

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN,
YOUTH AND FAMILIES--FOSTER PARENTS' BILL OF RIGHTS

Introduced By: Senators DiPalma, DiMario, Lauria, and Murray

Date Introduced: March 23, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-72.10-1 of the General Laws in Chapter 42-72.10 entitled
2 "Department of Children, Youth and Families — Foster Parents' Bill of Rights" is hereby amended
3 to read as follows:

4 **42-72.10-1. Statement of foster parents' rights.**

5 (a) The ~~Rhode Island~~ general assembly recognizes the importance of foster parents in the
6 care and nurturing of children who are in the care and custody of the department of children, youth
7 and families hereinafter ("the department"). In an effort to ensure that foster parents are treated
8 with dignity, respect, and trust in their work for the department, a statement of foster parents' rights
9 shall be given to every foster parent at each licensing interval and shall include the following rights:

10 (1) The right to be treated with dignity, respect, and consideration as a member of the child-
11 welfare-treatment team;

12 (2) The right to be notified of and be given appropriate education and continuing education
13 and training to develop and enhance foster-parenting skills;

14 (3) The right to be informed about ways to contact the department to receive information
15 and assistance to access supportive services for any child in the foster parent's care;

16 (4) The right to receive timely financial reimbursement for providing foster-care services;

17 (5) The right to be notified of any costs or expenses that may be eligible for reimbursement
18 by the department;

- 1 (6) The right to be provided a clear, written explanation of the individual treatment and
2 service plan concerning the child in the foster parent's home;
- 3 (7) The right to receive, at any time during which a child is placed with the foster parent,
4 additional or necessary information that the department has that may be relevant to the care of the
5 child;
- 6 (8) The right to be notified of scheduled review meetings, permanency-planning meetings,
7 and special staffing concerning the foster child in order to actively participate in the case planning
8 and decision-making process regarding the child;
- 9 (9) The right to provide input concerning individual treatment and the services plan for the
10 child and to have that input be given respect and consideration in the same manner as information
11 presented by any other member of the treatment team;
- 12 (10) The right to communicate with other professionals who work with the foster child
13 within the context of the treatment team, including, but not limited to, therapists, physicians, and
14 teachers;
- 15 (11) The right to be given, in a timely and consistent manner, information, as allowed by
16 law, regarding the child and the child's family that is pertinent to the care and needs of the child
17 and to the development of a permanency plan for the child;
- 18 (12) The right to be given reasonable notice of any change in, or addition to, the services
19 provided to the child pursuant to the child's individual treatment and service plan;
- 20 (13) The right to be given written notice, except in emergency circumstances, of the
21 following:
- 22 (i) Plans to terminate the placement of the child with the foster parent; and
23 (ii) The reasons for the changes or termination of the placement;
- 24 (14) The right to be notified by the department of court proceedings, to attend hearings and
25 reviews, and to present oral or written reports to the court pursuant to § 14-1-30.2;
- 26 (15) The right to be considered as a preferred-placement option if a foster child who was
27 formerly placed with the foster parent is to reenter foster care at the same level and type of care;
28 provided that placement is consistent with the best interest of the child and other children in the
29 home of the foster parent and, in the case of a child age twelve (12) or older, that child wants to
30 return to the foster parent;
- 31 (16) The right to be provided a fair, timely, and impartial investigation of complaints
32 concerning the licensing of the foster parent;
- 33 (17) The right to be provided the opportunity to request and receive a fair and impartial
34 hearing regarding decisions that affect licensing retention;

1 (18) The right to provide or withhold permission, without prior approval of the caseworker,
2 department, educational advocate, or court, to allow a child in his or her care to participate in normal
3 childhood activities based on a reasonable and prudent parent standard in accordance with the
4 provisions of Title IV-E of the Social Security Act. The reasonable and prudent parent standard
5 means the standard of care used in determining whether a foster parent(s) can allow a child in his
6 or her care to participate in educational field trips, extracurricular, enrichment, and social activities.
7 This standard is characterized by careful and thoughtful parental decision-making that is intended
8 to maintain a child's health, safety, and best interest while encouraging the child's social,
9 emotional, and developmental growth;

10 (19) The right to have timely access to the appeals process of the department and the right
11 to be free from acts of harassment and retaliation by any other party when exercising the right to
12 appeal; and

13 (20) The right to file a grievance and be informed of the process for filing a grievance.

14 (b) The department shall be responsible for implementing the provisions of this section.

15 (c) Beginning in January 2024, and completed annually by December 31 of each year, the
16 department shall produce a summary report of all findings documenting all reports of suspected
17 and/or verified violations of this chapter and shall make the report public on its website and shall
18 make it available to all members of the general assembly.

19 ~~(e)~~(d) Nothing in this section shall be construed to create a private right of action or claim
20 on the part of any individual, department, or other state agency.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN,
YOUTH AND FAMILIES--FOSTER PARENTS' BILL OF RIGHTS

1 This act would require, beginning in January 2024, and completed annually by December
2 31 of each year thereafter, the department would prepare a summary report of all findings
3 documenting all reports of suspected and/or verified violations of this chapter and would make the
4 report public on its website and make it available to all members of the general assembly.

5 This act would take effect upon passage.

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