

2016 -- H 8207

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LC005945
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- FOSTER PARENTS' BILL OF RIGHTS

Introduced By: Representatives Naughton, Ajello, Malik, McNamara, and Diaz

Date Introduced: May 12, 2016

Referred To: House Health, Education & Welfare

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. ~~Policy issues~~ Statement of foster parents' rights.** -- (a) The Rhode Island
5 general assembly recognizes the importance of foster parents in the care and nurturing of children
6 who are in the care and custody of the department of children, youth and families. A statement of
7 foster parents' rights shall be given to every foster parent at each licensing interval and shall
8 include the following rights: ~~In an effort to ensure that foster parents are treated with dignity,~~
9 ~~respect and trust in their work for the department and/or the department's designated child placing~~
10 ~~agency, the general assembly hereby directs the department to promulgate through policy, rule~~
11 ~~and/or regulations a statement of foster parents' rights by no later than January 1, 2011. Said~~
12 ~~policy, rule and/or regulations shall address at a minimum issues related to the following:~~

13 ~~(1) The role of the foster parent within the child welfare team;~~

14 ~~(2) Foster parent training;~~

15 ~~(3) The timely sharing of available appropriate information on a foster child with the~~
16 ~~foster parent, where the information could reasonably be expected to impact the care provided to~~
17 ~~the child and/or the health and safety of the child and/or a foster family member;~~

18 ~~(4) Confidentiality regarding a foster parent's personal issues as provided by law;~~

1 ~~(5) Access to services and supports to address the needs of the children in their care,~~
2 ~~including but not limited to, 24-hour emergency and urgent telephone support;~~

3 ~~(6) Timely notifications regarding meetings and court dates which pertain to the child's~~
4 ~~service planning and the ability to participate in those meetings as appropriate;~~

5 ~~(7) Timely financial reimbursement as provided by department policies and procedures;~~
6 ~~and~~

7 ~~(8) Investigations of alleged licensing violations and/or child abuse in the foster home~~
8 ~~and the appeals process for such investigations.~~

9 ~~(b) Statement Required.— By no later than March 1, 2011, the department shall provide~~
10 ~~all current foster parents a copy of the promulgated statement of foster parents' rights and ensure~~
11 ~~that this is provided to all prospective foster parents at the time of their initial foster parent~~
12 ~~training or in the case of kinship foster parents at the time of the relative child's placement.~~

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

15 (2) The right to be notified of and be given appropriate, ongoing education and
16 continuing education and training to develop and enhance foster parenting skills;

17 (3) The right to be informed about ways to contact the department of children, youth and
18 families, hereinafter "the department", to receive information and assistance to access supportive
19 services for any child in the foster parents' care;

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

21 (5) The right to be notified of any costs or expenses for which the foster parent may be
22 eligible for reimbursement;

23 (6) The right to be provided a clear, written explanation of the individual treatment and
24 service plan concerning the child in the foster parent's home;

25 (7) The right to receive, at any time during which a child is placed with the foster parent,
26 additional or necessary information that is relevant to the care of the child;

27 (8) The right to be notified of scheduled review meetings, permanency planning
28 meetings, and special staffing concerning the foster child to actively participate in the case
29 planning and decision-making process regarding the child;

30 (9) The right to provide input concerning the plan of services for the child and to have
31 that input be given full consideration in the same manner as information presented by any other
32 member of the treatment team;

33 (10) The right to communicate with other professionals who work with the foster child
34 within the context of the team including, but not limited to, therapists, physicians and teachers;

1 (11) The right to be given, in a timely and consistent manner, any information, as allowed
2 by law, regarding the child and the child's family which is pertinent to the care and needs of the
3 child and to the making of a permanency plan for the child;

4 (12) The right to be given reasonable notice of any change in or addition to the services
5 provided to the child pursuant to the child's individual treatment and service plan;

6 (13) The right to be given written notice, except in emergency circumstances, of the
7 following:

8 (i) Plans to terminate the placement of the child with the foster parent; and

9 (ii) The reasons for the changes or termination of the placement;

10 (15) The right to be notified by the department of court proceedings, to attend hearings
11 and reviews and to present oral or written report to the court pursuant to §14-1-30.2;

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

16 (17) The right to be provided a fair, timely, and impartial investigation of complaints
17 concerning the licensing of the foster parent;

18 (18) The right to be provided the opportunity to request and receive a fair and impartial
19 hearing regarding decisions that affect licensing retention or placement of children in the home;

20 (19) The right to provide or withhold permission without prior approval of the
21 caseworker, department, or court to allow a child in their care to participate in normal childhood
22 activities based on a reasonable and prudent parent standard. The reasonable and prudent parent
23 standard means the standard of care used in determining whether to allow a child in their care to
24 participate in extracurricular, enrichment, and social activities. This standard is characterized by
25 careful and thoughtful parental decision making that is intended to maintain a child's health,
26 safety, and best interest while encouraging the child's emotional and developmental growth;

27 (20) The right to have timely access to the appeals process of department and the right to
28 be free from acts of harassment and retaliation by any other party when exercising the right to
29 appeal; and

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

31 (b) The department of children, youth and families shall be responsible for implementing
32 the provisions of this section.

33 (c) Nothing in this section shall be construed to create a private right of action or claim
34 on the part of any individual, department, or other state agency.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT -- FOSTER PARENTS' BILL OF RIGHTS

- 1 This act would establish a formal statement of a foster parents' bill of rights, and would
- 2 require that copies be given to all foster parents upon licensing and at each licensing interval.
- 3 This act would take effect upon passage.

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