



OCT 11 PM 4:04  
OFFICE OF THE  
MAYOR

**MURIEL BOWSER**  
MAYOR

OCT 11 2017

The Honorable Phil Mendelson  
Chair, Council of the District of Columbia  
1350 Pennsylvania Ave. N.W.  
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed please find the Foster Parent Statements of Rights Rules Approval Resolution of 2017 and the proposed rulemaking entitled "Foster Parent Statements of Rights and Responsibilities." The rulemaking implements the Foster Parents Statements of Rights and Responsibilities Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-217; D.C. Official Code § 4-1303.81 *et seq.*).

The rules are being submitted to the Council for a 45-day period of review in accordance with section 2 of the Act. The rules will be deemed approved if Council does not approve or disapprove the proposed rules by resolution within the forty-five (45) day review period.

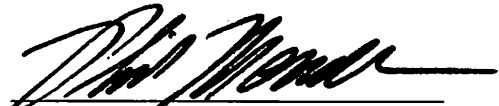
I urge you to approve the proposed rules implementing the Foster Parent Statements or Rights and Responsibilities Amendment Act of 2016. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser".

Muriel Bowser

Enclosures

  
Chairman Mendelson  
at the request of the Mayor

1  
2  
3  
4  
5  
6 A PROPOSED RESOLUTION  
7  
8

9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
10  
11  
12

13 Chairman Phil Mendelson, at the request of the Mayor, introduced the following  
14 resolution, which was referred to the Committee on \_\_\_\_\_  
15

16 To approve the proposed rules amending Chapter 60 of Title 29 of the District of  
17 Columbia Municipal Regulations.  
18

19 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That  
20 this resolution may be cited as the “Foster Parent Statements of Rights and  
21 Responsibilities Rules Approval Resolution of 2017”.

22 Sec. 2. Pursuant to section 382 of the Prevention of Child Abuse and Neglect Act  
23 of 1977 (“Act”), effective February 18, 2017 (D.C. Law 21-217; D.C. Official Code § 4-  
24 1303.82), the Mayor transmitted to the Council on \_\_\_\_\_ proposed rules to  
25 amend §§ 6002 and 6003 of Title 29 of the District of Columbia Municipal Regulations.

26 The proposed rules were published in the *D.C. Register* on July 21, 2017 at 64 DCR  
27 6869. The Council of the District of Columbia approves the proposed rules as submitted.

28 Sec. 3. Fiscal impact statement.

29 The Council adopts the fiscal impact statement of the Chief Financial Officer as  
30 the fiscal impact statement required by section 4a of the General Legislative Procedures  
31 Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-  
32 301.47a).

1           **Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon**  
2   **its adoption, to the Child and Family Services Agency.**

3           **Sec. 5. This resolution shall take effect immediately.**

## CHILD AND FAMILY SERVICES AGENCY

### NOTICE OF PROPOSED RULEMAKING

The Director of the Child and Family Services Agency (CFSA), pursuant to Section 601 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1306.01 (2012 Repl. and 2017 Supp.)) (Child Abuse Act), Sections 382 and 385 of the Foster Parents Statements of Rights and Responsibilities Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-217; 63 DCR 16009 (December 30, 2016)) (Foster Parents Act), and Mayor's Order 2017-126, dated May 19, 2017, hereby gives notice of her intent to adopt the following amendments to Chapter 60 (Foster Homes) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These proposed rules are intended to establish and clarify the responsibilities of foster parents in the CFSA system, as well as the responsibilities of CFSA to these foster parents. These amendments do not establish any additional private right of action beyond that which already exists under federal or District law.

The CFSA Director gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*, and following a forty-five (45) day review of the rules by the D.C. Council as required by section 385 of the Foster Parents Act.

**Chapter 60, FOSTER HOMES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**Section 6002, FOSTER PARENT RESPONSIBILITIES, is amended as follows:**

**Subsection 6002.1 is amended to read as follows:**

6002.1 A foster parent shall:

- (a) Provide parental supervision and guidance appropriate to the foster child's age and developmental level;
- (b) Provide daily essentials required for the health, comfort, and good grooming of a foster child, including:
  - (1) A nutritionally balanced diet adequate for the foster child's needs in growth and development;
  - (2) Adequate shelter; and
  - (3) Clothing proper for the season;
- (c) Involve the foster child in household activities;
- (d) Establish clear expectations for and limits on behavior, understand and deal with negative behavior in a positive way, and reward good behavior;

