An Act

ENROLLED HOUSE
BILL NO. 1078

By: Ownbey of the House

and

Griffin and Pittman of the Senate

An Act relating to children; amending 10A O.S. 2011, Sections 1-1-105, as last amended by Section 1 of Enrolled House Bill No. 1273 of the 1st Session of the 55th Oklahoma Legislature, 1-4-203, 1-4-704, 1-4-807, as amended by Section 4, Chapter 105, O.S.L. 2014, 1-4-811, 1-7-101, as amended by Section 4, Chapter 172, O.S.L. 2014, 1-7-105, 1-7-106, 1-9-107, as amended by Section 1 of Enrolled Senate Bill No. 763 of the 1st Session of the 55th Oklahoma Legislature and 1-9-116 (10A O.S. Supp. 2014, Sections 1-4-807 and 1-7-101), which relate to the Oklahoma Children's Code; adding terms; modifying definitions; listing additional relatives for the Department of Human Services to notify after removal; updating language; lowering age for transition planning; setting age restriction on planned alternative placement; requiring transition planning for certain permanency plans; providing additional factor for court to consider; directing court to inquire about transition planning in certain cases; modifying permanency plan type; requiring Department of Human Services to report steps taken at each permanency hearing; prescribing court inquire and determine certain issues at permanency hearings; providing additional duty for person or entity receiving custody; directing Department promulgate rules for residential care facilities; listing new requirements for rules; describing required training; adding prescribed policies; including contract provision listing possible sanctions; providing exception for placement preferences; modifying foster care placement requirements; changing named act;

reducing age limit for transition services; prescribing permanency plan be developed with input from child; allowing child to choose some case planning team members; providing exception; allowing child to designate an advisor and advocate; including a Notice of Rights for the case plan; listing rights to be described in the notice; requiring child to receive specified list of documents when leaving care; reducing age eligibility to receive successful adulthood services; modifying training topics for foster care providers; directing Department to establish policies and procedures for children at risk of sex trafficking; requiring consultation with outside entities; stating applicability of policies and procedures; mandating Department report runaway or missing foster child to specified entities; prescribing time limitation for report; requiring Department to develop protocols for runaway or missing children; mandating report to law enforcement of any child identified as a sex trafficking victim; providing for codification; and providing an effective date.

SUBJECT: Oklahoma Children's Code

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-1-105, as last amended by Section 1 of Enrolled House Bill No. 1273 of the 1st Session of the 55th Oklahoma Legislature, is amended to read as follows:

Section 1-1-105. When used in the Oklahoma Children's Code, unless the context otherwise requires:

1. "Abandonment" means:

a. the willful intent by words, actions, or omissions not to return for a child, or

b. the failure to maintain a significant parental relationship with a child through visitation or

communication in which incidental or token visits or communication are not considered significant, or

c. the failure to respond to notice of deprived proceedings;

2. "Abuse" means harm or threatened harm or failure to protect from harm or threatened harm to the health, safety, or welfare of a child by a person responsible for the child's health, safety, or welfare, including but not limited to nonaccidental physical or mental injury, sexual abuse, or sexual exploitation. Provided, however, that nothing contained in this act shall prohibit any parent from using ordinary force as a means of discipline including, but not limited to, spanking, switching, or paddling.

a. "Harm or threatened harm to the health or safety of a child" means any real or threatened physical, mental, or emotional injury or damage to the body or mind that is not accidental including but not limited to sexual abuse, sexual exploitation, neglect, or dependency.

b. "Sexual abuse" includes but is not limited to rape, incest, and lewd or indecent acts or proposals made to a child, as defined by law, by a person responsible for the health, safety, or welfare of the child.

c. "Sexual exploitation" includes but is not limited to allowing, permitting, encouraging, or forcing a child to engage in prostitution, as defined by law, by any person eighteen (18) years of age or older or by a person responsible for the health, safety, or welfare of a child, or allowing, permitting, encouraging, or engaging in the lewd, obscene, or pornographic, as defined by law, photographing, filming, or depicting of a child in those acts by a person responsible for the health, safety, and welfare of the child;

3. "Adjudication" means a finding by the court that the allegations in a petition alleging that a child is deprived are supported by a preponderance of the evidence;

4. "Adjudicatory hearing" means a hearing by the court as provided by Section 1-4-601 of this title;

5. <u>"Age-appropriate or developmentally appropriate" means:</u>

a. activities or items that are generally accepted as suitable for children of the same age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group, and

b. in the case of a specific child, activities or items that are suitable for that child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the specific child.

In the event that any age-related activities have implications relative to the academic curriculum of a child, nothing in this paragraph shall be construed to authorize an officer or employee of the federal government to mandate, direct, or control a state or local educational agency, or the specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction of a school;

6. "Assessment" means a comprehensive review of child safety and evaluation of family functioning and protective capacities that is conducted in response to a child abuse or neglect referral that does not allege a serious and immediate safety threat to a child;

~~6.~~ 7. "Behavioral health" means mental health, substance abuse, or co-occurring mental health and substance abuse diagnoses, and the continuum of mental health, substance abuse, or co-occurring mental health and substance abuse treatment;

~~7.~~ 8. "Child" means any unmarried person under eighteen (18) years of age;

~~8.~~ 9. "Child advocacy center" means a center and the multidisciplinary child abuse team of which it is a member that is accredited by the National Children's Alliance or that is completing a sixth year of reaccreditation. Child advocacy centers shall be classified, based on the child population of a district attorney's district, as follows:

a. nonurban centers in districts with child populations that are less than sixty thousand (60,000), and

b. midlevel nonurban centers in districts with child populations equal to or greater than sixty thousand (60,000), but not including Oklahoma and Tulsa counties;

~~9.~~ 10. "Child with a disability" means any child who has a physical or mental impairment which substantially limits one or more of the major life activities of the child, or who is regarded as having such an impairment by a competent medical professional;

~~10.~~ 11. "Child-placing agency" means an agency that arranges for or places a child in a foster family home, group home, adoptive home, or ~~independent living~~ a successful adulthood program;

~~11. "Commission" means the Commission for Human Services;~~

12. "Community-based services" or "community-based programs" means services or programs which maintain community participation or supervision in their planning, operation, and evaluation. Community-based services and programs may include, but are not limited to, emergency shelter, crisis intervention, group work, case supervision, job placement, recruitment and training of volunteers, consultation, medical, educational, home-based services, vocational, social, preventive and psychological guidance, training, counseling, early intervention and diversionary substance abuse treatment, sexual abuse treatment, transitional living, independent living, and other related services and programs;

