

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3451

By: Dills

AS INTRODUCED

An Act relating to children; amending 10A O.S. 2011, Section 1-7-106, as amended by Section 8, Chapter 173, O.S.L. 2015 (10A O.S. Supp. 2019, Section 1-7-106), which relates to foster care placement; creating a placement preference for grandparents; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-7-106, as amended by Section 8, Chapter 173, O.S.L. 2015 (10A O.S. Supp. 2019, 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

1 40.2 of Title 10 of the Oklahoma Statutes shall apply. If the
2 child's grandparents are determined to be suitable, capable and
3 willing to serve as caretakers for the child, the grandparents shall
4 be the primary placement preference without discrimination of age.

5 B. A foster care placement shall be made that:

6 1. Meets the treatment needs of the foster child and supports
7 the permanency plan for that child and the family of that child;

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

13 3. Is in the best interests of the child; and

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

16 SECTION 2. This act shall become effective November 1, 2020.

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