and treatment of children;

23 25. "Failure to protect" means failure to take reasonable
24 action to remedy or prevent child abuse or neglect, and includes the

1 conduct of a non-abusing parent or guardian who knows the identity
2 of the abuser or the person neglecting the child, but lies, conceals
3 or fails to report the child abuse or neglect or otherwise take
4 reasonable action to end the abuse or neglect;

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

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

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

22 29. "Guardian ad litem" means a person appointed by the court
23 pursuant to the provisions of Section 1-4-306 of this title having
24 those duties and responsibilities as set forth in that section. The

1 term "guardian ad litem" shall refer to a court-appointed special
2 advocate as well as to any other person appointed pursuant to the
3 provisions of Section 1-4-306 of this title to serve as a guardian
4 ad litem;

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

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

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

16 33. "Heinous and shocking abuse" includes, but is not limited
17 to, aggravated physical abuse that results in serious bodily,
18 mental, or emotional injury. "Serious bodily injury" means injury
19 that involves:

- 20 a. a substantial risk of death,
- 21 b. extreme physical pain,
- 22 c. protracted disfigurement,
- 23 d. a loss or impairment of the function of a body member,
24 organ, or mental faculty,

- e. an injury to an internal or external organ or the body,
- f. a bone fracture,
- g. sexual abuse or sexual exploitation,
- h. chronic abuse including, but not limited to, physical, emotional, or sexual abuse, or sexual exploitation which is repeated or continuing,
- i. torture that includes, but is not limited to, inflicting, participating in or assisting in inflicting intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child or for the purpose of satisfying the craven, cruel, or prurient desires of the perpetrator or another person, or
- j. any other similar aggravated circumstance;

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

- a. chronic neglect that includes, but is not limited to, a persistent pattern of family functioning in which the caregiver has not met or sustained the basic needs of a child which results in harm to the child,
- b. neglect that has resulted in a diagnosis of the child as a failure to thrive,

1 c. an act or failure to act by a parent that results in
2 the death or near death of a child or sibling, serious
3 physical or emotional harm, sexual abuse, sexual
4 exploitation, or presents an imminent risk of serious
5 harm to a child, or

6 d. any other similar aggravating circumstance;

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

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

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

15 38. a. "Investigation" means a response to an allegation of
16 abuse or neglect that involves a serious and immediate
17 threat to the safety of the child, making it necessary
18 to determine:

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

21 (2) whether child abuse or neglect occurred and
22 whether the family needs prevention- and
23 intervention-related services.
24

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

3 (1) "substantiated" means the Department has
4 determined, after an investigation of a report of
5 child abuse or neglect and based upon some
6 credible evidence, that child abuse or neglect
7 has occurred. When child abuse or neglect is
8 substantiated, the Department may recommend:

9 (a) court intervention if the Department finds
10 the health, safety, or welfare of the child
11 is threatened, or

12 (b) child abuse and neglect prevention- and
13 intervention-related services for the child,
14 parents or persons responsible for the care
15 of the child if court intervention is not
16 determined to be necessary,

17 (2) "unsubstantiated" means the Department has
18 determined, after an investigation of a report of
19 child abuse or neglect, that insufficient
20 evidence exists to fully determine whether child
21 abuse or neglect has occurred. If child abuse or
22 neglect is unsubstantiated, the Department may
23 recommend, when determined to be necessary, that
24 the parents or persons responsible for the care

1 of the child obtain child abuse and neglect
2 prevention- and intervention-related services, or
3 (3) "ruled out" means a report in which a child
4 protective services specialist has determined,
5 after an investigation of a report of child abuse
6 or neglect, that no child abuse or neglect has
7 occurred;

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

10 40. "Kinship guardianship" means a permanent guardianship as
11 defined in this section;

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

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

21 43. "Minor" means the same as the term "child" as defined in
22 this section;

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

4 45. "Multidisciplinary child abuse team" means any team
5 established pursuant to Section 1-9-102 of this title of three or
6 more persons who are trained in the prevention, identification,
7 investigation, prosecution, and treatment of physical and sexual
8 child abuse and who are qualified to facilitate a broad range of
9 prevention- and intervention-related services and services related
10 to child abuse. For purposes of this definition, "freestanding"
11 means a team not used by a child advocacy center for its
12 accreditation;

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

16 47. "Neglect" means:

17 a. the failure or omission to provide any of the
18 following:

- 19 (1) adequate nurturance and affection, food,
20 clothing, shelter, sanitation, hygiene, or
21 appropriate education,
22 (2) medical, dental, or behavioral health care,
23 (3) supervision or appropriate caretakers, or
24

1 (4) special care made necessary by the physical or
2 mental condition of the child,

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

5 (1) the use, possession, sale, or manufacture of
6 illegal drugs,

7 (2) illegal activities, or

8 (3) sexual acts or materials that are not age-
9 appropriate, or

10 c. abandonment.