- (e) Abide by the rules on discipline and control as set forth in § 6018;
- (f) Encourage and support the foster child's participation in extracurricular, enrichment, cultural, and social activities;
- (g) Provide, arrange, or coordinate with the agency to provide transportation to and from normal daily activities, including school, appointments, sports, family visitation, social, religious, ethnic, and cultural events, and other appointments as necessary and as set forth in the foster child's case plan;
- (h) Help the foster child cope with the anxiety of being away from his or her family, and promote the child's self-esteem and positive self-image;
- (i) Be sensitive to and respect the foster child's individual needs, tastes, and values, and support the foster child's religious beliefs and cultural customs;
- (j) Participate in and support the foster child's educational process;
- (k) Participate in and support the foster child's mental, physical, and dental health care, and request and maintain a copy of a record from each health care visit;
- (l) Have a plan for the substitute care and supervision of each foster child by a licensed foster parent or day care provider, or the equivalent in the jurisdiction in which that substitute care is provided, when the foster parent is absent from the home on a regular basis, such as for employment;
- (m) Use baby-sitters who are sixteen (16) years of age or older. Babysitters shall be used for a reasonable amount of time, considering the age and level of functioning of the foster child;
- (n) Utilize only substitute caregivers and babysitters in whom the foster parent has confidence that the person can appropriately care for the foster child;
- (o) Maintain the confidentiality of information about the foster child and the foster child's family in accordance with § 6023;
- (p) Transmit information about the foster child or the foster child's family only in accordance with subsection (y)(3) below and § 6023;
- (q) Notify the agency immediately of any change or anticipated change for the foster parent or within the foster home concerning:
  - (1) Employment;
  - (2) Child care arrangements;
  - (3) Composition of the household;
  - (4) Finances;
  - (5) Residence or telephone number;

- (6) Health status;
  - (7) Marital status; or
  - (8) Any other change which may affect the stability of the foster home or of the foster child's placement in the foster home;
- (r) Notify the agency for any overnight trips of more than one hundred (100) miles from the District of Columbia that the foster parent would like the foster child to take;
  - (s) Give at least ten (10) business days' notice to the agency when requesting removal of a foster child except in circumstances that are critical to the health and safety of the foster child or other household member;
  - (t) Immediately report to CFSA and the agency any suspected incident of child abuse or neglect;
  - (u) Notify CFSA and the agency of any criminal charges, investigations, or findings related to any crime alleged to have been committed by the foster parent or a household member;
  - (v) Keep the agency aware of the foster child's development and adjustment;
  - (w) Participate in decision-making, case-planning, case reviews, and permanency planning for the child in care;
  - (x) Work as a team member in assessing a foster child's strengths and needs and in implementing the foster child's case plan;
  - (y) A foster parent, in accordance with a foster child's case plan, shall:
    - (1) Assist the agency in maintaining and improving the foster child's relationship with her or his family, and support this relationship by helping with family visits, which may include visits in the foster home;
    - (2) Maintain an attitude of respect and understanding towards the foster child's parents and family;
    - (3) Tell the foster child's parents about events and happenings in the foster child's daily life; and
    - (4) Serve as a role model for the foster child's parents;
  - (z) Assist in preparing the foster child to achieve his or her permanency plan and any move from the foster home;
  - (aa) Work with the agency to make every effort to avoid placement disruptions;
  - (bb) Work with service providers, when appropriate, to ensure the service needs are being met for the foster child;

- (cc) Participate in training required and approved by the agency; and
- (dd) Maintain the standards of foster care required by this chapter of the DCMR.

**Subsections 6002.2 and 6002.3 are struck in their entirety.**

**Subsections 6002.4, 6002.5, and 6002.6 are renumbered as 6002.2, 6002.3, and 6002.4, respectively.**

**Section 6003, AGENCY RESPONSIBILITY TO FOSTER PARENT, is amended as follows:**

**Subsection 6003.1 is amended to read as follows:**

6003.1 The following principles and rights are to govern the Agency's relationship with a foster parent.

A foster parent is entitled:

- (a) To be recognized and valued as members of the child welfare team;
- (b) To be treated with dignity, trust, and respect;
- (c) To language translation in accordance with the Language Access Act of 2004;
- (d) To not be subject to discrimination as provided in the D.C. Human Rights Act of 1977, as amended;
- (e) To receive a printed copy of this section;
- (f) To report rights violations and complaints without fear of retaliation;
- (g) To receive a written explanation of the process for reporting and resolving rights violations and complaints;
- (h) To a fair hearing if the agency modifies, suspends, converts, revokes, denies, or takes any other action concerning a license or an application for a foster parent license;
- (i) To accurate information about the foster child, including the reason the foster child is in foster care within three (3) business days after placement;
- (j) To medical records, including immunization records, within three (3) business days of placement;

