

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 159

By: Daniels and Boren of the
Senate

6 and

7 Lawson of the House

8
9 An Act relating to dispositional hearings; amending
10 10A O.S. 2021, Section 1-4-704, which relates to
11 individualized service plans; authorizing voluntary
12 participation in certain services; construing
13 provisions; prohibiting use of participation in
14 certain services as evidence for adjudication or
15 disposition; and providing an effective date.

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

17 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-4-704, is
18 amended to read as follows:

19 Section 1-4-704. A. The Department of Human Services or
20 licensed child-placing agency shall prepare and maintain a written
21 individualized service plan for any child that has been adjudicated
22 to be a deprived child.

23 B. The plan shall be furnished to the court within thirty (30)
24 days after the adjudication of the child and shall be made available
to counsel for the parties and any applicable tribe by the

1 Department or the licensed child-placing agency having custody of
2 the child or responsibility for the supervision of the case.

3 C. 1. The individualized service plan shall be based upon a
4 comprehensive assessment and evaluation of the child and family and
5 shall be developed with the participation of the parent, legal
6 guardian, or legal custodian of the child, the attorney for the
7 child, the guardian ad litem for the child, if any, the child's
8 tribe, and the child, if appropriate. The health and safety of the
9 child shall be the paramount concern in the development of the plan.

10 2. If any part of the plan is disputed or not approved by the
11 court, an evidentiary hearing may be held and at its conclusion, the
12 court shall determine the content of the individualized service plan
13 in accord with the evidence presented and the best interests of the
14 child.

15 3. When approved by the court, each individualized service plan
16 shall be incorporated and made a part of the dispositional order of
17 the court.

18 4. The plan shall be signed by:

- 19 a. the parent or parents or legal guardian of the child,
- 20 b. the attorney for the parent or parents or legal
21 guardian of the child,
- 22 c. the child's attorney,
- 23 d. the guardian ad litem of the child, which may be a
24 court-appointed special advocate,

- e. a representative of the child's tribe,
- f. the child, if possible, and
- g. the Department or other responsible agency.

D. 1. Every service plan prepared shall be individualized and specific to each child and the family of the child.

2. The individualized service plan shall be written in simple and clear English. If English is not the principal language of the parent, legal guardian, or custodian of the child, and such person is unable to read or comprehend the English language, to the extent possible the plan shall be written in the principal language of the person.

3. The individualized service plan may be modified based on changing circumstances consistent with the correction of the conditions that led to the adjudication of the child or other conditions inconsistent with the health, safety, or welfare of the child.

4. The individualized service plan shall be measurable, realistic and consistent with the requirements of other court orders.

E. The individualized service plan shall include, but not be limited to:

1. A history of the child and family, including identification of the problems or conditions leading to the deprived child

1 adjudication and the changes the parent or parents must make in
2 order for the child to safely remain in or return to the home;

3 2. Identification of time-limited reunification services to be
4 provided to the parent, legal guardian, or legal custodian,
5 stepparent, other adult person living in the home, or other family
6 members;

7 3. Identification of the specific services to be provided to
8 the child including, but not limited to, educational, vocational
9 educational, medical, drug or alcohol abuse treatment, or counseling
10 or other treatment services. The most recent available health and
11 educational records of the child shall be provided to the court upon
12 the court's request including:

- 13 a. the names and addresses of the child's health and
14 educational providers,
- 15 b. the child's grade-level performance,
- 16 c. the child's school record,
- 17 d. a record of the child's immunizations,
- 18 e. the child's known medical problems, including any
19 known communicable diseases,
- 20 f. the child's medications, and
- 21 g. any other relevant health and education information;

22 4. A schedule of the frequency of services and the means by
23 which delivery of the services will be assured or, as necessary, the
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1 proposed means by which support services or other assistance will be
2 provided to enable the parent or the child to obtain the services;

3 5. The name of the social worker assigned to the case;

4 6. A projected date for the completion of the individualized
5 service plan;

6 7. Performance criteria that will measure the progress of the
7 child and family toward completion of the individualized service
8 plan including, but not limited to, time frames for achieving
9 objectives and addressing the identified problems;

10 8. The name and business address of the attorney representing
11 the child;

12 9. If the child is placed outside the home, the individualized
13 service plan shall further provide:

