

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2331 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Chelsey Branham \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2331

By: Branham

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9 PROPOSED COMMITTEE SUBSTITUTE

10 An Act relating to children; creating the Families  
11 Actively Made for Independent-Living-Aged Youth  
12 (FAMILY) Act; prohibiting Department of Human  
13 Services from placing certain restrictions on child-  
14 placing agency; providing exception for contractual  
15 prohibition; mandating same reimbursement rate for  
16 child-placing agency as other families receive;  
17 listing conditions for placing nontherapeutic child  
18 in therapeutic foster home; authorizing reimbursement  
19 based on therapeutic foster rate; requiring specified  
20 checks for certain prospective foster family homes;  
21 providing exception for additional documentation;  
22 directing Department to promulgate rules; creating  
23 the Children Belong With Families Act; directing  
24 Department of Human Services to create the Unit for  
Runaway, Homeless and At-Risk Youth; providing for  
determination of child as homeless; establishing  
deprivation and voluntary custody of child at  
hearing; limiting when case can be closed; describing  
criteria for reopening case; directing Department to  
exhaust all options to ensure child appears at  
hearing; requiring probationary period if child fails  
to appear; mandating closing case if child fails to  
appear during probationary period; authorizing  
contracting with shelter in certain cases; allowing  
child to remain in former residence if certain  
conditions are met; restricting closing case of  
certain child; prohibiting closing case if child is  
absent or being considered for alternative placement;

1 directing Department to promulgate rules; providing  
2 for codification; and providing an effective date.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1-7-117 of Title 10A, unless  
7 there is created a duplication in numbering, reads as follows:

8 A. This section shall be known and may be cited as the  
9 "Families Actively Made for Independent-Living-Aged Youth (FAMILY)  
10 Act".

11 B. The Department of Human Services shall not prohibit private  
12 child-placing agencies from recruiting, certifying or providing  
13 services for foster family homes unless the contract with the  
14 private child-placing agency explicitly prohibits these activities.

15 C. Any private child-placing agency that provides services for  
16 foster family homes in compliance with the contract between the  
17 private child-placing agency and the Department shall be eligible to  
18 receive the same reimbursement rate as other families in accordance  
19 with the contract.

20 D. 1. Therapeutic foster family homes that are approved by the  
21 Department and have available space shall not be prohibited from the  
22 placement of a child who is not eligible or considered for  
23 therapeutic foster care if:  
24

- a. the child is a sibling of a child currently in their care, or
- b. at least one teenager is in their care.

2. Any family caring for both therapeutic and nontherapeutic foster children may be reimbursed for each child in the home at the same rate as if all the children in the home were in therapeutic foster care.

E. Prospective foster family homes completing requirements established by the Department for approval or certification by a child-placing agency shall only be required to complete a child welfare check, a national criminal history records search based upon submission of fingerprints, military background check and child abuse registry check unless other documentation that is not deemed redundant by the Department would provide necessary and relevant information about the prospective foster family home.

F. The Department may promulgate rules to implement the provisions of this section.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-8-113 of Title 10A, unless there is created a duplication in numbering, reads as follows:

A. This section shall be known and may be cited as the "Children Belong With Families Act".

1 B. The Department of Human Services shall create and promulgate  
2 rules for a unit within the Department which shall be known as the  
3 "Unit for Runaway, Homeless and At-Risk Youth".

4 C. If a child is determined to be homeless by someone who  
5 includes, but is not limited to, an employee of the Department, a  
6 children's emergency resource center, a community-based program, a  
7 group home or any other person the Department, court, a court-  
8 appointed special advocate or a guardian ad litem would consider a  
9 credible witness, this determination shall be sufficient evidence to  
10 establish deprivation and enter the child into voluntary custody  
11 through a hearing.

12 D. For the purposes of voluntary custody, if the child requests  
13 the case to be closed, the case shall only be closed if the court  
14 finds the child is not under duress and the Department, child's  
15 attorney or person advocating for the child has stated for the court  
16 it is in the best interests of the child to close the case. The  
17 case may be reopened only once more in a single calendar year if the  
18 child is more than fourteen (14) years of age.

19 E. To ensure the intent of the Children Belong With Families  
20 Act, the Department shall exhaust all options to ensure the  
21 appearance of the child at each hearing.

22 F. If the child is not excused from appearing at a hearing by  
23 either the Department or the court and fails to appear, the child  
24 shall enter into a probationary period. If the child is given

1 notice but does not appear at the next hearing, the court shall  
2 close the case.

3 G. If a child in the custody of the Department is found seeking  
4 services of a shelter, the shelter may enter into a contract with  
5 the Department and be reimbursed for services rendered as a  
6 transitional living program or a qualified residential treatment  
7 program as provided for in federal law.

8 H. A child who has entered into voluntary custody shall not be  
9 prohibited from remaining in a former place of residence unless it  
10 is in the best interests of the child and deemed necessary by the  
11 court; provided, that the Department has approved and secured a  
12 residence that will be in the least restrictive environment for the  
13 child.

14 I. The Department shall not close the case of a child in its  
15 custody if, at the time of closure, the child is both dually  
16 adjudicated and residing in a juvenile facility.

17 J. If a child is considered absent without leave (AWOL) or is  
18 being considered for alternative placement, the case shall not be  
19 closed unless approved by the Department of Human Services Office of  
20 Client Advocacy and the Oklahoma Commission on Children and Youth.

21 K. If the child is considered AWOL, the case shall not be  
22 closed solely due to the inability to find the child.

23 L. The Department shall promulgate rules to implement the  
24 provisions of this section.

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SECTION 3. This act shall become effective November 1, 2019.

57-1-7821           EK           02/08/19