

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1551

By: Pederson

AS INTRODUCED

An Act relating to foster parents; amending 10A O.S. 2021, Sections 1-7-103, 1-7-116, and 1-9-119, which relate to duties and powers of the Department of Human Services; providing notice when child is eligible for adoption and statement of foster parent's rights; establishing certain presumption for child placement; requiring priority consideration to certain persons for adoption of child; requiring notification to foster parents of certain rights; and providing an effective date.

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

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

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

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

1 In providing for the care and treatment of such children, the  
2 Department shall:

3 a. place the children in:

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

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

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

23 c. admit an alleged deprived child to a hospital or  
24 behavioral health facility as provided in the

Inpatient Mental Health and Substance Abuse Treatment  
of Minors Act,

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

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

- a. shall review and assess each child to determine the  
type of placement and services consistent with the

- needs of the child in the nearest geographic proximity to the home of the child as possible. In making the review, the Department may use any facilities, public or private, which aid in the assessment,
- b. shall develop and implement an individualized service plan for each child in accord with the requirements of Section 1-4-704 of this title,
  - c. may return a deprived child to the home of the parent or legal guardian from whom the child was removed with prior approval of the court, or place the child in the home of a noncustodial parent, in a foster care home, in a children's shelter, in a group home, in an independent living program, or in any licensed facility established for the care of children,
  - d. may admit a deprived child to a hospital or behavioral health facility as provided in the Inpatient Mental Health and Substance Abuse Treatment of Minors Act,
  - e. may provide outpatient behavioral health care and treatment as prescribed by a qualified behavioral health professional,
  - f. shall, if ordered by the court, provide supervision of children adjudicated deprived who are placed by the court in the custody of a parent, relative, or other responsible person. Such supervision shall be in

1                   accordance with rules promulgated by the Department,  
2                   and

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

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

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

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

1 C. The Department shall assure that any child who has attained  
2 the minimum age for compulsory school attendance and is eligible for  
3 a foster care payment under Title IV-E of the Social Security Act,  
4 42 U.S.C. 670 et seq., is:

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

8 2. Instructed in elementary or secondary education in any  
9 legally authorized education program;

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

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

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

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

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

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

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

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

20 B. If a child in the custody of the Department becomes eligible  
21 for adoption and the child has been placed in a foster home for a  
22 period of at least twelve (12) months, the foster parent or parents  
23 shall have priority consideration for adoption of the child.  
24

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

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

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

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

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

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

20        4. Receive timely financial reimbursement for providing foster  
21 care services;

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



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

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

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

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

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

23       11. Communicate with other professionals who work with the  
24 foster child within the context of the team including, but not  
25

1 limited to, therapists, physicians, and teachers including  
2 maintaining a medical passport with all medical history of the  
3 foster child;

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

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

13 14. a. Be given written notice of:

- 14 (1) plans to terminate the placement of the child  
15 with the foster parent pursuant to Section 1-4-  
16 805 of this title, and  
17 (2) the reasons for the changes or termination in  
18 placement.

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

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

1 officer hearing the case, the location of the hearing, and the court  
2 docket number of the case;

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

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

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

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

18 20. Be allowed the right to exercise parental substitute  
19 authority;

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

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

3        23. File a grievance and be informed of the process for filing  
4 a grievance; ~~and~~

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

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

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

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

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

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

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