

1 **SENATE FLOOR VERSION**

February 7, 2023

2 **AS AMENDED**

3 SENATE BILL NO. 159

By: Daniels

4
5
6 An Act relating to dispositional hearings; amending
7 10A O.S. 2021, Section 1-4-704, which relates to
8 individualized service plans; authorizing voluntary
9 participation in certain services; construing
10 provisions; prohibiting use of participation in
11 certain services as evidence for adjudication or
12 disposition; and providing an effective date.

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

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

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

20 B. The plan shall be furnished to the court within thirty (30)
21 days after the adjudication of the child and shall be made available
22 to counsel for the parties and any applicable tribe by the
23 Department or the licensed child-placing agency having custody of
24 the child or responsibility for the supervision of the case.

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

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

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

16 4. The plan shall be signed by:

- 17 a. the parent or parents or legal guardian of the child,
- 18 b. the attorney for the parent or parents or legal
19 guardian of the child,
- 20 c. the child's attorney,
- 21 d. the guardian ad litem of the child, which may be a
22 court-appointed special advocate,
- 23 e. a representative of the child's tribe,
- 24 f. the child, if possible, and

1 g. the Department or other responsible agency.

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

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

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

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

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

20 1. A history of the child and family, including identification
21 of the problems or conditions leading to the deprived child
22 adjudication and the changes the parent or parents must make in
23 order for the child to safely remain in or return to the home;

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

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

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

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

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

1 6. A projected date for the completion of the individualized
2 service plan;

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

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

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

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

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

23 c. a description of any services or resources that were
24 requested by the child or the parent or legal guardian

1 of the child since the date of the child's placement,
2 and whether those services or resources were provided
3 and if not, the basis for the denial of the services
4 or resources,

5 d. efforts to be made by the parent of the child and the
6 Department to enable the child to return to his or her
7 home,

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

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

13 (2) health care planning and medical coverage,

14 (3) transportation including, where appropriate,

15 assisting the child in obtaining a driver

16 license,

17 (4) money management,

18 (5) planning for housing,

19 (6) social and recreational skills, and

20 (7) establishing and maintaining connections with the
21 child's family and community,

22 f. for a child in placement due solely or in part to the
23 child's behavioral health or medical health issues,
24 diagnostic and assessment information, specific

1 services relating to meeting the applicable behavioral
2 health and medical care needs of the child, and
3 desired treatment outcomes,

4 g. a plan and schedule for regular and frequent
5 visitation for the child and the child's parent or
6 parents or legal guardian and siblings, unless the
7 court has determined that visitation, even if
8 supervised, would be harmful to the child, and

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

11 (1) assurances that the placement of the child
12 considers the appropriateness of the current
13 educational setting and the proximity to the
14 school in which the child was enrolled at the
15 time of placement, and

16 (2) where appropriate, an assurance that the
17 Department has coordinated with appropriate local
18 educational agencies to ensure that the child
19 remains in the school in which the child was
20 enrolled at the time of placement, or

21 (3) if remaining in the school in which the child was
22 enrolled at the time of placement is not in the
23 best interests of the child, assurances by the
24 Department and the local educational agencies to

1 provide immediate and appropriate enrollment in a
2 new school with all of the educational records of
3 the child provided to the school; and

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

7 a. When the permanency plan is adoption or legal
8 guardianship, the Department shall describe, at a
9 minimum, child-specific recruitment efforts such as
10 relative searches conducted and the use of state,
11 regional, and national adoption exchanges to
12 facilitate the orderly and timely placement of the
13 child, whether in or outside of the state.

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

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

22 G. The individualized service plan shall include the following
23 statement:
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1 TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE
2 IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE
3 REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR
4 UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME OR ATTEND COURT
5 HEARINGS, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE
6 RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU.

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

15 I. Prior to adjudication, a parent or legal guardian may
16 voluntarily participate in services related to the behaviors and
17 conditions that led to the filing of a deprived petition.
18 Participation in such services shall not be construed as an
19 admission **that the child is deprived** and shall not be used as
20 evidence for the purpose of adjudication or disposition.

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

22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
23 February 7, 2023 - DO PASS AS AMENDED
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