

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3292

6 By: Peterson

7 COMMITTEE SUBSTITUTE

8 An Act relating to children; amending 10 O.S. 2001,
9 Sections 7504-1.2, 7510-1.5, as last amended by
10 Section 7, Chapter 258, O.S.L. 2006 and 7510-3.2 (10
11 O.S. Supp. 2009, Section 7510-1.5), which relate to
12 disclosure, adoption assistance benefits, and Compact
13 on Adoption and Medical Assistance; authorizing
14 disclosure of certain history under specified
15 circumstances; updating statutory references;
16 modifying certain educational requirements for
17 eligibility for certain benefits; making language
18 gender neutral; modifying certain residential
19 requirements for certain benefits; amending 10 O.S.
20 2001, Section 7004-1.6, as amended by Section 63,
21 Chapter 233, O.S.L. 2009, and as renumbered by
22 Section 299, Chapter 233, O.S.L. 2009 (10A O.S. Supp.
23 2009, Section 1-9-107), which relates to the
24 Independent Living Act; expanding purpose of act;
modifying eligibility for certain independent living
services; amending 63 O.S. 2001, Section 1-227.4, as
last amended by Section 150, Chapter 234, O.S.L. 2009
(63 O.S. Supp. 2009, Section 1-227.4), which relates
to interagency child abuse prevention task force;
modifying certain membership requirement; clarifying
language; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7504-1.2, is
amended to read as follows:

1 Section 7504-1.2 A. Whenever the disclosure of medical and
2 social history is permitted under this section, all identifying
3 information shall be deleted from the copy of the report or record
4 that is disclosed, unless the court, Department, agency, attorney,
5 or person authorized to disclose information by this section has
6 been informed in writing by both a biological parent and an adoptive
7 parent or prospective adoptive parent of their mutual agreement to
8 share identifying information. When such an agreement has been
9 made, identifying information shall be released only to the extent
10 specifically permitted by the written agreement. When a minor is in
11 the legal custody of the Department, medical and social history may
12 be disclosed to the prospective adoptive parent without any
13 agreement and without redacting identifying information when the
14 prospective adoptive parent is a kinship or relative caregiver for
15 the minor, or the minor has lived in the prospective adoptive
16 parent's home for two (2) or more years, unless the Department
17 determines redaction of such information is in the best interest of
18 the child.

19 B. As early as practicable before the first meeting of the
20 prospective adoptive parent with a minor and before the prospective
21 adoptive parent accepts physical custody of the minor, the
22 Department or child-placing agency that is placing the minor for
23 adoption, or the attorney for the adoptive parent in a direct
24 placement adoption, or the person who is placing the minor for

1 adoption in a direct placement adoption in which the adoptive parent
2 is not represented by an attorney, shall furnish to the prospective
3 adoptive parent a copy of the medical and social history report,
4 containing all of the medical and social history information and
5 records regarding the minor reasonably available at that time. If
6 placement of the minor with the prospective adoptive parent does not
7 subsequently occur, the prospective adoptive parent shall return the
8 medical and social history report to the Department, agency,
9 attorney or other person who furnished it to the prospective
10 adoptive parent.

11 C. Before a hearing on the petition for adoption, the
12 Department or child-placing agency that placed the minor for
13 adoption, or the attorney for the adoptive parent in a direct
14 placement adoption, or the person who placed the minor for adoption
15 in a direct placement adoption in which the adoptive parent is
16 unrepresented, shall furnish to the adoptive parent a supplemental
17 written report containing information or records required by Section
18 ~~19~~ 7505-1.1 of this ~~act~~ title, which was unavailable before the
19 minor was placed for adoption, but which becomes reasonably
20 available to the Department, agency, attorney, or person who placed
21 the minor after the placement.

