

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Prevention of Child Abuse and Neglect Act of 1977 to require the Mayor to issue rules to consolidate existing rights and responsibilities for foster parents, to require the Child and Family Services Agency to inform foster parents of their rights and responsibilities, to provide copies of the Statements of Rights and Responsibilities for Foster Parents to current foster parents, to incorporate the Statements of Rights and Responsibilities for Foster Parents into scheduled trainings for foster parents, to develop an implementation plan for the dissemination of the Statements of Rights and Responsibilities for Foster Parents, to develop a process for receiving and handling reports of violations and complaints, and to establish annual reporting requirements to the Council and the public on outcomes related to reports of violations and complaints.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Foster Parents Statements of Rights and Responsibilities Amendment Act of 2016”.

Sec. 2. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended as follows:

(a) A new Title III-D is added to read as follows:

“TITLE III-D

“STATEMENTS OF RIGHTS AND RESPONSIBILITIES FOR FOSTER PARENTS”

“Sec. 381. Definitions.

“For the purposes of this title, the term:

“(1) “Foster parent” means an individual licensed by a District-licensed child-placing agency, as defined under section 2 of An Act To regulate the placing of children in family homes, and for other purposes, approved April 22, 1944 (58 Stat. 193; D.C. Official Code § 4-1402), who provides 24-hour substitute care to a youth placed away from his or her parent or guardian.

“(2) “Youth” shall have the same meaning as provided in section 371.

“Sec. 382. Statements of Rights and Responsibilities for Foster Parents.

“(a) Within 180 days after the effective date of this title, the Mayor, pursuant to section 385, shall amend existing rules governing foster parents to:

“(1) Incorporate existing rights and responsibilities for foster parents provided by local law, federal law, local regulations, agency administrative issuances, and other policy documents; and

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“(2) Establish a Statements of Rights and Responsibilities for Foster Parents.

“(b) The Agency shall guarantee that each foster parent shall receive the following:

“(1) A printed copy of the Statements of Rights and Responsibilities for Foster Parents in readily understandable language and in accordance with section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933);

“(2) An explanation of a foster parent’s right to be informed of decisions made by the Agency that impact the foster parent, while ensuring the best interests and confidentiality of youth and families;

“(3) An explanation of a foster parent’s right to report violations of the foster parent’s rights to the Agency without fear of retaliation;

“(4) An explanation of the process for reporting violations of a foster parent’s rights to the Agency;

“(5) An explanation of the process for reporting complaints related to the Agency’s provision of services and supports; and

“(6) An explanation of the process by which reports of violations of a foster parent’s rights and complaints related to the Agency’s provision of services and supports are resolved, within reasonable efforts.

“Sec. 383. Dissemination of rights and responsibilities information.

“(a) When a foster parent is licensed by the Agency, the Agency shall inform the foster parent of the foster parent’s rights and responsibilities and disseminate to the foster parent and the appropriate child-placing agency the Statements of Rights and Responsibilities for Foster Parents.

“(b) The Agency shall disseminate the Statements of Rights and Responsibilities for Foster Parents and related information to foster parents who were licensed by the Agency before the effective date of this title.

“(c) The Agency shall incorporate the Statements of Rights and Responsibilities for Foster Parents into scheduled trainings for foster parents, social workers, and other affected partners, including providers and other persons who are associated with the care of youth.

“Sec. 384. Implementation plan.

“(a) Within 180 days after the effective date of this title, the Agency shall establish:

“(1) A plan for the dissemination of the Statements of Rights and Responsibilities for Foster Parents to foster parents and the appropriate child-placing agency; and

“(2) A process for receiving, investigating, and resolving, within reasonable efforts, reports of violations of a foster parent’s rights and complaints related to the Agency’s provision of services and supports.

“(b)(1) The Agency shall have the following responsibilities regarding the implementation of this title:

“(A) To receive, investigate, and resolve, within reasonable efforts, reports of violations of a foster parent’s rights and complaints related to the Agency’s provision of services and supports;

“(B) To document the number, general sources and origins, and the nature of reports received about violations of foster parent’s rights and complaints received about the Agency’s provision of services and supports;

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“(C) Beginning on January 31, 2018, and every January 31st thereafter, to make available to the Council a report containing data collected over the course of the prior year that includes the information collected pursuant to paragraph (2) of this subsection; and

“(D) By January 31, 2018, and every January 31st thereafter, to post the report required by subparagraph (C) of this paragraph on the Agency’s website so that it is readily available to the public.

“(2)(A) The report required by paragraph (1)(C) of this subsection shall include the following information regarding reports received by the Agency about violations of a foster parent’s rights:

“(i) The number of contacts made by telephone, website, or otherwise;

“(ii) The type and general sources of those contacts;

“(iii) The number of investigations performed;

“(iv) The number of pending investigations;

“(v) The trends and issues identified during the course of

investigations; and

“(vi) The outcomes of the investigations conducted.

“(B) The report shall include the following information regarding complaints received by the Agency about its provision of services and supports to foster parents:

“(i) The number of contacts made by telephone, website, or otherwise;

“(ii) The type and general sources of those contacts;

“(iii) The number of investigations performed;

“(iv) The number of pending investigations;

“(v) The trends and issues identified during the course of

investigations; and

“(vi) The outcomes of the investigations conducted.

“Sec. 385. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 45-day review period, the proposed rules shall be deemed approved.”

(b) Section 374(b)(2) (D.C. Official Code § 4-1303.74(b)(2)) is amended by striking the word “communication” and inserting the word “complaints” in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code §1-301.47a).

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Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia