

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2331

By: Branham

COMMITTEE SUBSTITUTE

An Act relating to children; creating the Families Actively Made for Independent-Living-Aged Youth (FAMILY) Act; prohibiting Department of Human Services from placing certain restrictions on child-placing agency; providing exception for contractual prohibition; mandating same reimbursement rate for child-placing agency as other families receive; listing conditions for placing nontherapeutic child in therapeutic foster home; authorizing reimbursement based on therapeutic foster rate; requiring specified checks for certain prospective foster family homes; providing exception for additional documentation; directing Department to promulgate rules; creating the Children Belong With Families Act; directing 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; directing Department to promulgate rules; providing for codification; and providing an effective date.

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

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

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

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

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

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

21 a. the child is a sibling of a child currently in their
22 care, or

23 b. at least one teenager is in their care.

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

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

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

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

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

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

23 C. If a child is determined to be homeless by someone who
24 includes, but is not limited to, an employee of the Department, a

1 children's emergency resource center, a community-based program, a
2 group home or any other person the Department, court, a court-
3 appointed special advocate or a guardian ad litem would consider a
4 credible witness, this determination shall be sufficient evidence to
5 establish deprivation and enter the child into voluntary custody
6 through a hearing.

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

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

17 F. If the child is not excused from appearing at a hearing by
18 either the Department or the court and fails to appear, the child
19 shall enter into a probationary period. If the child is given
20 notice but does not appear at the next hearing, the court shall
21 close the case.

22 G. If a child in the custody of the Department is found seeking
23 services of a shelter, the shelter may enter into a contract with
24 the Department and be reimbursed for services rendered as a

1 transitional living program or a qualified residential treatment
2 program as provided for in federal law.

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

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

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

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

18 L. The Department shall promulgate rules to implement the
19 provisions of this section.

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

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