22 D. A petition for adoption may not be granted until a copy of
23 the medical and social history report is filed with the court. If
24 the court finds that information or records required by Section ~~19~~

1 7505-1.1 of this ~~act~~ title cannot be obtained by the reasonable
2 efforts of the Department or child-placing agency placing the minor,
3 or by the attorney for the adoptive parent in a direct placement
4 adoption, or by the person who placed the minor for adoption in a
5 direct placement adoption in which the adopted parent is
6 unrepresented, the court may accept the report and proceed with the
7 adoption.

8 E. 1. Any additional information about an adopted person, the
9 adopted person's biological parents, or the adopted person's genetic
10 history that is submitted to the clerk of the district court that
11 issues the final decree of adoption, before or after the final
12 decree of adoption is issued, shall be made a part of the court's
13 permanent record of the adoption, pursuant to Section ~~19~~ 7505-1.1 of
14 this ~~act~~ title. No filing fee shall be charged for filing this
15 supplemental information with the court clerk.

16 2. An adoptive parent, a biological parent, or an adult adopted
17 person may file with the clerk of the district court that issued the
18 final decree of adoption a notice of the individual's current
19 mailing address. A legal guardian of an adopted minor may file with
20 the clerk of the district court that issued the final decree of
21 adoption a notice of the guardian's current mailing address and
22 proof of legal guardianship. No filing fee shall be charged for
23 filing this notification of address or guardianship with the court
24 clerk.

1 3. Upon filing with the court clerk supplemental information
2 concerning the biological parents or the adopted person's genetic
3 history, the court clerk shall send notice by ordinary mail, at the
4 most recent address, if any, listed in the court records, to the
5 adoptive parent or legal guardian of a minor adopted person or to
6 the adult adopted person. The notice shall state that supplemental
7 information has been received and is available from the court clerk
8 upon request.

9 4. Upon filing with the court clerk supplemental information
10 concerning the adopted person that may be genetically significant
11 for a biological parent or biological relative, the court clerk
12 shall send notice by ordinary mail, at the most recent address, if
13 any, listed in the court records, to the biological parent. The
14 notice shall state that supplemental information has been received
15 and is available from the court clerk upon request.

16 F. If any additional information about an adopted person, the
17 adopted person's biological parents, or the adopted person's genetic
18 history is submitted to the Department, agency, attorney, or person
19 who prepared the original report, the Department, agency, attorney,
20 or person shall:

21 1. Retain this supplemental information with their other
22 records of the adoption for as long as these records are maintained;

23 2. File a copy of the supplemental information with the clerk
24 of the court that issued the decree of adoption, to be made a part

1 of the court's permanent record of the adoption pursuant to
2 subsection E of this section; and

3 3. Furnish a copy of the supplemental information to:

4 a. the adoptive parent or current legal guardian of the
5 child, if the adopted person is under the age of
6 eighteen (18), or the adult adopted person, if the
7 location of the adoptive parent, guardian or adult
8 adopted person is known to the Department, agency,
9 attorney, or person, or

10 b. the biological parents, if the supplemental
11 information is submitted by an adoptive parent or
12 adopted person and concerns genetically significant
13 information about the adopted person that is relevant
14 to the health or childbearing decisions of the
15 biological parents or other biological relatives, if
16 the location of the biological parents is known to the
17 Department, agency, attorney, or person.

18 G. 1. The clerk of the district court that issues the final
19 adoption decree or the Department, agency, attorney, or person who
20 prepared the medical and social history report shall provide a copy
21 of the medical and social history report and any additional medical
22 and social history information in its possession to the following
23 persons upon request:

24

- 1 a. the adoptive parent or legal guardian of a minor
- 2 adopted person,
- 3 b. an adopted person who has attained eighteen (18) years
- 4 of age, and
- 5 c. an adult whose biological mother's and biological
- 6 father's parental rights were terminated and who was
- 7 never adopted.

