



Oklahoma State Senate

Legislative Brief

June 1998

Child Protective Services

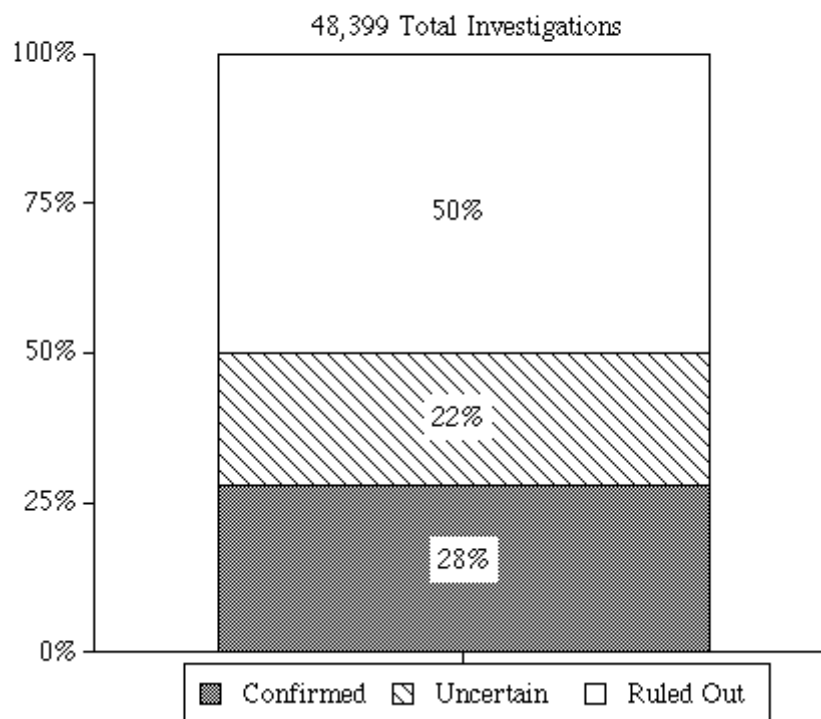
Issue Background

Between 1992 and 1997, reports of suspected child abuse and neglect investigated by the Department of Human Services and child deaths as a result of abuse doubled. During this same time period, the number of children in foster care exceeded the number of available foster homes. The number of constituent requests for assistance with child welfare problems also increased substantially. A House of Representatives interim study indicated that frequent moves of foster children within the foster care system is a significant problem cited by foster parents, child welfare workers and child advocates.

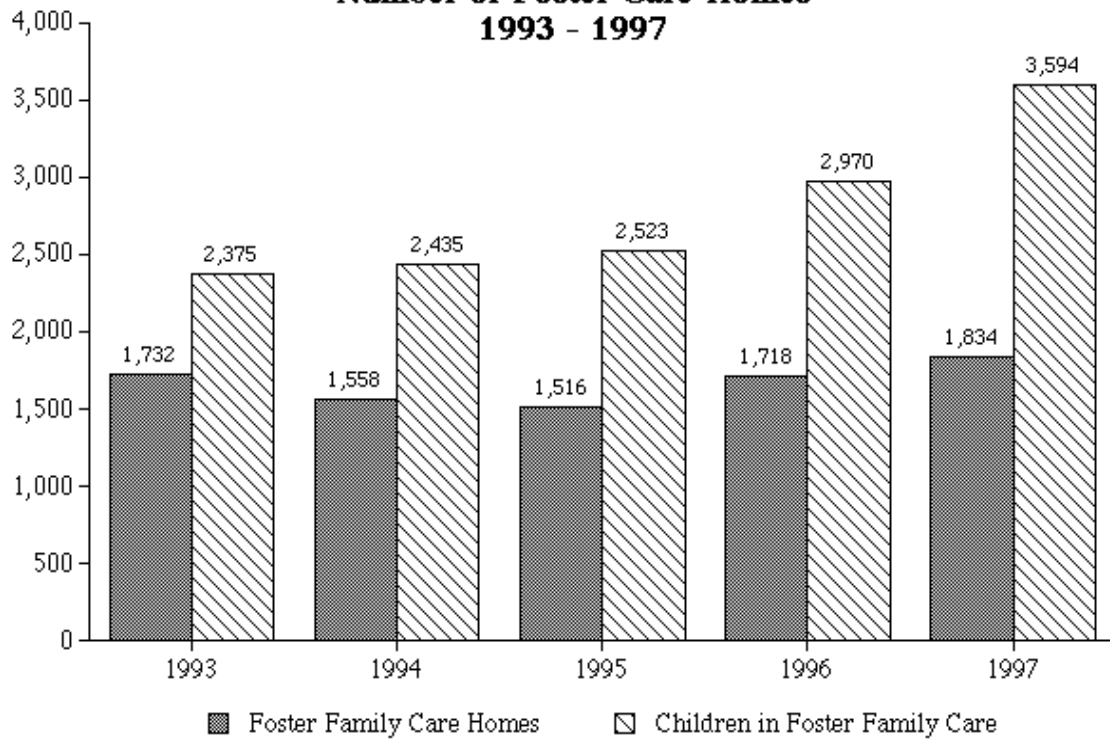
In 1996 and 1997, Enrolled House Bills 2960 and 2133 established certain statutory rights for foster parents and clarified and enhanced the rights and roles of foster parents as integral parts of a foster child's treatment team. Additionally, passage of the federal Child Abuse Prevention and Treatment Act and the Adoption and Safe Families Act in 1997 replaced emphasis on "reunification of the family" with concern for the best interests, health and safety of the child. The federal acts require states to amend state laws to conform with this new focus.

