

1 **SENATE FLOOR VERSION**

February 8, 2022

2 **AS AMENDED**

3 SENATE BILL NO. 1551

By: Pederson

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5
6 **[foster parents - duties and powers of the**
7 **Department of Human Services - priority consideration**
8 **to certain persons - notification to foster parents -**
9 **effective date]**

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

11 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-7-103, is
12 amended to read as follows:

13 Section 1-7-103. A. In addition to the other powers and duties
14 prescribed by law, the Department of Human Services shall have the
15 power and duty to:

16 1. Provide for the care and treatment of children taken into
17 protective or emergency custody pursuant to the provisions of the
18 Oklahoma Children's Code, and placed in the Department's custody by
19 an order of the court.

20 In providing for the care and treatment of such children, the
21 Department shall:

22 a. place the children in:

23 (1) a kinship care home or other foster care home, or
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1 (2) if no such home is available, a group home,
2 children's shelter, or in any licensed facility
3 established for the care of children.

4 In determining any placement for a child who has been
5 removed from the custody of a custodial parent and
6 placed with the Department in emergency custody,
7 priority shall be given by the Department to the
8 placement of such child with the noncustodial parent
9 of the child unless such placement is not in the best
10 interest of the child,

11 b. if ordered by the court, provide supervision of
12 children alleged to be deprived who are placed by the
13 court in the custody of a parent, relative, or other
14 responsible person. Such supervision shall be in
15 accordance with rules promulgated by the Department
16 and shall not exceed the period allowed for the filing
17 of a petition or, if a petition is filed, the period
18 authorized by the court,

19 c. admit an alleged deprived child to a hospital or
20 behavioral health facility as provided in the
21 Inpatient Mental Health and Substance Abuse Treatment
22 of Minors Act,

- 1 d. provide outpatient behavioral health care and
2 treatment as prescribed by a qualified behavioral
3 health professional,
4 e. provide, as soon as practicable, educational
5 instruction through enrollment in a public school or
6 an alternative program consistent with the needs and
7 abilities of the child,
8 f. provide or prescribe treatment services for the family
9 of an alleged deprived child placed in the emergency
10 custody of the Department if such services are
11 voluntarily requested and the family is otherwise
12 eligible under applicable law and rules promulgated by
13 the Commission for the services offered, and
14 g. provide medical care necessary to preserve the health
15 of the child in accordance with the provisions of this
16 Code; and

17 2. Provide for the care and treatment of an adjudicated
18 deprived child placed in the temporary custody of the Department by
19 an order of the court. In providing for such care and treatment,
20 the Department:

- 21 a. shall review and assess each child to determine the
22 type of placement and services consistent with the
23 needs of the child in the nearest geographic proximity
24 to the home of the child as possible. In making the

1 review, the Department may use any facilities, public
2 or private, which aid in the assessment,

3 b. shall develop and implement an individualized service
4 plan for each child in accord with the requirements of
5 Section 1-4-704 of this title,

6 c. may return a deprived child to the home of the parent
7 or legal guardian from whom the child was removed with
8 prior approval of the court, or place the child in the
9 home of a noncustodial parent, in a foster care home,
10 in a children's shelter, in a group home, in an
11 independent living program, or in any licensed
12 facility established for the care of children,

13 d. may admit a deprived child to a hospital or behavioral
14 health facility as provided in the Inpatient Mental
15 Health and Substance Abuse Treatment of Minors Act,

16 e. may provide outpatient behavioral health care and
17 treatment as prescribed by a qualified behavioral
18 health professional,

19 f. shall, if ordered by the court, provide supervision of
20 children adjudicated deprived who are placed by the
21 court in the custody of a parent, relative, or other
22 responsible person. Such supervision shall be in
23 accordance with rules promulgated by the Department,
24 and

1 g. shall provide medical care necessary to preserve the
2 health of the child in accordance with the provisions
3 of the Oklahoma Children's Code.

4 B. 1. The Department may move a child in its custody from any
5 authorized placement to another authorized placement if consistent
6 with the needs of the child or as may be required in an emergency,
7 subject to the provisions of Section 1-4-804 and 1-4-805 of this
8 title.