8 2. The clerk of the district court that issues the final
9 adoption decree or the Department, agency, attorney, or person who
10 prepared the medical and social history report shall provide a copy
11 of the medical report and any additional medical information in its
12 possession to the following persons upon request:

- 13 a. an adult direct descendant of a deceased adopted
- 14 person or of a deceased person whose biological
- 15 mother's and biological father's parental rights were
- 16 terminated and who was never adopted, and
- 17 b. the parent or guardian of a minor direct descendant of
- 18 a deceased adopted person or of a deceased person
- 19 whose biological mother's and biological father's
- 20 rights were terminated and who was never adopted.

21 3. The clerk of the district court that issues the final
22 adoption decree or the Department, child-placing agency, attorney,
23 or person who prepared the medical and social history report shall
24 provide to the following persons upon request, a copy of genetically

1 significant supplemental information about an adopted person, or
2 about a person whose parents' parental rights were terminated, which
3 became available subsequent to the issuance of the decree of
4 adoption or termination order:

5 a. a biological parent or biological relative of an
6 adopted person, and

7 b. a biological parent or biological relative of a person
8 whose biological mother's and biological father's
9 rights were terminated and who was never adopted.

10 4. The clerk of the district court that issues the final
11 adoption decree shall provide a copy of any medical and social
12 history information contained in the court records to the
13 Department, or child-placing agency that placed the minor for
14 adoption or to the attorney representing the adoptive parent upon
15 request.

16 5. A copy of the report and supplemental medical and social
17 history information may not be furnished under this subsection to a
18 person who cannot furnish satisfactory proof of identity and legal
19 entitlement to receive a copy.

20 6. A person requesting a copy of a report or other medical and
21 social history information under this subsection shall pay only the
22 actual and reasonable costs of providing the copy.

23 H. The Department, a child-placing agency, or an attorney for
24 an adoptive parent who facilitated or participated in an adoption

1 proceeding prior to the effective date of this act shall be subject
2 to the same requirements and duties set forth in subsections F and G
3 of this section that are required in those subsections for the
4 Department, agency, or attorney who prepared the medical or social
5 history.

6 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7510-1.5, as
7 last amended by Section 7, Chapter 258, O.S.L. 2006 (10 O.S. Supp.
8 2009, Section 7510-1.5), is amended to read as follows:

9 Section 7510-1.5 A. 1. When a parent or parents are found and
10 approved for adoption of a child who is determined by the Department
11 of Human Services to be eligible for adoption assistance pursuant to
12 the Oklahoma Adoption Assistance Act, and before the final decree of
13 adoption is entered, there must be a signed written agreement
14 between the prospective adoptive parent or parents and the
15 Department.

16 2. Adoption assistance in individual cases may commence with
17 the adoptive placement or at the time of finalization of the
18 adoption. Adoption assistance may be for special services only, or
19 for monthly money payments, and either for a limited period, or for
20 a long term, or for any combination of the foregoing.

21 Eligibility for and the rate of monthly adoption assistance
22 payments shall be determined by the Department in accordance with
23 rules promulgated by the Commission for Human Services.

24

1 B. When an otherwise eligible child is determined to have a
2 causative, preexisting condition which was not identified or known
3 prior to the legal finalization of the adoption and which has
4 resulted in a severe medical or psychiatric condition that requires
5 extensive treatment, hospitalization, or institutionalization, an
6 adoption assistance agreement may be approved by the Department
7 after the final decree of adoption has been entered. In the event
8 an adoption assistance agreement is approved that provides for
9 monthly adoption assistance payments, the adoptive parents may also
10 be entitled to receive retroactive adoption assistance payments for
11 a period not to exceed the two (2) months prior to the date the
12 adoption assistance agreement was approved.

13 C. Any child who met the requirements of the provisions of
14 Sections 7510-1.2 and 7510-1.4 of this title, and was determined
15 eligible for Oklahoma adoption assistance with respect to a prior
16 adoption, and is available for adoption because the prior adoption
17 has been dissolved and the parental rights of the adoptive parents
18 have been terminated or because the adoptive parents of the child
19 have died, shall be eligible for Oklahoma adoption assistance with
20 respect to any subsequent adoption.