13. "Concurrent permanency planning" means, when indicated, the implementation of two plans for a child entering foster care. One plan focuses on reuniting the parent and child; the other seeks to find a permanent out-of-home placement for the child with both plans being pursued simultaneously;

14. "Court-appointed special advocate" or "CASA" means a responsible adult volunteer who has been trained and is supervised by a court-appointed special advocate program recognized by the court, and when appointed by the court, serves as an officer of the court in the capacity as a guardian ad litem;

15. "Court-appointed special advocate program" means an organized program, administered by either an independent, not-for-profit corporation, a dependent project of an independent, not-for-profit corporation or a unit of local government, which recruits,

screens, trains, assigns, supervises and supports volunteers to be available for appointment by the court as guardians ad litem;

16. "Custodian" means an individual other than a parent, legal guardian or Indian custodian, to whom legal custody of the child has been awarded by the court. As used in this title, the term "custodian" shall not mean the Department of Human Services;

17. "Day treatment" means a nonresidential program which provides intensive services to a child who resides in the child's own home, the home of a relative, group home, a foster home or residential child care facility. Day treatment programs include, but are not limited to, educational services;

18. "Department" means the Department of Human Services;

19. "Dependency" means a child who is homeless or without proper care or guardianship through no fault of his or her parent, legal guardian, or custodian;

20. "Deprived child" means a child:

a. who is for any reason destitute, homeless, or abandoned,

b. who does not have the proper parental care or guardianship,

c. who has been abused, neglected, or is dependent,

d. whose home is an unfit place for the child by reason of depravity on the part of the parent or legal guardian of the child, or other person responsible for the health or welfare of the child,

e. who is a child in need of special care and treatment because of the child's physical or mental condition, and the child's parents, legal guardian, or other custodian is unable or willfully fails to provide such special care and treatment. As used in this paragraph, a child in need of special care and treatment includes, but is not limited to, a child who at birth tests positive for alcohol or a controlled dangerous substance and who, pursuant to a drug or alcohol screen of the child and an assessment of the

parent, is determined to be at risk of harm or threatened harm to the health or safety of a child,

f. who is a child with a disability deprived of the nutrition necessary to sustain life or of the medical treatment necessary to remedy or relieve a life-threatening medical condition in order to cause or allow the death of the child if such nutrition or medical treatment is generally provided to similarly situated children without a disability or children with disabilities; provided that no medical treatment shall be necessary if, in the reasonable medical judgment of the attending physician, such treatment would be futile in saving the life of the child,

g. who, due to improper parental care and guardianship, is absent from school as specified in Section 10-106 of Title 70 of the Oklahoma Statutes, if the child is subject to compulsory school attendance,

h. whose parent, legal guardian or custodian for good cause desires to be relieved of custody,

i. who has been born to a parent whose parental rights to another child have been involuntarily terminated by the court and the conditions which led to the making of the finding, which resulted in the termination of the parental rights of the parent to the other child, have not been corrected, or

j. whose parent, legal guardian, or custodian has subjected another child to abuse or neglect or has allowed another child to be subjected to abuse or neglect and is currently a respondent in a deprived proceeding.

Nothing in the Oklahoma Children's Code shall be construed to mean a child is deprived for the sole reason the parent, legal guardian, or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.

Nothing contained in this paragraph shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare;

21. "Dispositional hearing" means a hearing by the court as provided by Section 1-4-706 of this title;

22. "Drug-endangered child" means a child who is at risk of suffering physical, psychological or sexual harm as a result of the use, possession, distribution, manufacture or cultivation of controlled substances, or the attempt of any of these acts, by a person responsible for the health, safety or welfare of the child, as defined in paragraph ~~51~~ 50 of this section. This term includes circumstances wherein the substance abuse of the person responsible for the health, safety or welfare of the child interferes with that person's ability to parent and provide a safe and nurturing environment for the child. The term also includes newborns who test positive for a controlled dangerous substance, with the exception of those substances administered under the care of a physician;

23. "Emergency custody" means the custody of a child prior to adjudication of the child following issuance of an order of the district court pursuant to Section 1-4-201 of this title or following issuance of an order of the district court pursuant to an emergency custody hearing, as specified by Section 1-4-203 of this title;

24. "Facility" means a place, an institution, a building or part thereof, a set of buildings, or an area whether or not enclosing a building or set of buildings used for the lawful custody and treatment of children;

25. "Foster care" or "foster care services" means continuous twenty-four-hour care and supportive services provided for a child in foster placement including, but not limited to, the care, supervision, guidance, and rearing of a foster child by the foster parent;

26. "Foster family home" means the private residence of a foster parent who provides foster care services to a child. Such term shall include a nonkinship foster family home, a therapeutic foster family home, or the home of a relative or other kinship care home;

27. "Foster parent eligibility assessment" includes a criminal background investigation including, but not limited to, a national criminal history records search based upon the submission of fingerprints, home assessments, and any other assessment required by the Department of Human Services, the Office of Juvenile Affairs, or any child-placing agency pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act;

28. "Guardian ad litem" means a person appointed by the court pursuant to the provisions of Section 1-4-306 of this title having those duties and responsibilities as set forth in that section. The term "guardian ad litem" shall refer to a court-appointed special advocate as well as to any other person appointed pursuant to the provisions of Section 1-4-306 of this title to serve as a guardian ad litem;

29. "Guardian ad litem of the estate of the child" means a person appointed by the court to protect the property interests of a child pursuant to Section 1-8-108 of this title;

30. "Group home" means a residential facility licensed by the Department to provide full-time care and community-based services for more than five but fewer than thirteen children;

31. "Harm or threatened harm to the health or safety of a child" means any real or threatened physical, mental, or emotional injury or damage to the body or mind that is not accidental including, but not limited to, sexual abuse, sexual exploitation, neglect, or dependency;

32. "Heinous and shocking abuse" includes, but is not limited to, aggravated physical abuse that results in serious bodily, mental, or emotional injury. "Serious bodily injury" means injury that involves:

a. a substantial risk of death,

b. extreme physical pain,

c. protracted disfigurement,

d. a loss or impairment of the function of a body member, organ, or mental faculty,

e. an injury to an internal or external organ or the body,

f. a bone fracture,

g. sexual abuse or sexual exploitation,

h. chronic abuse including, but not limited to, physical, emotional, or sexual abuse, or sexual exploitation which is repeated or continuing,

i. torture that includes, but is not limited to, inflicting, participating in or assisting in inflicting intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child or for the purpose of satisfying the craven, cruel, or prurient desires of the perpetrator or another person, or

j. any other similar aggravated circumstance;

