An Act

ENROLLED SENATE
BILL NO. 533

By: Rosino, Garvin, Pederson, and Rogers of the Senate

and

Lawson, Boles, Hill and Stark of the House

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

SUBJECT: Rights relating to children

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;

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

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

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

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

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

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

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

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

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

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

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

14. a. Be given written notice of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. AMENDATORY 10A O.S. 2021, Section 1-9-120, is amended to read as follows:

Section 1-9-120. A. The Office of Client Advocacy and child-placing agencies shall each establish grievance procedures for foster parents with whom the Department of Human Services or child-placing agencies contract. The Office of Client Advocacy shall work with the Office of Juvenile System Oversight to track foster parent

complaints through the grievance procedures and ensure a resolution of the complaint.

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

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

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

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

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

D. The Office of Client Advocacy and each child-placing agency shall maintain records of each grievance filed as well as summary information about the number, nature and outcome of all grievances filed. The Office of Client Advocacy and the Office of Juvenile System Oversight shall compile an annual report for the ~~Oklahoma~~ Legislature that details the number of complaints received, the number of complaints resolved, the nature of the complaints and any other information requested by the Legislature. ~~Agencies~~ The Office of Client Advocacy and child-placing agencies shall keep records of grievances separate and apart from other foster parent files. A foster parent or a former foster parent shall have a right of access to the record of grievances such person filed after the procedure has been completed.

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

2. The Department of Human Services shall promptly initiate a plan of corrective discipline including, but not limited to,

dismissal of any Department employee or cancellation or nonrenewal of the contract of a child-placing agency determined by the state agency, through an investigation to have retaliated or discriminated against a foster parent who has:

a. filed a grievance pursuant to the provisions of this section,

b. provided information to any official or Department employee, or

c. testified, assisted, or otherwise participated in an investigation, proceeding or hearing against the Department or the child-placing agency.

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

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

Passed the Senate the 28th day of February, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 17th day of April, 2023.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 18th day of April, 20 23, at 10:51 o'clock a. M.

By: [signature]

Approved by the Governor of the State of Oklahoma this 19th day of April, 20 23, at 3:31 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 19th day of April, 20 23, at 4:37 o'clock P. M.

By: [signature]