21 D. 1. When adoption assistance benefits are for more than one
22 (1) year, the Department shall send the adoptive parent or parents
23 an Adoption Assistance Annual Review request and assure that the
24 child who has attained the minimum age for compulsory school

1 attendance and is eligible for an adoption assistance payment under
2 Title IV-E of the Social Security Act, 42 U.S.C., Section 670 et
3 seq. is:

- 4 a. enrolled in an institution that provides elementary or
5 secondary education as determined under the law of
6 this state or other jurisdiction in which the
7 institution is located,
- 8 b. instructed in elementary or secondary education by any
9 other means legally authorized,
- 10 c. in an independent study elementary or secondary
11 education program in accordance with the law of this
12 state or other jurisdiction in which the program is
13 located, that is administered by the local school or
14 school district, or
- 15 d. incapable of attending school on a full-time basis due
16 to a documented medical condition supported by regular
17 updates.

18 2. The adoptive parent or parents shall at all times keep the
19 Department informed of circumstances including, but not limited to,
20 whether the adoptive parent or parents continue to be legally
21 responsible for support of the child which would make them
22 ineligible for such assistance payments or eligible for assistance
23 payments in a different amount.

1 3. The Department is authorized and directed to make a review
2 of each adoption assistance agreement annually to assure that the
3 parents are fulfilling their obligations under the agreement.

4 4. No payment may be made to any parents with respect to any
5 child who has attained the age of eighteen (18) years, except a
6 child may continue to receive assistance until the child reaches the
7 age of nineteen (19) years if the child:

8 a. continues to attend high school or pursues General
9 Education Development, or

10 b. meets the criteria for an adoption assistance
11 difficulty of care rate as determined by the
12 Department.

13 5. Termination or modification of the adoption assistance
14 agreement may be requested by the adoptive parent or parents at any
15 time.

16 6. No payment may be made to adoptive parents if the Department
17 determines that the parents are no longer legally responsible for
18 the support of the child or that the child is no longer receiving
19 any financial support from such parents.

20 E. A child for whom an adoption assistance agreement has been
21 reached with the Department shall remain eligible and receive
22 adoption assistance benefits regardless of the domicile or residence
23 of the adopting parent or parents at any given time.

1 F. All records regarding adoption assistance shall be
2 confidential and may be disclosed only in accordance with the
3 provisions of the Oklahoma Adoption Code.

4 SECTION 3. AMENDATORY 10 O.S. 2001, Section 7510-3.2, is
5 amended to read as follows:

6 Section 7510-3.2 This Compact on Adoption and Medical
7 Assistance, hereinafter called "the compact", is hereby enacted into
8 law and entered into with all other jurisdictions legally joining
9 therein in the form substantially as follows:

10 ARTICLE I. FINDINGS

11 The party states find that:

12 (1) In order to obtain adoptive families for children with
13 special needs, prospective adoptive parents must be assured of
14 substantial assistance (usually on a continuing basis) in meeting
15 the high costs of supporting and providing for the special needs and
16 services required by such children.

17 (2) The states have a fundamental interest in promoting
18 adoption for children with special needs because the care, emotional
19 stability and general support and encouragement required by such
20 children to surmount their physical, mental or emotional conditions
21 can be best, and often only, obtained in family homes with a normal
22 parent-child relationship.

23

24

1 (3) The states obtain advantages from providing adoption
2 assistance because the customary alternative is for the state to
3 defray the entire cost of meeting all the needs of such children.

4 (4) The special needs involved are for the emotional, physical
5 maintenance of the child, and medical support and services.

6 (5) The necessary assurance of adoption assistance for children
7 with special needs, in those instances where children and adoptive
8 parents are in states other than the one undertaking to provide the
9 assistance, is to establish and maintain suitable substantive
10 guarantees and workable procedures for interstate payments to assist
11 with the necessary child maintenance, procurement of services, and
12 medical assistance.