33. "Heinous and shocking neglect" includes, but is not limited to:

a. chronic neglect that includes, but is not limited to, a persistent pattern of family functioning in which the caregiver has not met or sustained the basic needs of a child which results in harm to the child,

b. neglect that has resulted in a diagnosis of the child as a failure to thrive,

c. an act or failure to act by a parent that results in the death or near death of a child or sibling, serious physical or emotional harm, sexual abuse, sexual exploitation, or presents an imminent risk of serious harm to a child, or

d. any other similar aggravating circumstance;

34. ~~"Independent living program" means a program specifically designed to assist a child to enhance those skills and abilities necessary for successful adult living. An independent living program may include, but shall not be limited to, such features as minimal direct staff supervision, and the provision of supportive~~

~~services to assist children with activities necessary for finding an appropriate place of residence, completing an education or vocational training, obtaining employment, or obtaining other similar services;~~

~~35.~~ "Individualized service plan" means a document written pursuant to Section 1-4-704 of this title that has the same meaning as "service plan" or "treatment plan" where those terms are used in the Oklahoma Children's Code;

~~36.~~ 35. "Infant" means a child who is twelve (12) months of age or younger;

~~37.~~ 36. "Institution" means a residential facility offering care and treatment for more than twenty residents;

~~38.~~ 37.

a. "Investigation" means a response to an allegation of abuse or neglect that involves a serious and immediate threat to the safety of the child, making it necessary to determine:

(1) the current safety of a child and the risk of subsequent abuse or neglect, and

(2) whether child abuse or neglect occurred and whether the family needs prevention- and intervention-related services.

b. "Investigation" results in a written response stating one of the following findings:

(1) "substantiated" means the Department has determined, after an investigation of a report of child abuse or neglect and based upon some credible evidence, that child abuse or neglect has occurred. When child abuse or neglect is substantiated, the Department may recommend:

(a) court intervention if the Department finds the health, safety, or welfare of the child is threatened, or

(b) child abuse and neglect prevention- and intervention-related services for the child, parents or persons responsible for the care of the child if court intervention is not determined to be necessary,

(2) "unsubstantiated ~~- Services recommended~~" means the Department has determined, after an investigation of a report of child abuse or neglect, that insufficient evidence exists to fully determine whether child abuse or neglect has occurred. If child abuse or neglect is unsubstantiated, the Department may recommend, when determined to be necessary, that the parents or persons responsible for the care of the child obtain child abuse and neglect prevention- and intervention-related services, or

(3) "ruled out" means a report in which a child protective services specialist has determined, after an investigation of a report of child abuse or neglect, that no child abuse or neglect has occurred;

~~39.~~ 38. "Kinship care" means full-time care of a child by a kinship relation;

~~40.~~ 39. "Kinship guardianship" means a permanent guardianship as defined in this section;

~~41.~~ 40. "Kinship relation" or "kinship relationship" means relatives, stepparents, or other responsible adults who have a bond or tie with a child and/or to whom has been ascribed a family relationship role with the child's parents or the child; provided, however, in cases where the Indian Child Welfare Act applies, the definitions contained in 25 U.S.C., Section 1903 shall control;

~~42.~~ 41. "Mental health facility" means a mental health or substance abuse treatment facility as defined by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

~~43.~~ 42. "Minor" means the same as the term "child" as defined in this section;

~~44.~~ 43. "Minor in need of treatment" means a child in need of mental health or substance abuse treatment as defined by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

~~45.~~ 44. "Multidisciplinary child abuse team" means any team established pursuant to Section 1-9-102 of this title of three or more persons who are trained in the prevention, identification, investigation, prosecution, and treatment of physical and sexual child abuse and who are qualified to facilitate a broad range of prevention- and intervention-related services and services related to child abuse. For purposes of this definition, "freestanding" means a team not used by a child advocacy center for its accreditation;

~~46.~~ 45. "Near death" means a child is in serious or critical condition, as certified by a physician, as a result of abuse or neglect;

~~47.~~ 46. "Neglect" means:

a. the failure or omission to provide any of the following:

(1) adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, or appropriate education,

(2) medical, dental, or behavioral health care,

(3) supervision or appropriate caretakers, or

(4) special care made necessary by the physical or mental condition of the child,

b. the failure or omission to protect a child from exposure to any of the following:

(1) the use, possession, sale, or manufacture of illegal drugs,

(2) illegal activities, or

(3) sexual acts or materials that are not age-appropriate, or

c. abandonment.

Nothing in this paragraph shall be construed to mean a child is abused or neglected for the sole reason the parent, legal guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child. Nothing contained in this paragraph shall prevent a court from immediately assuming custody of a child, pursuant to the Oklahoma Children's Code, and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare;

~~48.~~ 47. "Permanency hearing" means a hearing by the court pursuant to Section 1-4-811 of this title;

~~49.~~ 48. "Permanent custody" means the court-ordered custody of an adjudicated deprived child when a parent-child relationship no longer exists due to termination of parental rights or due to the death of a parent or parents;

~~50.~~ 49. "Permanent guardianship" means a judicially created relationship between a child, a kinship relation of the child, or other adult established pursuant to the provisions of Section 1-4-709 of this title;

~~51.~~ 50. "Person responsible for a child's health, safety, or welfare" includes a parent; a legal guardian; custodian; a foster parent; a person eighteen (18) years of age or older with whom the child's parent cohabitates or any other adult residing in the home of the child; an agent or employee of a public or private residential home, institution, facility or day treatment program as defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or an owner, operator, or employee of a child care facility as defined by Section 402 of Title 10 of the Oklahoma Statutes;

~~52.~~ 51. "Protective custody" means custody of a child taken by a law enforcement officer or designated employee of the court without a court order;

~~53.~~ 52. "Putative father" means an alleged father as that term is defined in Section 7700-102 of Title 10 of the Oklahoma Statutes;

53. "Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child. This standard shall be used by the child's caregiver when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities. For purposes of this definition, the term "caregiver" means a foster parent with whom a child in foster care has been placed, a representative of a group home where a child has been placed or a designated official for a residential child care facility where a child in foster care has been placed;

54. "Relative" means a grandparent, great-grandparent, brother or sister of whole or half blood, aunt, uncle or any other person related to the child;

55. "Residential child care facility" means a twenty-four-hour residential facility where children live together with or are supervised by adults who are not their parents or relatives;

56. "Review hearing" means a hearing by the court pursuant to Section 1-4-807 of this title;

57. "Risk" means the likelihood that an incident of child abuse or neglect will occur in the future;

58. "Safety threat" means the threat of serious harm due to child abuse or neglect occurring in the present or in the very near future and without the intervention of another person, a child would likely or in all probability sustain severe or permanent disability or injury, illness, or death;

