

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. 2331

By: Branham of the House

and

7 **Smalley** and **Hicks** of the
8 Senate

9
10 COMMITTEE SUBSTITUTE

11 An Act relating to children; creating the Families
12 Actively Made for Independent-Living-Aged Youth
13 (FAMILY) Act; prohibiting Department of Human
14 Services from placing certain restrictions on child-
15 placing agency; providing exception for contractual
16 prohibition; mandating same reimbursement rate for
17 child-placing agency as other families receive;
18 listing conditions for placing nontherapeutic child
19 in therapeutic foster home; authorizing reimbursement
20 based on therapeutic foster rate; requiring specified
21 checks for certain prospective foster family homes;
22 providing exception for additional documentation;
23 directing Department to promulgate rules; creating
24 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

1 certain child; prohibiting closing case if child is
2 absent or being considered for alternative placement;
3 directing Department to promulgate rules; providing
4 for codification; and providing an effective date.

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

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

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

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

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

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

1 a. the child is a sibling of a child currently in their
2 care, or

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

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

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

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

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

21 A. This section shall be known and may be cited as the
22 "Children Belong With Families Act".
23
24

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.

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

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