

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1195

By: David

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5  
6 AS INTRODUCED

7 An Act relating to termination of parental rights;  
8 amending 10A O.S. 2011, Section 1-4-902, as amended  
9 by Section 1, Chapter 382, O.S.L. 2014 (10A O.S.  
10 Supp. 2015, Section 1-4-902), which relates to  
11 termination motion or petition by district attorney;  
12 modifying circumstances requiring filing of certain  
13 petition; and providing an effective date.

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

15 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-4-902, as  
16 amended by Section 1, Chapter 382, O.S.L. 2014 (10A O.S. Supp. 2015,  
17 Section 1-4-902), is amended to read as follows:

18 Section 1-4-902. A. The district attorney shall file a  
19 petition or motion for termination of the parent-child relationship  
20 and parental rights with respect to a child or shall join in the  
21 petition or motion, if filed by the child's attorney, in any of the  
22 following circumstances:

23 1. Prior to the end of the fifteenth month when a child has  
24 been placed in foster care by the Department of Human Services for  
fifteen (15) of the most recent twenty-two (22) months. For

1 purposes of this paragraph, a child shall be considered to have  
2 entered foster care on the earlier of:

- 3 a. the date of adjudication as a deprived child, or
- 4 b. the date that is sixty (60) days after the date on  
5 which the child is removed from the home;

6 2. No later than sixty (60) days after a child has been  
7 judicially determined to be an abandoned infant;

8 3. No later than sixty (60) days after a court has determined  
9 that reasonable efforts to reunite are not required due to a felony  
10 conviction of a parent of any of the following acts:

- 11 a. permitting a child to participate in pornography,
- 12 b. rape, or rape by instrumentation,
- 13 c. lewd molestation of a child under sixteen (16) years  
14 of age,
- 15 d. child abuse or neglect,
- 16 e. enabling child abuse or neglect,
- 17 f. causing the death of a child as a result of the  
18 physical or sexual abuse or chronic abuse or chronic  
19 neglect of the child,
- 20 g. causing the death of a sibling of the child as a  
21 result of the physical or sexual abuse or chronic  
22 abuse or chronic neglect of the child's sibling,

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- 1           h.   murder of any child or aiding or abetting, attempting,
- 2                    conspiring in, or soliciting to commit murder of any
- 3                    child,
- 4           i.   voluntary manslaughter of any child,
- 5           j.   a felony assault that has resulted in serious bodily
- 6                    injury to the child or another child of the parent, or
- 7           k.   murder or voluntary manslaughter of the child's parent
- 8                    or aiding or abetting, attempting, conspiring in, or
- 9                    soliciting to commit murder of the child's parent; or

10           4.   No later than ~~ninety (90)~~ sixty (60) days after the court  
11 has ~~ordered the individualized service plan if~~ determined that the  
12 parent has made no measurable progress in correcting the ~~conditions~~  
13 ~~which caused the child to be adjudicated deprived~~ condition which  
14 led to the deprived adjudication of the child after the parent has  
15 been given at least three (3) months to correct the condition.

16           B.   If any of the following conditions exist, the district  
17 attorney is not required to file a petition as provided in  
18 subsection A of this section for a deprived child:

19           1.   At the option of the Department or by order of the court,  
20 the child is properly being cared for by a relative;

21           2.   The Department has documented a compelling reason for  
22 determining that filing a petition to terminate parental rights  
23 would not serve the best interests of the child that may include  
24 consideration of any of the following circumstances:

- a. the parents or legal guardians have maintained a relationship with the child and the child would benefit from continuing this relationship,
- b. the child, who is twelve (12) years or older, objects to the termination of the parent-child legal relationship,
- c. the foster parents of the child are unable to adopt the child because of exceptional circumstances which do not include an unwillingness to accept legal responsibility for the child but are willing and capable of providing the child with a stable and permanent environment, and the removal of the child from the physical custody of the foster parents would be seriously detrimental to the emotional well-being of the child because the child has substantial psychological ties to the foster parents,
- d. the child is not capable of achieving stability if placed in a family setting, or
- e. the child is an unaccompanied, refugee minor and the situation regarding the child involves international legal issues or compelling foreign policy issues; or

3. The state has not provided to the family of the child, consistent with the time period in the state case plan, services that the state deems necessary for the safe return of the child to

1 the child's home, if reasonable efforts are required to be made with  
2 respect to the child.

3 SECTION 2. This act shall become effective November 1, 2016.

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