59. "Safety analysis" means action taken by the Department in response to a report of alleged child abuse or neglect that may include an assessment or investigation based upon an analysis of the information received according to priority guidelines and other criteria adopted by the Department;

60. "Safety evaluation" means evaluation of a child's situation by the Department using a structured, evidence-based tool to determine if the child is subject to a safety threat;

61. "Secure facility" means a facility which is designed and operated to ensure that all entrances and exits from the facility

are subject to the exclusive control of the staff of the facility, whether or not the juvenile being detained has freedom of movement within the perimeter of the facility, or a facility which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents;

62. "Sibling" means a biologically or legally related brother or sister of a child;

63. "Specialized foster care" means foster care provided to a child in a foster home or agency-contracted home which:

a. has been certified by the Developmental Disabilities Services Division of the Department of Human Services,

b. is monitored by the Division, and

c. is funded through the Home- and Community-Based Waiver Services Program administered by the Division;

64. "Successful adulthood program" means a program specifically designed to assist a child to enhance those skills and abilities necessary for successful adult living. A successful adulthood program may include, but shall not be limited to, such features as minimal direct staff supervision, and the provision of supportive services to assist children with activities necessary for finding an appropriate place of residence, completing an education or vocational training, obtaining employment, or obtaining other similar services;

65. "Temporary custody" means court-ordered custody of an adjudicated deprived child;

~~65.~~ 66. "Therapeutic foster family home" means a foster family home which provides specific treatment services, pursuant to a therapeutic foster care contract, which are designed to remedy social and behavioral problems of a foster child residing in the home;

~~66.~~ 67. "Trafficking in persons" means sex trafficking or severe forms of trafficking in persons as described in Section 7102 of Title 22 of the United States Code:

a. "sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, and

b. "severe forms of trafficking in persons" means:

(1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained eighteen (18) years of age, or

(2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery;

68. "Transitional living program" means a residential program that may be attached to an existing facility or operated solely for the purpose of assisting children to develop the skills and abilities necessary for successful adult living. The program may include, but shall not be limited to, reduced staff supervision, vocational training, educational services, employment and employment training, and other appropriate independent living skills training as a part of the transitional living program; and

~~67.~~ 69. "Voluntary foster care placement" means the temporary placement of a child by the parent, legal guardian or custodian of the child in foster care pursuant to a signed placement agreement between the Department or a child-placing agency and the child's parent, legal guardian or custodian.

SECTION 2. AMENDATORY 10A O.S. 2011, Section 1-4-203, is amended to read as follows:

Section 1-4-203. A. Within the next two (2) judicial days following the child being taken into protective or emergency custody, the court shall conduct an emergency custody hearing. At the hearing, information may be provided to the court in the form of oral or written reports, affidavits or testimony. Any information having probative value may be received by the court regardless of its admissibility under the Oklahoma Evidence Code. At the hearing the court shall:

1. Determine whether facts exist that are sufficient to demonstrate to the court there is reasonable suspicion that the child is in need of immediate protection due to abuse or neglect, or that the circumstances or surroundings of the child are such that continuation of the child in the child's home or in the care or custody of the parent, legal guardian, or custodian would present an imminent danger to the child;

2. Advise the parent, legal guardian, or custodian of the child in writing of the following:

a. any right of the parent, legal guardian, or custodian to testify and present evidence at court hearings,

b. the right to be represented by an attorney at court hearings,

c. the consequences of failure to attend any hearings which may be held, and

d. the right to appeal and procedure for appealing an order of the court;

3. Determine custody of the child and order one of the following:

a. release of the child to the custody of the child's parent, legal guardian, or custodian from whom the child was removed under any conditions the court finds reasonably necessary to protect the health, safety, or welfare of the child, or

b. placement of the child in the custody of a responsible adult or licensed child-placing agency under any conditions the court finds reasonably necessary to protect the health, safety, or welfare of the child, or

c. whether to continue the child in or to place the child into the emergency custody of the Department of Human Services;

4. Order the parent, legal guardian, or custodian to complete an affidavit listing the names, addresses, and phone numbers of any parent, whether known or alleged, grandparent, aunt, uncle, brother,

sister, half-sibling, and first cousin and any comments concerning the appropriateness of the potential placement of the child with the relative. If no such relative exists, the court shall require the parent, legal guardian, or custodian to list any other relatives or persons with whom the child has had a substantial relationship or who may be a suitable placement for the child;

5. Direct the parent, legal guardian, or custodian to furnish the Department with a copy of the child's birth certificate within fifteen (15) days from the hearing if a petition is filed, unless otherwise extended by the court; and

6. In accordance with the safety or well-being of any child, determine whether reasonable efforts have been made to:

a. place siblings, who have been removed, together in the same foster care, guardianship, or adoptive placement, and

b. provide for frequent visitation or other ongoing interaction in the case of siblings who have been removed and who are not placed together.

B. The office of the State Court Administrator shall create an affidavit form and make it available to each court responsible for conducting emergency custody hearings. The affidavit form shall contain a notice to the parent, legal guardian, or custodian that failure to identify a parent or relative in a timely manner may result in the child being permanently placed outside of the home of the child's parent or relative. The affidavit form shall also advise the parent, legal guardian, or custodian of the penalties associated with perjury and contempt of court. The original completed affidavit shall be filed with the court clerk no later than five (5) days after the hearing or as otherwise directed by the court and a copy shall be provided to the Department.

C. 1. The Department shall, within thirty (30) days of the removal of a child, exercise due diligence to identify relatives. Notice shall be provided by the Department to the following adult relatives: all grandparents, all parents of a sibling of the child, where the parent has legal custody of the sibling, and ~~to such~~ other adult relatives of the child, including relatives suggested by the parents, as the court directs. The notice shall advise the relatives:

a. the child has been or is being removed from the custody of the parent or parents of the child,

b. of the options under applicable law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice, and

c. of the requirements to become a foster family home and the additional services and supports available for children placed in the home.

2. Relatives shall not be notified if notification would not be in the best interests of a child due to past or current family or domestic violence. The Department may promulgate rules in furtherance of the provisions of this subsection.

