

# An Act

ENROLLED HOUSE  
BILL NO. 1074

By: Hill, Fetgatter, Bennett,  
Lawson, Mize, Pae,  
Randleman, Smith,  
Hasenbeck, Grego,  
Rosecrants, Fugate, Stark  
and West (Josh) of the  
House

and

Scott of the Senate

An Act relating to children; amending 10A O.S. 2011, Section 1-4-204, as last amended by Section 3, Chapter 342, O.S.L. 2017 (10A O.S. Supp. 2018, Section 1-4-204), which relates to determining placement for a child in custody; requiring Department of Human Services to verify applicability of certain act; providing deadline for verification; directing Department to conduct nationwide relative search for placement purposes; setting time frame for search; and providing an effective date.

SUBJECT: Child placement

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-4-204, as last amended by Section 3, Chapter 342, O.S.L. 2017 (10A O.S. Supp. 2018, Section 1-4-204), is amended to read as follows:

Section 1-4-204. A. 1. When awarding custody or determining the placement of a child, a preference shall be given to relatives and persons who have a kinship relationship with the child. The Department of Human Services shall make diligent efforts to place the child with such persons and shall report to the court the

efforts made to secure that placement. In cases where the Indian Child Welfare Act applies, the placement preferences of the act shall be followed. The Department shall verify applicability of the Indian Child Welfare Act within three (3) months of the child being taken into custody.

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

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

- a. one sibling has resided in a foster family home for six (6) or more months and has established a relationship with the foster family,
- b. the siblings have never resided in the same home together,
- c. there is no established relationship between the siblings, or
- d. it is in the best interests of the child to remain in the current foster family home placement.

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

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

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

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

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

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

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

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

8. The best interests of the child.

C. 1. The Department of Human Services shall consider placement with a relative without delay and shall identify relatives of the child and notify them of the need for temporary placement and the possibility of the need for a permanent out-of-home placement of the child. The relative search shall be reasonable and comprehensive in scope and may continue until a fit and willing relative is identified; however, a nationwide relative search shall be conducted by the Department within three (3) months of the child being taken into custody.

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

3. A decision by a relative to not participate in the child's placement planning at the beginning of the case or to cooperate with

the Department to expedite procedures for placement of the child in the child's home may affect whether that relative will be considered for permanent placement of the child if the child cannot be safely returned to the home of the child's parent or parents.

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

E. Following an initial placement with a relative, whenever a new placement of the child is made, consideration for placement shall again be given as described in this section to approved relatives who will fulfill the reunification or permanent plan requirements of the child. The Department shall consider whether the relative has established and maintained a relationship with the child.

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

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

SECTION 2. This act shall become effective November 1, 2019.

Passed the House of Representatives the 6th day of March, 2019.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 8th day of April, 2019.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_