

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 686

By: Pederson

AS INTRODUCED

An Act relating to the Oklahoma Children's Code; amending 10A O.S. 2021, Section 1-9-119, which relates to statement of foster parent's rights; modifying information required to be provided to foster parents; and providing an effective date.

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

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

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

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

2. Be notified of and be given appropriate, ongoing education and continuing education and training to develop and enhance foster parenting skills including but not limited to childhood attachment, the impacts of abuse and neglect on child development, long-term

1 impacts of drug and alcohol abuse on children, infant mental health,
2 and childhood trauma;

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

7 4. Receive timely financial reimbursement for providing foster
8 care services;

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

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

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

18 8. Be notified of scheduled review meetings, permanency
19 planning meetings, family team meetings and special staffing
20 concerns for any foster child placed in the foster parent's home in
21 order to actively participate in the case planning and decision-
22 making process regarding the child including transition meetings
23 between a change in permanency workers;

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

5 10. Communicate with other foster parents in order to share
6 information regarding the foster child. In particular, receive any
7 information concerning the number of times a foster child has been
8 moved and the reasons why, and the names and telephone numbers of
9 the previous foster parent if the previous foster parent has
10 authorized such release;

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

14 12. Be given, in a timely and consistent manner, any
15 information regarding the child and the child's family which is
16 pertinent to the care and needs of the child and to the making of a
17 permanency plan for the child. Disclosure of information shall be
18 limited to that information which is authorized by the provisions of
19 Chapter VI of the Oklahoma Children's Code for foster parents;

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

23 14. a. Be given written notice of:
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1 (1) plans to terminate the placement of the child
2 with the foster parent pursuant to Section 1-4-
3 805 of this title, and

4 (2) the reasons for the changes or termination in
5 placement.

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

8 15. ~~Be notified~~ provided written notice by the applicable state
9 agency in a timely and complete manner of all court hearings,
10 including notice of the date and time of any court hearing, the name
11 of the judge or hearing officer hearing the case, the location of
12 the hearing, and the court docket number of the case;

13 16. Be represented by counsel, at the foster parent's expense,
14 for any court proceedings in which the foster parent is a party, and
15 to permit such counsel to file a motion to intervene on behalf of a
16 foster parent in any applicable court proceeding;

17 17. Attend and be heard at any Department or court proceeding
18 related to a child currently placed in the home. Such right shall
19 not be construed to require a foster parent to be made a party to
20 such proceeding;

21 18. Be informed of decisions made by the court, the state
22 agency or the child-placing agency concerning the child on the date
23 such decisions are made, and to receive a copy of the court report
24 upon request by the foster parent;

1 ~~17.~~ 19. Be considered as a preferred placement option when a
2 foster child who was formerly placed with the foster parent is to
3 reenter foster care at the same level and type of care, if that
4 placement is consistent with the best interest of the child and
5 other children in the home of the foster parent;

6 ~~18.~~ 20. Be provided a fair, timely, and impartial investigation
7 of complaints concerning the certification of the foster parent;

8 ~~19.~~ 21. Be provided the opportunity to request and receive a
9 fair and impartial hearing regarding decisions that affect
10 certification retention or placement of children in the home and to
11 receive upon request all information in Department records related
12 to the home and the foster care services provided by the foster
13 parent or family;

14 ~~20.~~ 22. Be allowed the right to exercise parental substitute
15 authority;

16 ~~21.~~ 23. Have timely access to the appeals process of the state
17 agency and child placement agency and the right to be free from acts
18 of harassment and retaliation by any other party when exercising the
19 right to appeal;

20 ~~22.~~ 24. Be given the number of the statewide toll-free Foster
21 Parent Hotline and county unit on-call worker on any day for which
22 such information is requested;

1 ~~23.~~ 25. File a grievance and be informed of the process for
2 filing a grievance without adverse action by any state agency or
3 child-placing agency; and

4 ~~24.~~ 26. Receive a copy of the liability insurance policy the
5 Department of Human Services maintains for every Department-
6 contracted foster home placement; and

7 27. Intervene after twelve (12) months of placement in any
8 action involving the involuntary termination of parental rights
9 involving a child who is placed with the foster parent. Such
10 intervention may be made anonymously with the foster parent
11 identified by initials. The foster parent shall receive service
12 through counsel or by providing a preferred mailing address to the
13 Department and the court.

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 2. This act shall become effective November 1, 2023.

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