SECTION 3. AMENDATORY 10A O.S. 2011, Section 1-4-704, is amended to read as follows:

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

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

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

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

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

4. The plan shall be signed by:

a. the parent or parents or legal guardian of the child,

b. the attorney for the parent or parents or legal guardian of the child,

c. the child's attorney,

d. the guardian ad litem of the child, which may be a 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 adjudication and the changes the parent or parents must make in order for the child to safely remain in or return to the home;

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

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

a. the names and addresses of the child's health and educational providers,

b. the child's grade-level performance,

c. the child's school record,

d. a record of the child's immunizations,

e. the child's known medical problems, including any known communicable diseases,

f. the child's medications, and

g. any other relevant health and education information;

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

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

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

7. Performance criteria that will measure the progress of the child and family toward completion of the individualized service

plan including, but not limited to, time frames for achieving objectives and addressing the identified problems;

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

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

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

b. a description of the child's placement and explanation about whether the placement is the least restrictive, most family-like setting available and in as close proximity as possible to the home of the parent or parents or legal guardian of the child when the case plan is reunification, and how the placement is consistent with the best interests and special needs of the child,

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

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

e. a description of the ~~independent living plan~~ transition planning for a successful adulthood for a child age ~~sixteen (16)~~ fourteen (14) or older that includes how the following objectives will be met:

(1) education, vocational, or employment planning,

(2) health care planning and medical coverage,

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

(4) money management,

(5) planning for housing,

(6) social and recreational skills, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. AMENDATORY 10A O.S. 2011, Section 1-4-807, as amended by Section 4, Chapter 105, O.S.L. 2014 (10A O.S. Supp. 2014, Section 1-4-807), is amended to read as follows:

Section 1-4-807. A. 1. Every case regarding a child alleged or adjudicated to be deprived shall be reviewed by the court at a hearing no later than six (6) months from the date of the child's removal from the home and at least once every six (6) months thereafter until permanency is achieved or the court otherwise terminates jurisdiction except as otherwise set forth in paragraph 2 of this subsection. A review hearing may be held concurrently with a permanency hearing.

2. When the Department of Human Services has documented a compelling reason why a petition to terminate parental rights to a child is not in the best interests of the child that is based upon a consideration that the child is presently not capable of functioning in a family setting, the court shall reevaluate the status of the child every ninety (90) days until there is a final determination that the child cannot be placed in a family setting.

3. At any time during the pendency of the case, any party may request the court to review the case. If granted, the requesting party shall serve notice on all parties of the date and time of the hearing.

B. If a foster parent, group home, preadoptive parent, or relative is currently providing care for a child, the Department shall give the foster parent, group home, preadoptive parent, or relative notice of a proceeding concerning the child. A foster parent, group home representative, preadoptive parent, or relative providing care for a child has the right to be heard at the proceeding. Except when allowed to intervene, the foster parent, group home, preadoptive parent, or relative providing care for the child is not considered a party to the juvenile court proceeding solely because of notice and the right to be heard at the proceeding.

C. The court shall receive all evidence helpful in deciding the issues before the court including, but not limited to, oral and written reports, which may be admitted and relied upon to the extent of their probative value, even though not competent for purposes of an adjudicatory hearing. All service provider progress reports and critical incident reports shall be submitted to the court and shall also be delivered to the district attorney, the attorney or

attorneys representing the parents or group home, the child's attorney and guardian ad litem, if applicable, and the relevant tribe or tribes, if applicable.

D. At each review hearing the court shall:

1. Determine and include the following in its orders:

a. whether the individualized service plan, services, and placement meet the special needs and best interests of the child with the child's health, safety, and educational needs specifically addressed,

b. whether there is a need for the continued placement of the child,

c. whether the current permanency plan for the child remains the appropriate plan to meet the health, safety, and best interests of the child,

d. whether the services set forth in the individualized service plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances or as the court determines to be in the best interests of the child and necessary for the correction of the conditions that led to the adjudication of the child,

e. whether the terms of visitation need to be modified, including the visitation with siblings if separated,

f. the time frame that should be followed to achieve reunification or other permanent plan for the child,

g. whether reasonable efforts have been made to provide for the safe return of the child to the child's own home. If the court determines or has previously determined that reasonable efforts are not required pursuant to the provisions of Section 1-4-809 of this title, or that continuation of reasonable efforts to reunite the child with the child's family is inconsistent with the permanency plan for the child, the court shall determine if reasonable efforts are being made to place the child in a timely manner in

accordance with the permanency plan and determine the steps necessary to finalize permanency for the child,

h. where appropriate, when the child is ~~sixteen (16)~~ fourteen (14) years of age or older, whether services are being provided that will assist the child in making the transition from foster care to ~~independent living~~ a successful adulthood. The court shall inquire or cause inquiry to be made of the child regarding any proposed independent living plan,

i. whether the nature and extent of services being provided the child and parent or parents of the child are adequate and shall order that additional services be provided or studies, assessments, or evaluations be conducted, if necessary, to ensure the safety of the child and to protect the child from further physical, mental, or emotional harm, or to correct the conditions that led to the adjudication,

j. whether, in accordance with the safety or well-being of any child, reasonable efforts have been made to:

(1) place siblings, who have been removed, together in the same foster care, guardianship, or adoptive placement, and

(2) provide for frequent visitation or other ongoing interaction in the case of siblings who have been removed and who are not placed together, and

k. whether, during the ninety-day period immediately prior to the date on which the child in the custody of the Department will attain eighteen (18) years of age, the Department and, as appropriate, other representatives of the child are providing the child with assistance and support in developing an appropriate transition plan that is personalized at the direction of the child, that includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect;

2. Consider in-state and out-of-state placement options for the child; and

3. Determine the safety of the child and consider fully all relevant prior and current information including, but not limited to, the report or reports submitted pursuant to Sections 1-4-805 and 1-4-808 of this title.

E. In making its findings, the court shall consider the following:

1. Whether compliance with the individualized service plan has occurred, including whether the Department has provided care that is consistent with the health, safety, and educational needs of the child while in an out-of-home placement;

2. Whether the Department is taking appropriate steps to ensure that the foster family follows the reasonable and prudent parent standard and whether the child has regular opportunities to engage in age-appropriate or developmentally appropriate activities;

3. The extent of progress that has been made toward alleviating or correcting the conditions that caused the child to be adjudicated deprived;

~~3.~~ 4. Whether the child should be returned to a parent or parents and whether or not the health, safety, and welfare of the child can be protected by a parent or parents if returned home; and

~~4.~~ 5. An appropriate permanency plan for the child, including concurrent planning when applicable, pursuant to Section 1-4-706 of this title; provided, a permanency plan for a planned alternative permanent placement shall be limited to a child age sixteen (16) or older.

SECTION 5. AMENDATORY 10A O.S. 2011, Section 1-4-811, is amended to read as follows:

Section 1-4-811. A. 1. The court shall conduct a permanency hearing to determine the appropriate permanency goal for the child and to order completion of all steps necessary to finalize the permanent plan. The hearing shall be held no later than:

a. six (6) months after placing the child in out-of-home placement and every six (6) months thereafter, and

b. thirty (30) days after a determination by the court that reasonable efforts to return a child to either parent are not required pursuant to the provisions of Section 1-4-809 of this title.

