

1                                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2   STATE OF OKLAHOMA

3   1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1328

By: Albright

7  
8   COMMITTEE SUBSTITUTE

9                   An Act relating to children; amending 10A O.S. 2011,  
10                   Section 1-7-111, as amended by Section 2, Chapter  
11                   242, O.S.L. 2012 (10A O.S. Supp. 2018, Section 1-7-  
12                   111), which relates to the Oklahoma Children's Code;  
13                   prohibiting Department of Human Services from placing  
14                   certain restrictions on child-placing agency;  
15                   providing exception for contractual prohibition;  
16                   mandating same reimbursement rate for kinship foster  
17                   families as other foster families receive; and  
18                   providing an effective date.

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

20                   SECTION 1.           AMENDATORY           10A O.S. 2011, Section 1-7-111, as  
21                   amended by Section 2, Chapter 242, O.S.L. 2012 (10A O.S. Supp. 2018,  
22                   Section 1-7-111), is amended to read as follows:

23                   Section 1-7-111. A. 1. Except as otherwise provided by law,  
24                   the Department of Human Services or the Office of Juvenile Affairs  
25                   shall not place a child in a foster home prior to completion of:

- 26                   a. a foster parent eligibility assessment on the foster  
27                   parent applicant,

1           b.    a national criminal history records search based upon  
2                    submission of fingerprints for any adult residing in  
3                    the home, as required by the Oklahoma Child Care  
4                    Facilities Licensing Act and the Oklahoma Children's  
5                    Code,

6           c.    a Motor Vehicle Report obtained from the Department of  
7                    Public Safety regarding each adult residing in the  
8                    home, and

9           d.    a check of any child abuse registry maintained by a  
10                   state in which the prospective foster parent or any  
11                   adult living in the home of the prospective foster  
12                   parent has resided in the preceding five (5) years.

13    Provided, however, the state agencies may place a child in the home  
14    of a foster parent, pending completion of the national criminal  
15    history records search, if the foster parent and every adult  
16    residing in the home of the foster parent have resided in this state  
17    for at least five (5) years immediately preceding placement. The  
18    director of such state agency or designee may authorize an exception  
19    to the fingerprinting requirement for any person residing in the  
20    home who has a severe physical condition which precludes such person  
21    from being fingerprinted.

22           2.    a.    The Department shall be the lead agency for  
23                    disseminating fingerprint cards to courts and child-  
24                    placing agencies for obtaining and requesting a

1 national criminal history records search based upon  
2 submission of fingerprints from the Oklahoma State  
3 Bureau of Investigation. The Office of Juvenile  
4 Affairs may directly request national criminal history  
5 records searches as defined by Section 150.9 of Title  
6 74 of the Oklahoma Statutes from the Oklahoma State  
7 Bureau of Investigation for the purpose of obtaining  
8 the national criminal history of any individual for  
9 which such a search is required pursuant to this  
10 section.

11 b. Courts and child-placing agencies may request the  
12 Department to obtain from the Oklahoma State Bureau of  
13 Investigation a national criminal history records  
14 search based upon submission of fingerprints for  
15 foster parents and other persons requiring such search  
16 pursuant to the Oklahoma Child Care Facilities  
17 Licensing Act and the Oklahoma Children's Code. Any  
18 fees charged by the Oklahoma State Bureau of  
19 Investigation or the Federal Bureau of Investigation  
20 for such searches shall be paid by the requesting  
21 entity.

22 c. Either the Department or the Office of Juvenile  
23 Affairs, whichever is applicable, shall contract with  
24 the Oklahoma State Bureau of Investigation to obtain

1 national criminal history records searches based upon  
2 submission of fingerprints.

3 B. A child-placing agency shall not place a child who is in the  
4 custody of the agency in a foster home until completion of a foster  
5 parent eligibility assessment and a national criminal history  
6 records search based upon submission of fingerprints has been  
7 completed for each individual residing in the home in which the  
8 child will be placed, as required pursuant to the Oklahoma Child  
9 Care Facilities Licensing Act or the Oklahoma Children's Code, and a  
10 check of any child abuse registry maintained by a state in which the  
11 prospective foster parent or any adult living in the home of the  
12 prospective foster parent has resided in the past five (5) years;  
13 provided, however, the child-placing agency may place a child in a  
14 foster family home pending completion of the national criminal  
15 history records search if the foster parent and every adult residing  
16 in the home have resided in this state for at least five (5) years  
17 immediately preceding the placement.

18 C. 1. Whenever a court awards custody of a child to an  
19 individual or a child-placing agency other than the Department or  
20 the Office of Juvenile Affairs, for placement of the child, the  
21 court shall:

22 a. require that when custody is placed with an  
23 individual, a foster family eligibility assessment be  
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1           conducted for the foster parents prior to placement of  
2           the child, and

3           b.    require that if custody is awarded to a child-placing  
4           agency, a foster family eligibility assessment be  
5           conducted as required by the Oklahoma Child Care  
6           Facilities Licensing Act.

7           2.   A child-placing agency other than the Department or the  
8   Office of Juvenile Affairs shall, within thirty (30) days of  
9   placement, provide for an assessment of the child for the purpose of  
10   establishing an appropriate individualized service plan for the  
11   child. The court shall require the individualized service plan to  
12   be completed in substantially the same form and with the same  
13   content as required by the Oklahoma Children's Code for a deprived  
14   child or as required by the Oklahoma Juvenile Code for a delinquent  
15   child or a child in need of supervision.

16          3.   The child shall receive a complete medical examination  
17   within thirty (30) days of initial placement unless a medical  
18   examination was conducted on the child upon the removal of the child  
19   and the court finds no need for an additional examination.

20          4.   The child may receive such further diagnosis and evaluation  
21   as necessary as determined by the court to preserve the physical and  
22   mental well-being of the child.

23          D.   When the court awards custody of a child to an individual or  
24   a child-placing agency as provided by this section, the individual

1 or child-placing agency shall be responsible for the completion of  
2 and costs of the national criminal history records search based upon  
3 submission of fingerprints, the foster parent eligibility  
4 assessment, the preparation of an individualized service plan, and  
5 the medical examination required by this section.

6 E. The Department shall not prohibit a child-placing agency  
7 from recruiting, certifying or providing services for kinship foster  
8 family homes unless the contract between the child-placing agency  
9 and the Department explicitly prohibits these activities. Any  
10 kinship foster family home that receives services from a child-  
11 placing agency in compliance with the contract between the child-  
12 placing agency and the Department shall be eligible to receive the  
13 same reimbursement rate as other foster family homes in accordance  
14 with the contract.

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

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17 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY  
18 SERVICES, dated 02/21/2019 - DO PASS, As Amended.

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