13 ARTICLE II. PURPOSES

14 The purposes of this compact are to:

15 (1) Strengthen protections for the interest of the children
16 with special needs on behalf of whom adoption assistance is
17 committed to be paid, when such children are in or move to states
18 other than the one committed to make adoption assistance payments.

19 (2) Provide substantive assurances and procedures which will
20 promote the delivery of medical and other services on an interstate
21 basis to children through programs of adoption assistance
22 established by the laws of the party states.

23 ARTICLE III. DEFINITIONS

24

1 As used in this compact, unless the context clearly requires a
2 different construction:

3 (1) "Child with special needs" means a minor who has not yet
4 attained the age at which the state normally discontinues children's
5 services or twenty-one (21) years, where the state determines that
6 the child's mental or physical handicaps warrant the continuation of
7 assistance, for whom the state has determined the following:

8 (A) That the child cannot or should not be returned to the home
9 of his or her parents;

10 (B) That there exists with respect to the child a specific
11 factor or condition (such as his or her ethnic background, age, or
12 membership in a minority or sibling group, or the presence of
13 factors such as medical condition or physical, mental, or emotional
14 handicaps) because of which it is reasonable to conclude that such
15 child cannot be placed with adoptive parents without providing
16 adoption assistance.

17 (C) That, except where it would be against the best interests
18 of the child because of such factors as the existence of significant
19 emotional ties with prospective adoptive parents while in the care
20 of such parents as a foster child, a reasonable, but unsuccessful,
21 effort has been made to place the child with appropriate adoptive
22 parents without providing adoption assistance payments.

23 (2) "Adoption assistance" means the payment or payments for
24 maintenance of a child, which payment or payments are made or

1 committed to be made pursuant to the adoption assistance program
2 established by the laws of a party state.

3 (3) "State" means a state of the United States, the District of
4 Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam,
5 the Commonwealth of the Northern Mariana Islands, or a Territory or
6 Possession of the United States.

7 (4) "Adoption assistance state" means the state that is
8 signatory to an adoption assistance agreement in a particular case.

9 (5) "Residence state" means the state of which the child is a
10 resident by virtue of the residence of the adoptive parents.

11 (6) "Parents" means either the singular or plural of the word
12 "parent".

13 ARTICLE IV. ADOPTION ASSISTANCE

14 (1) Each state shall determine the amounts of adoption
15 assistance and other aid which it will give to children with special
16 needs and their adoptive parents in accordance with its own laws and
17 programs. The adoption assistance and other aid may be made subject
18 to periodic re-evaluation of eligibility by the adoption assistance
19 state in accordance with its laws. The provisions of this article
20 and of Article V are subject to the limitation set forth in this
21 paragraph.

22 (2) The adoption assistance and medical assistance services and
23 benefits to which this compact applies are those provided to
24 children with special needs and their adoptive parents from the time

1 of the final decree of adoption or the interlocutory decree of
2 adoption, as the case may be, pursuant to the laws of the adoptive
3 assistance state. In addition to the content required by subsequent
4 provisions of this article for adoption assistance agreements, each
5 such agreement shall state whether the initial adoption assistance
6 period thereunder begins with the final or interlocutory decree of
7 adoption. Aid provided by party states to children with special
8 needs during the preadoptive placement period or earlier shall be
9 under the foster care or other programs of the states and, except as
10 provided in paragraph 3 of this article, shall not be governed by
11 the provisions of this compact.

12 (3) Every case of adoption assistance shall include an adoption
13 assistance agreement between the adoptive parents and the agency of
14 the state undertaking to provide the adoption assistance. Every such
15 agreement shall contain provisions for the fixing of actual or
16 potential interstate aspects of the adoption assistance, as follows:

17 (A) An express commitment that the adoption assistance shall be
18 payable without regard for the state of residence of the adoptive
19 parents, both at the outset of the agreement period and at all times
20 during its continuance.

21 (B) A provision setting forth with particularity the types of
22 child care and services toward which the adoption assistance state
23 will make payments.