2. A child shall be considered to have entered out-of-home placement on the earlier of:

a. the adjudication date, or

b. the date that is sixty (60) days after the date on which the child is removed from the home.

3. Subsequent permanency hearings shall be held at least every six (6) months for any child who continues to be in an out-of-home placement. At the request of a party, the Department of Human Services, or on the motion of the court, the initial and subsequent permanency hearings may be held more frequently.

4. At each permanency hearing, the court may consider testimony of any person who has relevant information about the status of the child or the status of the treatment plan. All parties shall have the opportunity to present evidence and to cross-examine witnesses. The rules of evidence shall not apply to permanency hearings and all evidence helpful in determining the proper permanency goal shall be considered including, but not limited to, oral and written reports, which may be admitted and may be relied upon to the extent of their probative value, even though not competent for the purposes of the adjudicatory hearing.

B. A permanency hearing may be held concurrently with a dispositional or review hearing.

C. If a foster parent, preadoptive parent, or relative is currently providing care for a child, the Department shall give the foster parent, preadoptive parent, or relative notice of a proceeding concerning the child. A foster parent, preadoptive parent, or relative providing care for a child has the right to be heard at the proceeding. Except when allowed to intervene, the foster parent, preadoptive parent, or relative providing care for the child is not considered a party to the juvenile court proceeding solely because of notice and the right to be heard at the proceeding.

D. At the hearing, the court shall determine or review the continued appropriateness of the permanency plan of the child and whether a change in the plan is necessary~~;~~, the date by which the goal of permanency for the child is scheduled to be achieved, and whether the current placement of the child continues to be the most suitable for the health, safety, and welfare of the child. The court shall also, in an age-appropriate manner, inquire or cause inquiry to be made of the child regarding the proposed permanency plan and if the child is age ~~sixteen (16)~~ fourteen (14) or older, the ~~independent living plan~~ planning for the transition of the child to a successful adulthood.

E. A transcript shall be made of each permanency hearing or the proceeding shall be memorialized by appropriate written findings of facts, and the court having considered all relevant information shall order one of the following permanency plans for the child:

1. Reunification with the parent, parents, or legal guardian of the child where:

a. reunification can be expected to occur within an established time frame that is consistent with the developmental needs of the child, and

b. the health and safety of the child can be adequately safeguarded if returned home;

2. Placement for adoption after the rights of the parents have been terminated or after a petition has been filed to terminate parental rights;

3. Placement with a person who will be the permanent guardian of the child and is able to adequately and appropriately safeguard the health, safety, and welfare of the child; or

4. a. Placement in the legal custody of the Department under a planned alternative permanent ~~living arrangement~~ placement, provided ~~that~~ the child is age sixteen (16) or older and there are compelling reasons documented by the Department and presented to the court ~~that none of the above described plans is appropriate for the health, safety, and welfare of the child~~ at each permanency hearing that include the intensive, ongoing and, as of the date of the hearing, unsuccessful efforts made to:

(1) return the child home, or

(2) place the child with a fit and willing relative, including adult siblings, a legal guardian, or an adoptive parent, and

(3) find biological family members for the child utilizing search technology, including social media.

b. The Department shall also document at each permanency hearing the steps taken, including inquiry of the child in an age-appropriate manner, to ensure that:

(1) the foster family home of the child or facility where the child is placed is following the reasonable and prudent parent standard, and

(2) the child has regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities.

c. When a planned alternative permanent placement is the court-ordered permanency plan for the child, the court shall at each permanency hearing:

(1) ask the child about the permanency outcome the child desires, and

(2) make a judicial determination, as of the date of the hearing, why a planned alternative permanent placement is the best permanency plan for the child and provide compelling reasons why it continues to not be in the best interests of the child to return home or be placed for adoption with a legal guardian or with a fit and willing relative.

F. In addition to the findings required under subsection E of this section, the court shall also make written findings related to:

1. Whether the Department has made reasonable efforts to finalize the permanency plan that is in effect for the child and a summary of the efforts the Department has made; or, in the case of

an Indian child, whether the Department has made active efforts to provide remedial services and rehabilitative programs as required by 25 U.S.C., Section 1912(d);

2. If the permanency plan is for the child to remain in out-of-home care, whether the child's out-of-home placement continues to be appropriate and in the best interests of the child;

3. If the current placement is not expected to be permanent, the court's projected timetable for return home or for placement in an adoptive home with a guardian, or another planned permanent living arrangement; and

4. Whether reasonable efforts, in accordance with the safety or well-being of any child, have been made to:

a. place siblings, who have been removed, together in the same foster care, guardianship, or adoptive placement, and

b. provide for frequent visitation or other ongoing interaction in the case of siblings who have been removed and who are not placed together.

G. The court may make appropriate orders to ensure timely implementation of the permanency plan and shall order the plan to be accomplished within a specified period of time.

SECTION 6. AMENDATORY 10A O.S. 2011, Section 1-7-101, as amended by Section 4, Chapter 172, O.S.L. 2014 (10A O.S. Supp. 2014, Section 1-7-101), is amended to read as follows:

Section 1-7-101. A. This section applies to persons, institutions, or agencies, other than the Department of Human Services, which receive custody of a child pursuant to a court order as provided by the Oklahoma Children's Code.

B. 1. The person, institution, or agency receiving custody shall have the right to, and shall be responsible for, the care and control of the child, and shall have the duty and authority to provide the following for the child:

a. food, clothing, and shelter,

b. medical care as authorized by the court, ~~and~~

c. education and discipline, and

d. encouragement of the emotional and developmental growth of the child by allowing the child to participate in age-appropriate and developmentally appropriate extracurricular, enrichment, cultural, and social activities, using a reasonable and prudent parent standard.

2. The person, institution, or agency may provide or arrange for the emergency admission, inpatient evaluation, or inpatient treatment of a child only pursuant to the Inpatient Mental Health and Substance Abuse Treatment of Minors Act. Nothing in this subsection shall be interpreted to prohibit or preclude the provision of outpatient behavioral health services, including an outpatient examination, counseling, educational, rehabilitative or other similar services to such child, as necessary and appropriate, in the absence of a specific court order for such services.

3. Nothing in this subsection shall be interpreted to:

a. relieve a parent of the obligation to provide for the support of the child as otherwise provided by law, or

b. limit the authority of the court to order a parent to make support payments or to make payments or reimbursements for medical care or treatment, including behavioral health care or treatment, to the person, institution, or agency having custody of the child, or

c. abrogate the right of the child to any benefits provided through public funds for which the child is otherwise eligible.