Oklahoma made significant strides in improving the well-being of children this session through enactment of three bills referred to as the Oklahoma Child Protective Service and Safe Families Program. The Legislature also appropriated \$8.6M for home visitation programs designed to prevent child abuse by improving parenting skills and family health.

Investigations of Reports of Child Abuse and Neglect FY '97



**Children in Foster Care Compared to
Number of Foster Care Homes
1993 - 1997**



Summary of Actions

HB 2905

Establishes a dual-track child protective services system in response to concerns over the number of investigated reports of child abuse or neglect that can neither be confirmed or ruled out. The Act allows DHS to conduct family assessments and arrange voluntary services for at-risk families intended to reduce the potential for future abuse or neglect, even if an allegation cannot be substantiated. The system places emphasis on providing services to families before serious abuse or neglect occurs. The measure also authorizes the Child Death Review Board to conduct case reviews of near-deaths of children resulting from child abuse or neglect.

SB 1224

Makes the health, safety and welfare of a child the paramount consideration in all DHS custody child proceedings. While family preservation continues to be an important goal, the Act specifies grounds for which efforts to reunite a family are not required. It further requires district attorneys to file a petition to terminate parental rights under certain conditions, such as when a child has been in foster care for 15 of the most recent 22 months, or when a child has been judicially determined to be an abandoned infant.

HB 2826

Requires stringent background checks, including a national fingerprint search, for prospective foster parents. It also enables foster parents to more effectively integrate a child into the home environment and to treat a foster child as they would other children in the home. The Act further provides for additional training in parent-child conflict resolution and alternative behavior management techniques, to enable foster parents to better manage children who have behavioral problems.

Following is a more detailed summary of these measures:

Child Abuse Prevention

HB 2905

- Allows access to relevant reports to a child's attorney in order to represent the best interests of the child. Outlines responsibilities of the guardian ad litem for a child in a deprived action.
- Clarifies provisions related to reasonable efforts to reunite a child with the child's family.
- Clarifies time frames with regard to the court conducting permanency hearings for a child.

- Establishes procedures related to release of confidential records. The Oklahoma Commission on Children and Youth is required to promulgate rules governing disclosure of confidential information related to child abuse records.
- Provides within parental rights termination provisions, options that the court may exercise during the period in which a parent has to correct conditions which led to a child being taken into custody. Adds as a condition for termination of parental rights the death of a sibling of a child from physical or sexual abuse or chronic neglect by a parent. Pursuant to federal requirements, specifies conditions under which a petition to terminate parental rights shall be filed, including a child being in out of home placement for 15 of the most recent 22 months, a child being determined to be an abandoned infant, a determination that the parent has murdered or voluntarily committed manslaughter of a sibling of a child, or has committed a felony assault resulting in serious bodily injury to a child or sibling of the child. Further specifies conditions when the district attorney shall not be required to file a petition.
- Clarifies provisions related to child abuse reporting procedures.