24

1 (C) A commitment to make medical assistance available to the
2 child in accordance with Article V of this compact.

3 (D) An express declaration that the agreement is for the
4 benefit of the child, the adoptive parents and the state and that it
5 is enforceable by any or all of them.

6 (4) Any services or benefits provided by the residence state
7 and the adoption assistance state for a child may be facilitated by
8 the party states on each other's behalf. To this end, the personnel
9 of the child welfare agencies of the party states will assist each
10 other and beneficiaries of adoption assistance agreements with other
11 party states in implementing benefits expressly included in adoption
12 assistance agreements. However, it is recognized and agreed that in
13 general children to whom adoption assistance agreements apply are
14 eligible for benefits under the child welfare, education,
15 rehabilitation, mental health and other programs of their state of
16 residence on the same basis as other resident children.

17 (5) Adoption assistance payments, when made on behalf of a
18 child who is subject to the jurisdiction of this state but residing
19 in another state, shall be made on the same basis and in the same
20 amounts as they would be made if the child were residing in the this
21 state making the payments; provided, however, adoption assistance
22 agreements with families residing in other states signed before
23 October 1, 2009, may be continued.

1 (6) Effective July 1, 2010, for good cause shown, the Director
2 of the Department of Human Services or designee may approve adoption
3 assistance payments on behalf of a child subject to the jurisdiction
4 of this state but residing in another state, up to the maximum
5 foster care reimbursement allowable in the state of residence.

6 ARTICLE V. MEDICAL ASSISTANCE

7 (1) Children for whom a party state is committed in accordance
8 with the terms of an adoption assistance agreement to make adoption
9 assistance payments are eligible for medical assistance during the
10 entire period for which such payments are to be provided. Upon
11 application therefor by the adoptive parents of a child on whose
12 behalf a party state's duly constituted authorities have entered
13 into an adoption assistance agreement, the adoptive parents shall
14 receive a medical assistance identification made out in the child's
15 name. The identification shall be issued by the medical assistance
16 program of the residence state and shall entitle the child to the
17 same benefits, pursuant to the same procedures, as any other child
18 who is a resident of the state and covered by medical assistance,
19 whether or not the adoptive parents are eligible for medical
20 assistance.

21 (2) The identification shall bear no indication that an
22 adoption assistance agreement with another state is the basis for
23 issuance. However, if the identification is issued on account of an
24 outstanding adoption assistance agreement to which another state is

1 a signatory, the records of the issuing state and the adoption
2 assistance state shall show the fact, shall contain a copy of the
3 adoption assistance agreement and any amendment or replacement
4 therefor, and all other pertinent information. The adoption
5 assistance and medical assistance programs of the adoption
6 assistance state shall be notified of the identification issuance.

7 (3) A state which has issued a medical assistance
8 identification pursuant to this compact, which identification is
9 valid and currently in force, shall accept, process and pay medical
10 assistance claims thereon as on any other medical assistance
11 eligibilities of residents.

12 (4) An adoption assistance state which provides medical
13 services or benefits to children covered by its adoption assistance
14 agreements, which services or benefits are not provided for those
15 children under the medical assistance program of the residence
16 state, may enter into cooperative arrangements with the residence
17 state to facilitate the delivery and administration of such services
18 and benefits. However, any such arrangements shall not be
19 inconsistent with this compact nor shall they relieve the residence
20 state of any obligation to provide medical assistance in accordance
21 with its laws and this compact.

22 (5) A child whose residence is changed from one party state to
23 another party state shall be eligible for medical assistance under
24 the medical assistance program of the new state of residence.

1 ARTICLE VI. JOINDER AND WITHDRAWAL

2 (1) This compact shall be open to joinder by any state. It
3 shall enter into force as to a state when its duly constituted and
4 empowered authority has executed it.