4. No person, agency, or institution shall be liable in a civil suit for damages for authorizing or not authorizing medical care, as determined by competent medical authority.

C. 1. If the child is placed in the custody of a person, institution, or agency, whether in emergency, temporary, or permanent custody, the person, institution, or agency shall ensure the child is not returned to the care or supervision of any person from whom the child was removed or to any person the court has

previously ordered not to have contact with the child without specific authorization from the court.

2. The person, institution, or agency having legal custody of a child pursuant to an order of the court shall receive notice of court proceedings regarding the child and shall be allowed to intervene upon application as a party to all court proceedings pertaining to the care and custody of the child.

D. This section shall not apply when a parent or legal custodian executes a power of attorney to delegate parental or legal authority as authorized by Section ~~1~~ 700 of ~~this act~~ Title 10 of the Oklahoma Statutes.

SECTION 7. AMENDATORY 10A O.S. 2011, Section 1-7-105, is amended to read as follows:

Section 1-7-105. A. The Department of Human Services shall promulgate written rules, policies, and procedures governing the operation of those residential care facilities, including group homes, operated by or under contract with the Department wherein ~~children~~ a child may be placed, requiring assurance that at least one employee of the facility is designated and authorized to apply the reasonable and prudent parent standard to decisions involving the participation of a child in age-appropriate or developmentally appropriate activities. The authorized employee shall be provided with training on how to use and apply the reasonable and prudent parent standard.

B. The policies prescribed shall, at a minimum, ensure that:

1. A child shall not be punished by physical force, deprivation of nutritious meals or family visits, or solitary confinement;

2. A child shall have the opportunity to participate in physical exercise each day;

3. A child shall be allowed daily access to showers;

4. A child shall be allowed his or her own clothing or individualized clothing which is clean;

5. A child shall have constant access to writing materials and may send mail without limitation, censorship, or prior reading, and may receive mail without prior reading, except that mail may be

opened in the presence of the child, without being read, to inspect for contraband or if authorized by the court for the protection of the child;

6. A child shall have a right to communicate and to visit with his or her family on a regular basis, and to communicate with persons in the community provided the communication or visitation is in the best interests of the child;

7. A child shall have timely access to medical care as needed;

8. A child in the custody or care of the Department shall be provided access to an education including teaching, educational materials, and books;

9. A child shall have a right to access to the child's attorney;

10. A child shall be afforded a grievance procedure, including an appeal procedure;

11. ~~A child's~~ The behavioral health needs of the child shall be met, protected, and served through provision of guidance, counseling, and treatment programs, staffed by competent, professionally qualified persons; ~~and~~

12. The emotional and developmental growth of the child shall be encouraged by allowing the child to participate in age-appropriate and developmentally appropriate extracurricular, enrichment, cultural, and social activities, using a reasonable and prudent parent standard; and

13. Use of physical force, when authorized, shall be the least force necessary under the circumstances and shall be permitted only under the following circumstances:

a. for self-protection,

b. to separate children who are fighting,

c. to restrain children in danger of inflicting harm to themselves or others, or

d. to deter children who are in the process of leaving the facility without authorization.

C. Any contract or agreement entered into by the Department for the residential care and treatment of children in the custody of the Department shall provide that ~~the contractor~~ a failure to comply with the provisions ~~of subsections A and B~~ of this section may result in a termination or cancellation of the contract or other appropriate sanction.

SECTION 8. AMENDATORY 10A O.S. 2011, Section 1-7-106, is amended to read as follows:

Section 1-7-106. A. When a child is placed into foster care, the child shall, when possible, be placed with relatives, or other persons having a kinship relationship with the child, who are determined to be suitable, capable and willing to serve as caretakers for the child; provided however, if the child is determined to be an Indian child, as defined by the federal and state Indian Child Welfare Acts, the placement preferences specified by Section 1915 of Title 25 of the United States Code and Section 40.2 of Title 10 of the Oklahoma Statutes shall apply.

B. A foster care placement shall be made that ~~meets~~:

1. Meets the treatment needs of the foster child and supports the ~~case~~ permanency plan ~~goals~~ for that child and the family of that child~~, and is~~;

2. Follows the reasonable and prudent parent standard of care for the foster child while at the same time encouraging the emotional and developmental growth of the child when determining whether to allow the child to participate in extracurricular, enrichment, cultural, and social activities;

3. Is in the best interests of the child; ~~provided however, if the child is determined to be an Indian Child, as defined by the federal and state Indian Child Welfare Acts, the placement preferences specified by Section 1915 of Title 25 of the United States Code and Section 40.2 of Title 10 of the Oklahoma Statutes shall apply~~ and

4. Complies with all requirements of this section, subject to an appropriate sanction for noncompliance.

SECTION 9. AMENDATORY 10A O.S. 2011, Section 1-9-107, as amended by Section 1 of Enrolled Senate Bill No. 763 of the 1st

Session of the 55th Oklahoma Legislature, is amended to read as follows:

Section 1-9-107. A. This section shall be known and may be cited as the "~~Independent Living~~ Successful Adulthood Act".

B. The purpose of the ~~Independent Living~~ Successful Adulthood Act shall be:

1. To ensure that eligible individuals, who have been or are in the foster care program of the Department of Human Services or a federally recognized Indian tribe with whom the Department has a contract, due to abuse or neglect, receive the protection and support necessary to allow those individuals to become self-reliant and productive citizens through the provision of requisite services that include, but are not limited to, transitional planning, housing, medical coverage, and education~~,~~; provided, that eligibility for tuition waivers shall be as set forth in Section 3230 of Title 70 of the Oklahoma Statutes; and

2. To break the cycle of abuse and neglect that obligates the state to assume custody of children.

C. An individual is eligible to receive ~~independent living~~ services for the transition of the child to a successful adulthood from the age of ~~sixteen (16)~~ fourteen (14) until the age of eighteen (18), during the time the individual is in the custody of the Department or a federally recognized Indian tribe and in an out-of-home placement.

D. ~~Independent living~~ The permanency plan for the child in transition to a successful adulthood shall be developed in consultation with the child and, at the option of the child, with up to two members of the permanency planning team to be chosen by the child, excluding the foster parent and caseworker for the child, subject to the following provisions:

1. One individual selected by the child may be designated to be the advisor and, as necessary, advocate of the child, with respect to the application of the reasonable and prudent parent standard to the child; and

2. The Department may reject an individual selected by the child to be a member of the permanency planning team at any time if

the Department has good cause to believe that the selected individual would not act in the best interests of the child.

