

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 1328

By: Albright

AS INTRODUCED

An Act relating to children; amending 10A O.S. 2011, Section 1-7-111, as amended by Section 2, Chapter 242, O.S.L. 2012 (10A O.S. Supp. 2018, Section 1-7-111), which relates to the Oklahoma Children's Code; 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; and providing an effective date.

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

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

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

a. a foster parent eligibility assessment on the foster 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 foster family
8 homes unless the contract with the child-placing agency explicitly
9 prohibits these activities. Any child-placing agency that provides
10 services for foster family homes in compliance with the contract
11 between the child-placing agency and the Department shall be
12 eligible to receive the same reimbursement rate as other families in
13 accordance with the contract.

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

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