

1 **SENATE FLOOR VERSION**

2 February 16, 2023

3 SENATE BILL NO. 533

By: Rosino of the Senate

4 and

5 Lawson of the House

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7
8 An Act relating to children; amending 10A O.S. 2021,
9 Section 1-9-119, which relates to statement of foster
10 parent's rights; expanding rights relating to
11 grievances; amending 10A O.S. 2021, Section 1-9-120,
12 which relates to grievance procedures for foster
13 parents; broadening applicability of certain
14 recordkeeping requirement; and providing an effective
15 date.

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

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

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

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

24 2. Be notified of and be given appropriate, ongoing education
and continuing education and training to develop and enhance foster
parenting skills;

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

5 4. Receive timely financial reimbursement for providing foster
6 care services;

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

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

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

16 8. Be notified of scheduled review meetings, permanency
17 planning meetings, family team meetings and special staffing
18 concerns for any foster child placed in the foster parent's home in
19 order to actively participate in the case planning and decision-
20 making process regarding the child;

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

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

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

10 12. Be given, in a timely and consistent manner, any
11 information regarding the child and the child's family which is
12 pertinent to the care and needs of the child and to the making of a
13 permanency plan for the child. Disclosure of information shall be
14 limited to that information which is authorized by the provisions of
15 ~~Chapter VI~~ Chapter 6 of the Oklahoma Children's Code for foster
16 parents;

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

20 14. a. Be given written notice of:

21 (1) plans to terminate the placement of the child
22 with the foster parent pursuant to Section 1-4-
23 805 of this title, and
24

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

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

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

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

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

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

19 19. Be provided the opportunity to request and receive a fair
20 and impartial hearing regarding decisions that affect certification
21 retention or placement of children in the home;

22 20. Be allowed the right to exercise parental substitute
23 authority;

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

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

7 23. File a grievance and be informed of the process for filing
8 a grievance. Grievances shall be confidential and the foster parent
9 has the right to be free from acts of harassment and retaliation by
10 any other party when exercising the right to file a grievance; and

11 24. Receive a copy of the liability insurance policy the
12 Department of Human Services maintains for every Department-
13 contracted foster home placement.

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. AMENDATORY 10A O.S. 2021, Section 1-9-120, is
22 amended to read as follows:

23 Section 1-9-120. A. The Office of Client Advocacy and child-
24 placing agencies shall each establish grievance procedures for

1 foster parents with whom the Department of Human Services or child-
2 placing agencies contract. The Office of Client Advocacy shall work
3 with the Office of Juvenile System Oversight to track foster parent
4 complaints through the grievance procedures and ensure a resolution
5 of the complaint.

6 B. The procedures established shall contain the following
7 minimum requirements:

8 1. Resolution of disputes with foster parents shall be
9 accomplished quickly, informally and at the lowest possible level,
10 but shall provide for access to impartial arbitration by management
11 level personnel within the central office;

12 2. Prompt resolution of grievances no more than sixty (60) days
13 after receipt of the grievance or complaint; and

14 3. Notification to all foster parents upon placement of a child
15 about the grievance procedures and how to file a complaint.

16 C. The Office of Client Advocacy and each child-placing agency
17 shall designate one employee at the central office to receive and
18 process foster care grievances received by the Office of Juvenile
19 System Oversight.

20 D. The Office of Client Advocacy and each child-placing agency
21 shall maintain records of each grievance filed as well as summary
22 information about the number, nature and outcome of all grievances
23 filed. The Office of Client Advocacy and the Office of Juvenile
24 System Oversight shall compile an annual report for the ~~Oklahoma~~

1 Legislature that details the number of complaints received, the
2 number of complaints resolved, the nature of the complaints and any
3 other information requested by the Legislature. ~~Agencies~~ The Office
4 of Client Advocacy and child-placing agencies shall keep records of
5 grievances separate and apart from other foster parent files. A
6 foster parent or a former foster parent shall have a right of access
7 to the record of grievances such person filed after the procedure
8 has been completed.

9 E. 1. Each foster parent shall have the right, without fear of
10 reprisal or discrimination, to present grievances with respect to
11 the providing of foster care services.

12 2. The Department of Human Services shall promptly initiate a
13 plan of corrective discipline including, but not limited to,
14 dismissal of any Department employee or cancellation or nonrenewal
15 of the contract of a child-placing agency determined by the state
16 agency, through an investigation to have retaliated or discriminated
17 against a foster parent who has:

- 18 a. filed a grievance pursuant to the provisions of this
19 section,
- 20 b. provided information to any official or Department
21 employee, or
- 22 c. testified, assisted, or otherwise participated in an
23 investigation, proceeding or hearing against the
24 Department or the child-placing agency.

1 3. The provisions of this subsection shall not be construed to
2 include any complaint by the foster parent resulting from an
3 administrative, civil or criminal action taken by the employee or
4 child-placing agency for violations of law or rules, or contract
5 provisions by the foster parent.

6 SECTION 3. This act shall become effective November 1, 2023.

7 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
8 February 16, 2023 - DO PASS

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