E. 1. Each child in foster care under the responsibility of the Department or a federally recognized Indian tribe and in an out-of-home placement, who has attained fourteen (14) years of age shall be given a written Notice of Rights that describes the following specific rights of the child:

a. the rights of the child with respect to education, health, visitation, and court participation,

b. the right to be provided with the documents specified in subsection F of this section, and

c. the right to stay safe and avoid exploitation.

2. The child shall sign an acknowledgment stating that the child has been provided with a copy of the Notice of Rights and that the rights described in the notice have been explained to the child in an age-appropriate way.

F. A child about to leave foster care by reason of having attained eighteen (18) years of age and who has been in foster care for at least six (6) months shall be given the following documents pertaining to the child:

1. An official or certified copy of the United States birth certificate;

2. A social security card issued by the Commissioner of Social Security;

3. Health insurance information;

4. A copy of the medical records of the child; and

5. A state-issued driver license or identification card.

G. Successful adulthood services may continue to the age of twenty-one (21), provided the individual is in the custody of the Department or a federally recognized Indian tribe due to abuse or neglect and is in an out-of-home placement at the time of the individual's eighteenth birthday.

~~E.~~ H. Individuals who are ~~sixteen (16)~~ fourteen (14) years of age or older, who have been released from the custody of the Department or federally recognized Indian tribe due to the entry of an adoption decree or guardianship order are eligible to receive ~~independent living~~ successful adulthood services until the age of twenty-one (21).

~~F.~~ I. Individuals who are eligible for services pursuant to the ~~Independent Living~~ Successful Adulthood Act and who are between eighteen (18) and twenty-one (21) years of age shall be eligible for Medicaid coverage, provided such individuals were also in the custody of the Department or a federally recognized Indian tribe on the date they reached eighteen (18) years of age and meet Medicaid financial eligibility guidelines.

~~G.~~ J. The Department, in conjunction with the Oklahoma State Regents for Higher Education, shall provide parents and legal guardians of foster youth with information on the Oklahoma Higher Learning Access Program (OHLAP) including, but not limited to, eligibility, application guidelines, academic requirements, and any other information required by the Oklahoma Higher Learning Access Act for participation in the Program.

SECTION 10. AMENDATORY 10A O.S. 2011, Section 1-9-116, is amended to read as follows:

Section 1-9-116. A. The Department of Human Services and each child-placing agency shall develop:

1. A foster care education program to provide training for persons intending to furnish foster care services; and

2. Continuing educational programs for foster parents.

B. 1. In addition to any other conditions and requirements specified by the state agency or child-placing agency, as applicable, prior to placement of a child in foster placement other than kinship care, each foster parent shall have completed the training approved by the Department or the child-placing agency, as appropriate.

2. A foster parent providing kinship foster care shall, if possible, complete the training developed by the Department for kinship foster care prior to placement or at such other times as

required by the Department; provided, however, in no event shall training take place later than one hundred twenty (120) days after placement of the child with the kinship foster parent. Until a kinship foster parent receives final approval from the Department to provide foster care services to a child, the kinship foster parent shall not be eligible to receive any payment for providing foster care services.

3. Approved training shall require a minimum of twelve (12) hours of study related, but not limited, to physical care, education, learning disabilities, procedures for referral to and receipt of necessary professional services, behavioral assessment and modification, ~~independent-living~~ transition to successful adulthood skills, and procedures for biological parent contact. Such training shall relate to the area of parental substitute authority, the reasonable and prudent parent standard relative to child participation in age-appropriate or developmentally appropriate activities, behavioral management techniques including, but not limited to, parent-child conflict resolution techniques, stress management, and any other appropriate technique to teach the foster parent how to manage the child's behavior in a manner appropriate to the age and development of the foster child.

4. The foster parent or person intending to provide foster care services may complete the training as part of an approved training program offered by a public or private agency with expertise in the provision of child foster care or in related subject areas.

C. In order to assist persons providing kinship foster care, the Department shall immediately refer kinship foster parents and the child for assistance under the Temporary Assistance for Needy Families Program until the certification and training requirements have been completed.

D. Foster parent training programs may include, but not be limited to, in-service training, workshops and seminars developed by the state agency; seminars and courses offered through public or private education agencies; and workshops, seminars and courses pertaining to behavioral and developmental disabilities and to the development of mutual support services for foster parents.

E. The Department and each child-placing agency shall provide statewide training, education, and continuing education programs for foster parents.

F. The Department or each child-placing agency shall notify a foster parent at least ten (10) business days in advance of the statewide scheduling of education, continuing education or foster parent training occurring near the vicinity of the home of a foster parent.

G. The Department may also provide additional foster care training to a foster parent. A foster parent may request in writing to the Department that additional foster parent training be provided.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-9-123 of Title 10A, unless there is created a duplication in numbering, reads as follows:

A. 1. The Department of Human Services shall, in consultation with state and local law enforcement, juvenile justice systems, health care providers, education agencies, and organizations with experience in dealing with at-risk children and youth, establish policies and procedures, including relevant training for caseworkers, for identifying, documenting in agency records and determining appropriate services for children and youth at risk of sex trafficking.

2. The policies and procedures shall be developed for every child or youth over whom the Department has responsibility for placement, care or supervision and shall apply when the Department has reasonable cause to believe a child or youth is currently, or is at risk of being, a victim of sex trafficking, including a child or youth:

a. for whom the Department has an open case file, but who has not been removed from the home,

b. who has run away from foster care and who has not attained eighteen (18) years of age, or

c. who is not in foster care but is receiving services.

B. When notified a child or youth has run away or is missing from a foster placement, the Department shall, within twenty-four (24) hours of notification, report such status of the child or youth to local law enforcement, the National Crime Information Center, and to the National Center for Missing and Exploited Children.

C. The Department shall develop and implement specific protocols to:

1. Expeditiously locate any child or youth missing from foster care;

2. Determine the primary factors that contributed to the child or youth running away or otherwise being absent from foster care;

3. Respond, to the extent possible and appropriate, to those factors that contributed to the absence from care or runaway behaviors in the current and subsequent placements of the child or youth; and

4. Determine what the child or youth experienced while absent from care, that would include an appropriate screening to determine if the child or youth is a possible victim of sex trafficking.

D. The Department shall report to law enforcement authorities immediately, and in no case later than twenty-four (24) hours, after receiving information on a child or youth who has been identified as being a sex trafficking victim as defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes.

SECTION 12. This act shall become effective November 1, 2015.

Passed the House of Representatives the 2nd day of March, 2015.

Presiding Officer of the House
of Representatives

Passed the Senate the 20th day of April, 2015.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 21st

day of April, 20 15, at 3:17 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 27th

day of April, 20 15, at 1:27 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 27th

day of April, 20 15, at 2:07 o'clock P. M.

By: Chi Benge