14 a. the sequence and time frame for services to be
15 provided to the parent, the child, and if the child is
16 placed in foster care, the foster parent, to
17 facilitate the child's return home or to another
18 permanent placement,

19 b. a description of the child's placement and explanation
20 about whether it is the least-restrictive placement
21 available and in as close proximity as possible to the
22 home of the parent or parents or legal guardian of the
23 child when the case plan is reunification, and how the
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1 placement is consistent with the best interests and
2 special needs of the child,

3 c. a description of any services or resources that were
4 requested by the child or the parent or legal guardian
5 of the child since the date of the child's placement,
6 and whether those services or resources were provided
7 and if not, the basis for the denial of the services
8 or resources,

9 d. efforts to be made by the parent of the child and the
10 Department to enable the child to return to his or her
11 home,

12 e. a description of the transition planning for a
13 successful adulthood for a child age fourteen (14) or
14 older that includes how the following objectives will
15 be met:

16 (1) education, vocational, or employment planning,

17 (2) health care planning and medical coverage,

18 (3) transportation including, where appropriate,
19 assisting the child in obtaining a driver
20 license,

21 (4) money management,

22 (5) planning for housing,

23 (6) social and recreational skills, and
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1 (7) establishing and maintaining connections with the
2 child's family and community,

3 f. for a child in placement due solely or in part to the
4 child's behavioral health or medical health issues,
5 diagnostic and assessment information, specific
6 services relating to meeting the applicable behavioral
7 health and medical care needs of the child, and
8 desired treatment outcomes,

9 g. a plan and schedule for regular and frequent
10 visitation for the child and the child's parent or
11 parents or legal guardian and siblings, unless the
12 court has determined that visitation, even if
13 supervised, would be harmful to the child, and

14 h. a plan for ensuring the educational stability of the
15 child while in out-of-home placement, including:

16 (1) assurances that the placement of the child
17 considers the appropriateness of the current
18 educational setting and the proximity to the
19 school in which the child was enrolled at the
20 time of placement, and

21 (2) where appropriate, an assurance that the
22 Department has coordinated with appropriate local
23 educational agencies to ensure that the child
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1 remains in the school in which the child was
2 enrolled at the time of placement, or

3 (3) if remaining in the school in which the child was
4 enrolled at the time of placement is not in the
5 best interests of the child, assurances by the
6 Department and the local educational agencies to
7 provide immediate and appropriate enrollment in a
8 new school with all of the educational records of
9 the child provided to the school; and

10 10. The permanency plan for the child, the reason for selection
11 of that plan and a description of the steps being taken by the
12 Department to finalize the plan.

13 a. When the permanency plan is adoption or legal
14 guardianship, the Department shall describe, at a
15 minimum, child-specific recruitment efforts such as
16 relative searches conducted and the use of state,
17 regional, and national adoption exchanges to
18 facilitate the orderly and timely placement of the
19 child, whether in or outside of the state.

20 b. When the child is age fourteen (14) or older, the
21 permanency plan and any revision or addition to the
22 plan, shall include planning for the transition of the
23 child to a successful adulthood.

1 F. Each individualized service plan shall specifically provide
2 for the safety of the child, in accordance with state and federal
3 law, and clearly define what actions or precautions will, or may, be
4 necessary to provide for the safety and protection of the child.

5 G. The individualized service plan shall include the following
6 statement:

7 TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE
8 IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE
9 REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR
10 UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME OR ATTEND COURT
11 HEARINGS, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE
12 RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.

13 H. Whenever a child who is subject to the provisions of this
14 section is committed for inpatient behavioral health or substance
15 abuse treatment pursuant to the Inpatient Mental Health and
16 Substance Abuse Treatment of Minors Act, the individualized service
17 plan shall be amended as necessary and appropriate, including, but
18 not limited to, identification of the treatment and services to be
19 provided to the child and the child's family upon discharge of the
20 child from inpatient behavioral health or substance abuse treatment.

21 I. Prior to adjudication, a parent or legal guardian may
22 voluntarily participate in services related to the behaviors and
23 conditions that led to the filing of a deprived petition.
24 Participation in such services shall not be construed as an

1 admission that the child is deprived and shall not be used as
2 evidence for the purpose of adjudication or disposition.

3 SECTION 2. This act shall become effective November 1, 2023.

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5 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
6 SERVICES, dated 04/06/2023 - DO PASS.
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