9 2. The Department, in placing a child who has reentered foster
10 care, shall consider previous foster placements as well as a kinship
11 foster home placement if available. The placement shall be
12 consistent with the best interests of the child.

13 3. If a child is in the custody of the Department through an
14 emergency, temporary, or permanent court order as a result of
15 neglect or abuse and has been in the same foster placement for
16 twelve (12) months, there shall be a presumption that the Department
17 has not identified any other placement options and the child shall
18 remain in such foster placement unless the Department has concerns
19 for the child's well-being. If parental rights are terminated in
20 such case, the foster parent or parents in the foster placement
21 shall receive priority consideration for adoption of the child
22 pursuant to subsection B of Section 1-7-116 of this title.

23 C. The Department shall assure that any child who has attained
24 the minimum age for compulsory school attendance and is eligible for

1 a foster care payment under Title IV-E of the Social Security Act,
2 42 U.S.C. 670 et seq., is:

3 1. Enrolled in an institution which provides elementary or
4 secondary education as determined under the law of the state or
5 other jurisdiction in which the institution is located;

6 2. Instructed in elementary or secondary education in any
7 legally authorized education program;

8 3. In an independent study elementary or secondary education
9 program in accordance with the law of the state or jurisdiction in
10 which the program is located, which is administered by the local
11 school or school district; or

12 4. Incapable of attending school on a full-time basis due to a
13 documented medical condition supported by regular updates.

14 D. The Department has the authority to consent to travel for a
15 child in its custody outside the jurisdiction of the court, except
16 that court approval is required for travel outside of the United
17 States. Permission for school or organizational activities
18 requiring consent and not prohibited by Department rule may be given
19 by the foster parent.

20 E. The Department shall receive notice of all court proceedings
21 regarding any child in its custody and shall, upon application, be
22 allowed to intervene as a party for a specified purpose, to any
23 court proceedings pertaining to the care and custody of the child.

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1 F. The Department may participate in federal programs relating
2 to deprived children and services for such children; and apply for,
3 receive, use and administer federal funds for such purposes.

4 G. The Department shall receive interest earnings on the
5 investment by the State Treasurer of monies, to be credited to an
6 agency special account, for the benefit of and held in trust for
7 persons placed in the custody of the Department or in residence at
8 facilities maintained by the Department.

9 SECTION 2. AMENDATORY 10A O.S. 2021, Section 1-7-116, is
10 amended to read as follows:

11 Section 1-7-116. A. When a child in the custody of the
12 Department of Human Services becomes eligible for adoption and the
13 child needs a permanent placement, the Department shall notify and
14 disseminate information about the child to licensed child-placing
15 agencies that have requested in writing to receive such notice in
16 order to locate a possible prospective adoptive parent for the
17 child.

18 B. If a child in the custody of the Department becomes eligible
19 for adoption and the child has been placed in a foster home for a
20 period of at least twelve (12) months, the foster parent or parents
21 shall have priority consideration for adoption of the child.

22 C. Upon completion of an adoption specified in subsection A of
23 this section, the Department may provide reimbursement of expenses
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1 incurred by the child-placing agency for recruiting, training and
2 conducting a home study for the adoptive parent.

3 SECTION 3. AMENDATORY 10A O.S. 2021, Section 1-9-119, is
4 amended to read as follows:

5 Section 1-9-119. A. A statement of foster parent's rights
6 shall be given to every foster parent annually and shall include,
7 but not be limited to, the right to:

8 1. Be treated with dignity, respect, and consideration as a
9 professional member of the child welfare team;

10 2. Be notified of and be given appropriate, ongoing education
11 and continuing education and training to develop and enhance foster
12 parenting skills, and to be notified of and given access to local
13 and statewide support groups;

14 3. Be informed about ways to contact the state agency or the
15 child-placing agency in order to receive information and assistance
16 to access supportive services for any child in the foster parent's
17 care;

18 4. Receive timely financial reimbursement for providing foster
19 care services;

20 5. Be notified of any costs or expenses for which the foster
21 parent may be eligible for reimbursement;

22 6. Be provided a clear, written explanation of the individual
23 treatment and service plan concerning the child in the foster
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1 parent's home, listing components of the plan pursuant to the
2 provisions of the Oklahoma Children's Code;

