

ENGROSSED HOUSE  
BILL NO. 2960

By: Seikel and Bonny of the  
House

and

Weedn of the Senate

An Act relating to foster care; requiring the development of a foster care education program; requiring promulgation of rules; providing for contents; requiring cooperation and promoting foster parent associations in each county; providing an appeal process for adverse decisions; providing certain placement information; providing contents; providing for insurance for foster care; requiring reimbursements for foster care services; providing for standing and intervenor status; providing for codification; and providing an effective date.

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

ARTICLE VII. Foster Care

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7007-1.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall develop a foster care education program to provide specialized training for persons

intending to engage in the operation of family foster homes.  
Participation in the program shall be voluntary.

B. The Department shall promulgate rules for approval of programs to meet the requirements of this section. Such programs may include, but need not be limited to: in-service training, workshops and seminars developed by the Department or by county offices; seminars and courses offered through public or private education agencies; and workshops, seminars and courses pertaining to behavioral and developmental disabilities and to the development of mutual support services for foster parents. The Department may approve programs pursuant to this subsection only after consideration of relevant factors including level of education, useful or necessary skills, location and other criteria as determined by the Department.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7007-1.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall cooperate with and shall help promote foster parent associations in each county. The Department shall provide county foster parent associations with data, information and guidelines on the obligations, responsibilities and opportunities of foster parenting and shall keep the associations and members apprised of ranges in laws and rules relevant to foster parenting.

B. The Department of Human Services shall, by January 1, 1997, develop a procedure by which foster parents may appeal adverse decisions affecting their rights made by the Department. Such procedure shall be mutually agreed upon by the Department and an organization of foster parents with whom they shall consult.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7007-1.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. In making placements in foster care, the Department of Human Services shall:

1. Arrange for a preplacement visit of the child with the persons who will be providing foster care, except in emergencies;

2. Provide full and accurate medical information and medical history to the persons providing foster care at the time of placement;

3. Give a minimum of five (5) days advance notice to the foster care family before removing a child from their care, except in emergencies; and

4. Provide the foster care family with a written statement of the reasons for removing a child at the time of the notification required by this section.

B. In order to assist the foster family to make an informed decision regarding their acceptance of a child, to help the foster family anticipate problems which may occur during the child's placement and to help the foster family meet the needs of the child in a constructive manner, the Department shall provide the following information to the foster family if the information is, or as the information becomes, available to the Department:

1. Strengths, needs and general behavior of the child;

2. Circumstances which necessitated placement;

3. Information about the child's family and the child's relationship to the family which may affect the placement;

4. Important life experiences and relationships which may affect the child's feelings, behavior, attitudes or adjustment;

5. Whether the child has third-party coverage which may be available to the child; and

6. Education history, to include present grade placement, special strengths and weaknesses.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7007-1.4 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services may procure a policy of accident, personal liability and excess automobile liability insurance insuring persons participating in the family foster care program against loss in accordance with specifications of the Department of Central Services.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7007-1.5 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The court shall evaluate the ability of parents to pay part or all of the cost for foster care provided by the Department of Human Services, and shall order such payment to the Department.

B. The court may effectuate such order against any asset of the parent for failure to provide part or all of the cost of foster care according to the court order. Any assignment, attachment, garnishment, or lien against such assets shall be served upon the person in possession of the assets or shall be recorded in the office of the county clerk in the county in which the parent resides or in which the asset is located. The Department may contract on a contingency fee basis with private attorneys for the collection and enforcement of orders against such assets. Any such third-party payment shall be paid directly to the Department.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7007-1.6 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. In determining placement of a child, the court shall be governed by the best interests of the child, including, but not limited to, a review of the relationship between the child and relatives and the child and other important persons with whom the child has resided or had significant contact.

B. 1. In any action in which a court must determine a placement, the child may express a preference as to placement. The court may determine whether the best interest of the child will be served by the child's expression of preference as to placement. If the court so finds, the child may express the preference or give other testimony. The court may consider the expression of preference or other testimony of the child in determining placement. Provided, however, the court shall not be bound by the child's choice and may take other facts into consideration in placement.

2. If the child expresses a preference or gives testimony, the preference or testimony may be taken by the court in chambers, with or without the parents, foster parents, guardians, Department of Human Services or any other parties present, at the court's discretion. If attorneys are not allowed to be present, the court shall state, for the record, the reasons for their exclusion. At the request of either party, a record shall be made of the proceeding in chambers.

C. If the child has lived with a foster family for at least one (1) year, the court shall request an oral or written report from the foster parent of the child as to the:

1. Strengths, needs and general behavior of the child;
2. Important life experiences and relationships which may affect the child's feelings, behavior, attitudes or adjustments; and
3. Other information as the court may request.

D. Except as otherwise provided by subsection C of this section:

1. Any foster parent may petition the court for standing and intervenor status in any child protection proceeding or placement proceeding pursuant to the Oklahoma Children's Code regarding a foster child that lives or has lived in the foster parent's home. The standing and intervenor status is limited to that proceeding unless otherwise ordered by the court; and

2. The court shall make a determination whether to grant standing based on the strength and duration of the relationship between the foster parents and the child and in the best interests of the child.

SECTION 7. This act shall become effective November 1, 1996.

Passed the House of Representatives the 5th day of March, 1996.

Speaker of the House of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1996.

President of the Senate