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February 7, 2023

SENATE BILL NO. 178

By: Daniels

An Act relating to the Oklahoma Children's Code; amending 10A O.S. 2021, Section 1-4-806, which relates to trial reunification; clarifying time period for certain review; authorizing court to return custody to parent or legal guardian under certain circumstances; allowing subsequent review under certain circumstances; placing limitation on duration of trial reunification; authorizing court to order additional Department of Human Services supervision; conforming language; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-4-806, is amended to read as follows:

Section 1-4-806. A. The court may order a trial home reunification by returning the child to the care of the parent or legal guardian from whom the child was removed ~~for a period not to exceed~~ and setting a date for review within six (6) months~~;~~ provided, ~~when determined necessary the court may extend the period of trial reunification to a specific date certain by entering such extension order prior to the expiration of the initial six-month trial reunification period.~~ At any time during trial reunification,

1 when reunification appears successful, the court may return legal
2 custody to the parent or legal guardian and relieve the Department
3 of Human Services of legal custody. If the court determines trial
4 reunification should be extended, the court shall set a new date for
5 review. A child shall spend no longer than a total of twelve (12)
6 months in trial reunification. The Prior to trial reunification,
7 the ~~Department of Human Services~~ shall conduct a criminal background
8 check of any adult in the home, who is not a parent, legal guardian,
9 or custodian, ~~prior to any trial reunification.~~ The background
10 check shall include inquiries into Oklahoma State Bureau of
11 Investigation and Federal Bureau of Investigation records for a
12 national criminal history record check pursuant to the provisions of
13 Section 150.9 of Title 74 of the Oklahoma Statutes.

14 During ~~the period of the~~ trial ~~home~~ reunification, the
15 ~~Department of Human Services~~ shall:

16 1. Continue to have legal custody of the child, thereby
17 permitting the Department to visit the child in the home of the
18 parent, at school, in a child care facility, or any other setting
19 the Department deems necessary and appropriate;

20 2. Continue to provide appropriate services to both the parent,
21 if eligible, and the child during ~~the period of the~~ trial ~~home~~
22 reunification;

1 3. Terminate ~~the trial home~~ reunification and remove the child
2 to foster care, without court order or authorization, when necessary
3 to protect the child's health, safety, or welfare; and

4 4. Advise the court and parties within three (3) judicial days
5 of the termination of ~~the trial home~~ reunification when terminated
6 by the Department without a court order.

7 B. 1. When trial ~~home~~ reunification is terminated, whether by
8 the Department or court order, the Department shall prepare a report
9 for the court which describes the circumstances of the child during
10 ~~the trial home~~ reunification period and recommends court orders, if
11 any, deemed appropriate to provide for the safety and stability of
12 the child.

13 2. In the event a trial ~~home~~ reunification is terminated by the
14 Department by removing the child to foster care without prior court
15 order or authorization, the court shall conduct a hearing within
16 fifteen (15) days of receiving notice of the termination of ~~the~~
17 trial ~~home~~ reunification by the Department and shall determine
18 whether a continuation of the child in the child's home or with the
19 child's caretaker is contrary to the welfare of the child and
20 whether reasonable efforts were made to prevent the removal of the
21 child from ~~the trial home~~ reunification.

22 C. 1. ~~Upon the completion of the six-month~~ If the court
23 determines that supervision should continue after twelve (12) months
24 of trial home reunification ~~period or any extension thereof~~, the

1 court may ~~further extend supervision of the child in the home by~~
2 ~~awarding~~ award legal custody of the child to the parent or legal
3 guardian with whom the child has been reunited and ~~ordering~~ order
4 the Department to provide supervision in accordance with the rules
5 promulgated by the ~~Commission~~ Department.

6 2. The duration of the extended supervision shall not exceed
7 six (6) months except in circumstances the court deems appropriate
8 and necessary to protect the health, safety or welfare of the child.

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

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
11 February 7, 2023 - DO PASS
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