5 (2) In order that the provisions of this compact may be
6 accessible to and known by the general public and so that its status
7 as law in each of the party states may be fully implemented, the
8 full text of the compact, together with a notice of its execution,
9 shall be caused to be published by the authority which has executed
10 it in each party state. Copies of the compact shall be made
11 available upon request made of the executing authority in any state.

12 (3) Withdrawal from this compact shall be by written notice
13 sent by the authority which executed it to the appropriate officials
14 of all other party states, but no such notice shall take effect
15 until one (1) year after it is given in accordance with the
16 requirements of this paragraph.

17 (4) All adoption assistance agreements outstanding and to which
18 a party state is signatory at the time when its withdrawal from this
19 compact takes effect shall continue to have the effects given to
20 them pursuant to this compact, until they expire or are terminated
21 in accordance with their provisions. Until such expiration or
22 termination, all beneficiaries of the agreements involved shall
23 continue to have all rights and obligations conferred or imposed by
24 this compact and the withdrawing state shall continue to administer

1 the compact to the extent necessary to accord and implement fully
2 the rights and protections preserved thereby.

3 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7004-1.6, as
4 amended by Section 63, Chapter 233, O.S.L. 2009, and as renumbered
5 by Section 299, Chapter 233, O.S.L. 2009 (10A O.S. Supp. 2009,
6 Section 1-9-107), is amended to read as follows:

7 Section 1-9-107. A. This section ~~and Section 3230 of Title 70~~
8 ~~of the Oklahoma Statutes~~ shall be known and may be cited as the
9 "Independent Living Act".

10 B. The purpose of the Independent Living Act shall be:

11 1. To ensure that eligible individuals, who have been or are in
12 the foster care program of the Department of Human Services or a
13 federally recognized Indian tribe with whom the Department has a
14 contract, due to abuse or neglect, receive the protection and
15 support necessary to allow those individuals to become self reliant
16 and productive citizens through the provision of requisite services
17 that include, but are not limited to, transitional planning,
18 housing, medical coverage, and education, provided that eligibility
19 for tuition waivers shall be as set forth in Section 3230 of Title
20 70 of the Oklahoma Statutes; and

21 2. To break the cycle of abuse and neglect that obligates the
22 state to assume custody of children.

23 C. ~~Individuals eligible for services pursuant to the~~
24 ~~Independent Living Act include any individual up to twenty one (21)~~

1 ~~years of age who has been in the custody of the Department or a~~
2 ~~federally recognized Indian tribe due to abuse or neglect for any~~
3 ~~nine (9) of the twenty-four (24) months after the individual's~~
4 ~~sixteenth birthday and before the individual's eighteenth birthday~~

5 An individual is eligible to receive independent living services
6 from the age of sixteen (16) until the age of eighteen (18), during
7 the time the individual is in the custody of the Department or a
8 federally recognized Indian tribe and in an out-of-home placement.

9 D. Independent living services may continue to the age of
10 twenty-one (21), provided the individual is in the custody of the
11 Department or a federally recognized Indian tribe due to abuse or
12 neglect and is in an out-of-home placement at the time of the
13 individual's eighteenth birthday.

14 E. Individuals who are sixteen (16) years of age or older, who
15 have been released from the custody of the Department or federally
16 recognized Indian tribe due to the entry of an adoption decree or
17 guardianship order are eligible to receive independent living
18 services until the age of twenty-one (21).

19 F. Individuals who are eligible for services pursuant to the
20 Independent Living Act and who are between eighteen (18) and twenty-
21 one (21) years of age shall be eligible for Medicaid coverage,
22 provided such individuals were also in the custody of the Department
23 or a federally recognized Indian tribe on the date they reached

24

1 eighteen (18) years of age and meet Medicaid financial eligibility
2 guidelines.