Oklahoma Children's Code Amendments

SB 1224

- Conforms intent language in the Children's Code with the federal Adoption and Safe Families Act of 1997 and the Child Abuse Prevention and Treatment Act. Provides that in making reasonable efforts to prevent removal of a child from the child's home or to permit the safe return of a child to the home, the health, safety and permanency for a child in out of home placement will be the paramount concern.
- Requires officers to provide written notice of the protective or emergency custody of a child to the parent, legal guardian or custodian of the child. The notice must give the reasons a child was taken, tell the parent what to expect with regard to the court process, and tell the parent who to contact with questions.
- Clarifies the contents of a petition alleging a child to be deprived, and allows filing of a petition for termination of parental rights by either the district attorney or the attorney of a child alleged to be or adjudicated deprived. Also requires a DA to file such a petition under certain aggravated circumstances or, if such a petition is filed by the child's attorney, to join as a party in the petition.
- Lists circumstances which do not require reasonable efforts to reunite a child with the parent. Describes actions DHS must take to achieve permanency for a child, including conducting a permanency hearing within 30 days of a determination that reasonable efforts are not required.
- Allows efforts to place a child with a guardian, kinship guardian or legal custodian concurrently with reasonable efforts to reunite the family. Outlines a kinship guardian's responsibilities and allows a kinship foster parent to petition for appointment as kinship guardian. Provides the kinship guardian with the same authority as a parent to act on behalf of a child, except consenting to adoption or surrendering a child.
- Establishes a permanency hearing system and specifies items to be considered and reviewed by the court during permanency hearings, including a requirement that interested parties submit a report about the child prior to the permanency hearing.
- Requires identification and review of the cases of children residing in out of home placement for 15 of the most recent 22 months for purposes of permanency planning.
- Specifies provisions regarding voluntary placement into DHS foster care. Provides that the Developmental Disabilities Services Division (DDSD) of DHS may initiate certain procedures when it appears a child in voluntary placement within DDSD has been abandoned.

Families Offering Children Understanding and Support in Foster Care

HB 2826

- Strengthens the ability of a foster parent to integrate a foster child into the family setting; to exercise parental substitute authority over a foster child, provided this does not include corporal punishment of the child; and to have a recognizable interest in the familial relationships established with the child.

- Establishes guidelines for conducting foster parent eligibility assessments, including criminal background investigations, home assessments, national criminal history records checks based on fingerprints, and any other assessment required by DHS.
- Includes subjects such as parental substitute authority, behavior management techniques, stress management, parent-child conflict resolution, holding or restraining techniques to be included in education and training classes for foster parents and kinship care providers.
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- Expresses intent to limit the number of moves within the foster care system for foster children.
- Prohibits removal of a child from a foster family if the foster parent has exercised parental substitute authority over the child. Requires DHS to inform the court of the reasons for removal of a foster child from a foster home and the number of times a foster child has been removed from the foster home. The court record must reflect why the removal of the child is in the best interests of the child.
- Requires permanency hearings on or after the year 2000 for certain children.

Appropriations

SB 1224

- The Legislature reallocated \$3,485,302 in savings for various programs in the child welfare system, including:

\$2M for child care services for foster care children;
 \$400,000 for clothing for foster care children;
 \$262,000 for additional foster care beds;
 \$500,000 for 50 additional therapeutic foster care beds; and
 \$390,000+ for the Adoption Subsidy Program.

- \$8.6M was appropriated for home visitation programs serving pregnant women and young children. \$7.9M in the Children First Program will allow 270 nurses statewide to help first-time mothers develop parenting skills and improve their family's health. An additional \$700,000 will provide Child Abuse Prevention grants to home visitation programs associated with Health Families America.

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