3 7. Receive, at any time during which a child is placed with the
4 foster parent, additional or necessary information that is relevant
5 to the care of the child;

6 8. Be notified of scheduled review meetings, permanency
7 planning meetings, family team meetings and special staffing
8 concerns for any foster child placed in the foster parent's home ~~in~~
9 ~~order~~ to actively participate in the case planning and decision-
10 making process regarding the child;

11 9. Provide input concerning the plan of services for the child
12 and to have that input be given full consideration in the same
13 manner as information presented by any other professional on the
14 team;

15 10. Communicate with other foster parents ~~in order~~ to share
16 information regarding the foster child. ~~In particular,~~
17 Specifically, to receive any information concerning the number of
18 times a foster child has been moved and the reasons why, and the
19 names and telephone numbers of the previous foster parent if the
20 previous foster parent has authorized such release;

21 11. Communicate with other professionals who work with the
22 foster child within the context of the team including, but not
23 limited to, therapists, physicians, and teachers including

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1 maintaining a medical passport with all medical history of the
2 foster child;

3 12. Be given, in a timely and consistent manner, any
4 information regarding the child and the child's family which is
5 pertinent to the care and needs of the child and to the making of a
6 permanency plan for the child. Disclosure of information shall be
7 limited to that information which is authorized by the provisions of
8 Chapter VI of the Oklahoma Children's Code for foster parents;

9 13. Be given reasonable notice of any change in or addition to
10 the services provided to the child pursuant to the child's
11 individual treatment and service plan;

12 14. a. Be given written notice of:

13 (1) plans to terminate the placement of the child
14 with the foster parent pursuant to Section 1-4-
15 805 of this title, and

16 (2) the reasons for the changes or termination in
17 placement.

18 b. The notice shall be waived only in emergency cases
19 pursuant to Section 1-4-805 of this title;

20 15. Be notified by the applicable state agency in a timely and
21 complete manner of all court hearings, including notice of the date
22 and time of any court hearing, the name of the judge or hearing
23 officer hearing the case, the location of the hearing, and the court
24 docket number of the case;

1 16. Be informed of decisions made by the court, the state
2 agency or the child-placing agency concerning the child;

3 17. Be considered as a preferred placement option when a foster
4 child who was formerly placed with the foster parent is to reenter
5 foster care at the same level and type of care, if that placement is
6 consistent with the best interest of the child and other children in
7 the home of the foster parent;

8 18. Be provided a fair, timely, and impartial investigation of
9 complaints concerning the certification of the foster parent;

10 19. Be provided the opportunity to request and receive a fair
11 and impartial hearing regarding decisions that affect certification
12 retention or placement of children in the home, and to receive upon
13 request all non-confidential information in Department records
14 related to the home and the foster care services provided by the
15 family;

16 20. Be allowed the right to exercise parental substitute
17 authority;

18 21. Have timely access to the appeals process of the state
19 agency and child placement agency and the right to be free from acts
20 of harassment and retaliation by any other party when exercising the
21 right to appeal;

22 22. Be given the number of the statewide toll-free Foster
23 Parent Hotline;

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1 23. File a grievance and be informed of the process for filing
2 a grievance; and

3 24. Receive a copy of the liability insurance policy the
4 Department of Human Services maintains for every Department-
5 contracted foster home placement;

6 25. Maintain the values and routines of the foster family while
7 respecting the rights and confidentiality of each foster child in
8 the home including avoidance of scheduling visits on holidays and
9 communications during vacation time; and

10 26. Have a right to attend and be heard at any Department or
11 court proceeding related to a child currently or previously placed
12 in the home. Such right shall not be construed to require a foster
13 parent to be made a party to such proceeding.

14 B. The Department of Human Services and a child-placing agency
15 under contract with the Department shall be responsible for
16 implementing this section.

17 C. Nothing in this section shall be construed to create a
18 private right of action or claim on the part of any individual, the
19 Department, the Office of Juvenile Affairs, or any child-placing
20 agency.

21 SECTION 4. This act shall become effective November 1, 2022.

22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
23 February 8, 2022 - DO PASS AS AMENDED
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