3 SECTION 5. AMENDATORY 63 O.S. 2001, Section 1-227.4, as
4 last amended by Section 150, Chapter 234, O.S.L. 2009 (63 O.S. Supp.
5 2009, Section 1-227.4), is amended to read as follows:

6 Section 1-227.4 A. The Oklahoma Commission on Children and
7 Youth shall appoint an interagency child abuse prevention task force
8 which shall be composed of seventeen (17) members as follows:

9 1. One representative of the child welfare services division of
10 the Department of Human Services;

11 2. One representative of the maternal and child health services
12 of the State Department of Health;

13 3. One representative of the child guidance services of the
14 State Department of Health;

15 4. One representative of the State Department of Education;

16 5. Two representatives of the Department of Mental Health and
17 Substance Abuse Services, one with expertise in the treatment of
18 mental illness and one with expertise in the treatment of substance
19 abuse;

20 6. One representative of the Office of the Attorney General
21 with expertise in the area of domestic abuse;

22 7. One representative of the Oklahoma Commission on Children
23 and Youth's Community Partnership Board;

24

1 8. One representative of the Oklahoma Chapter of the American
2 Academy of Pediatrics;

3 9. One representative of the judiciary, the legal profession,
4 or law enforcement;

5 10. Two representatives who have expertise in the delivery of
6 child abuse prevention services and who do not receive funds from
7 the Child Abuse Prevention Fund as provided in Section 1-227.8 of
8 this title; one of whom shall have experience providing child abuse
9 prevention services pursuant to Section 1-9-108 of Title 10A of the
10 Oklahoma Statutes;

11 11. One representative of the Oklahoma Partnership for School
12 Readiness Board;

13 12. Three parents participating in a child abuse prevention
14 program, ~~one of whom shall have participated in a program for high-~~
15 ~~risk families pursuant to Section 1-9-108 of Title 10A of the~~
16 ~~Oklahoma Statutes;~~ and

17 13. One representative of the faith community.

18 B. Each member of the interagency child abuse prevention task
19 force is authorized to have one designee.

20 C. The Office of Child Abuse Prevention and the interagency
21 child abuse prevention task force of the Oklahoma Commission on
22 Children and Youth shall prepare the comprehensive state plan for
23 prevention of child abuse and neglect for the approval of the
24 Commission. The development and preparation of ~~said~~ the plan shall

1 include, but not be limited to, adequate opportunity for appropriate
2 local private and public agencies and organizations and private
3 citizens to participate in the development of the state plan at the
4 local level.

5 D. 1. The interagency child abuse prevention task force and
6 the Office of Child Abuse Prevention shall review and evaluate all
7 proposals submitted for grants or contracts for child abuse
8 prevention programs and services. Upon completion of such review
9 and evaluation, the interagency child abuse prevention task force
10 and the Office of Child Abuse Prevention shall make the final
11 recommendations as to which proposals should be funded pursuant to
12 the provisions of the Child Abuse Prevention Act and shall submit
13 its findings to the Oklahoma Commission on Children and Youth. The
14 Commission shall review the findings of the interagency child abuse
15 prevention task force and the Office of Child Abuse Prevention for
16 compliance of such approved proposals with the comprehensive state
17 plan prepared pursuant to the provisions of the Child Abuse
18 Prevention Act.

19 2. Upon ascertaining compliance with ~~said~~ the plans, the
20 Commission shall deliver the findings of the interagency child abuse
21 prevention task force and the Office of Child Abuse Prevention to
22 the State Commissioner of Health.

23 3. The Commissioner shall authorize the Office of Child Abuse
24 Prevention to use the Child Abuse Prevention Fund to fund such

1 grants or contracts for child abuse prevention programs and services
2 which are approved by the Commissioner.

3 4. Whenever the Commissioner approves a grant or contract which
4 was not recommended by the interagency task force and the Office of
5 Child Abuse Prevention, the Commissioner shall state in writing the
6 reason for such decision.

7 5. Once the grants or contracts have been awarded by the
8 Commissioner, the Office of Child Abuse Prevention, along with the
9 interagency child abuse prevention task force, shall annually review
10 the performance of the awardees and determine if funding should be
11 continued.

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

16

17 52-2-9998 SDR 02/22/10

18

19

20

21

22

23

24