- (k) To be informed of the foster child's permanency plan, to be updated as to the progress of the achievement of that plan, and to be allowed to provide input into the plan;
- (l) To be informed of decisions that impact the foster parent while ensuring the best interests and confidentiality of the foster child and his or her family;
- (m) To be notified at least ten (10) business days prior to a change in placement except in the case of an emergency;
- (n) To a fair hearing when a foster child has been removed from the home in accordance with chapter 59 of the Title 29 of the DCMR;
- (o) To communicate with professionals who work with a foster child including therapists, physicians, and teachers;
- (p) To support in establishing and developing relationships with birth parents when appropriate and in the best interests of the foster child;
- (q) To be included in the development of any service agreements for a foster child;
- (r) To participate in decision-making, case-planning and permanency planning for a foster child;
- (s) To receive notice and an opportunity to be heard in any proceeding held with respect to a foster child, in accordance with District and federal law;
- (t) To accept or refuse placement and to request removal without fear of reprisal;
- (u) To be considered a priority placement option (when appropriate, based on the circumstances and the best interests of the child) when there is a significant relationship with the child or when the foster parent previously provided care for a child who has re-entered foster care, or when a child becomes available for adoption;
- (v) To appropriate supportive services, when available, that will enable the foster parent to meet the unique needs of the foster child and deal effectively with problems inherent in the foster child's adjustment to care;
- (w) To a response as soon as possible by the agency to crisis situations that may arise from the foster child's placement in the foster home;
- (x) To assistance in preparation for the separation of the foster child from foster care placement;
- (y) To timely board and care payments;



- (z) To have the payment criteria explained, including foster care board and care payments, clothing allowance, and any supplemental expenditures made to meet the foster child's needs;
- (aa) To pre-service and in-service training; and
- (bb) To assistance in the selection, preparation, and completion of in-service foster parent training.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Cory Chandler, General Counsel, Child and Family Services Agency, 200 I Street, SE Washington, D.C. 20003, at [Cory.Chandler@dc.gov](mailto:Cory.Chandler@dc.gov) or online at [dcregs.dc.gov](http://dcregs.dc.gov). Copies of these proposed rules may be obtained without charge at the address above or online at [dcregs.dc.gov](http://dcregs.dc.gov).

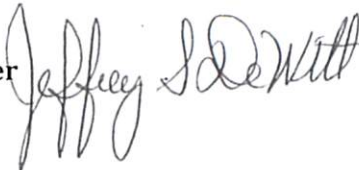
Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** September 27, 2017

**SUBJECT:** Fiscal Impact Statement – Foster Parent Statements of Rights and Responsibilities Rules Approval Resolution of 2017

**REFERENCE:** Draft resolution as shared with the Office of Revenue Analysis on September 8, 2017

---

**Conclusion**

Funds are sufficient in the fiscal year 2018 through fiscal year 2021 budget and financial plan to implement the resolution.

**Background**

The Children and Family Services Agency (CFSA) is required<sup>1</sup> to update the D.C. Municipal Regulations (DCMR) to incorporate existing rights and responsibilities for foster parents under federal law, local law, administrative issuances, or other policy documents. The resolution approves rules that update<sup>2</sup> the DCMR to include existing foster care parent responsibilities and entitlements.

**Financial Plan Impact**

Funds are sufficient in the fiscal year 2018 through fiscal year 2021 budget and financial plan to implement the resolution. The rules can be enforced by CFSA without additional resources. The rules do not create new responsibilities and entitlements but instead combine existing practices into one section of the DCMR.

---

<sup>1</sup> The Foster Parent Statements of Rights and Responsibilities Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-217; 63 DCR 16009).

<sup>2</sup> By amending Chapter 60 of Title 29 of the D.C. Municipal Regulations.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Attorney General



ATTORNEY GENERAL  
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

**TO:** Alana Intrieri  
Executive Director  
Office of Policy and Legislative Affairs

**FROM:** Janet M. Robins  
Deputy Attorney General  
Legal Counsel Division

**DATE:** September 20, 2017

**SUBJECT:** Legal Sufficiency Review – Draft “Foster Parent Statements of Rights and Responsibilities Rules Approval Resolution of 2017”  
(AR-17-553)

---

**This is to Certify that** this Office has reviewed the above-referenced proposed legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.

  
Janet M. Robins