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

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

1 49. "Permanent custody" means the court-ordered custody of an
2 adjudicated deprived child when a parent-child relationship no
3 longer exists due to termination of parental rights or due to the
4 death of a parent or parents;

5 50. "Permanent guardianship" means a judicially created
6 relationship between a child, a kinship relation of the child, or
7 other adult established pursuant to the provisions of Section 1-4-
8 709 of this title;

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

18 52. "Protective custody" means custody of a child taken by a
19 law enforcement officer or designated employee of the court without
20 a court order;

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

23 54. "Reasonable and prudent parent standard" means the standard
24 characterized by careful and sensible parental decisions that

1 maintain the health, safety, and best interests of a child while at
2 the same time encouraging the emotional and developmental growth of
3 the child. This standard shall be used by the child's caregiver
4 when determining whether to allow a child to participate in
5 extracurricular, enrichment, cultural, and social activities. For
6 purposes of this definition, the term "caregiver" means a foster
7 parent with whom a child in foster care has been placed, a
8 representative of a group home where a child has been placed or a
9 designated official for a residential child care facility where a
10 child in foster care has been placed;

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

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

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

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

21 59. "Safety threat" means the threat of serious harm due to
22 child abuse or neglect occurring in the present or in the very near
23 future and without the intervention of another person, a child would
24

1 likely or in all probability sustain severe or permanent disability
2 or injury, illness, or death;

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

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

11 62. "Secure facility" means a facility which is designed and
12 operated to ensure that all entrances and exits from the facility
13 are subject to the exclusive control of the staff of the facility,
14 whether or not the juvenile being detained has freedom of movement
15 within the perimeter of the facility, or a facility which relies on
16 locked rooms and buildings, fences, or physical restraint in order
17 to control behavior of its residents;

18 63. "Sibling" means a biologically or legally related brother
19 or sister of a child;

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

- 22 a. has been certified by the Developmental Disabilities
23 Services Division of the Department of Human Services,
- 24 b. is monitored by the Division, and

1 c. is funded through the Home- and Community-Based Waiver
2 Services Program administered by the Division;

3 65. "Successful adulthood program" means a program specifically
4 designed to assist a child to enhance those skills and abilities
5 necessary for successful adult living. A successful adulthood
6 program may include, but shall not be limited to, such features as
7 minimal direct staff supervision, and the provision of supportive
8 services to assist children with activities necessary for finding an
9 appropriate place of residence, completing an education or
10 vocational training, obtaining employment, or obtaining other
11 similar services;

12 66. "Temporary custody" means court-ordered custody of an
13 adjudicated deprived child;

14 67. "Therapeutic foster family home" means a foster family home
15 which provides specific treatment services, pursuant to a
16 therapeutic foster care contract, which are designed to remedy
17 social and behavioral problems of a foster child residing in the
18 home;

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

22 a. "sex trafficking" means the recruitment, harboring,
23 transportation, provision, ~~or~~ obtaining, patronizing

1 or soliciting of a person for the purpose of a
2 commercial sex act, and

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

- 4 (1) sex trafficking in which a commercial sex act is
5 induced by force, fraud, or coercion, or in which
6 the person induced to perform such act has not
7 attained eighteen (18) years of age, or
8 (2) the recruitment, harboring, transportation,
9 provision, or obtaining of a person for labor or
10 services, through the use of force, fraud, or
11 coercion for the purpose of subjection to
12 involuntary servitude, peonage, debt bondage, or
13 slavery;

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

22 70. "Voluntary foster care placement" means the temporary
23 placement of a child by the parent, legal guardian or custodian of
24 the child in foster care pursuant to a signed placement agreement

1 between the Department or a child-placing agency and the child's
2 parent, legal guardian or custodian.

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

6 Section 1-7-107. A. When two or more children in foster care
7 are siblings, every reasonable attempt should be made to place them
8 in the same home, except as provided in subsection B of this
9 section. In making a permanent placement, such children should be
10 placed in the same permanent home or, if the siblings are separated,
11 should be allowed contact or visitation with other siblings;
12 provided, however, the best interests of each sibling shall be the
13 standard for determining whether they should be placed in the same
14 foster placement or permanent placement, or allowed contact or
15 visitation with other siblings.

16 B. Siblings may be separated if the court and the Department of
17 Human Services find:

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

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

23 3. Placement of siblings together would be contrary to the
24 safety or well-being of any of the siblings; and

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

3 SECTION 3. This act shall become effective July 1, 2017.

4 SECTION 4. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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9 56-1-285 AM 1/20/2017 8:03:38 AM

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