

HOUSE No. 212

The Commonwealth of Massachusetts

PRESENTED BY:

Tricia Farley-Bouvier and Paul J. Donato

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a foster parents' Bill of Rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>2/16/2021</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>2/25/2021</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>2/16/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/16/2021</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/16/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/17/2021</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>2/18/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>2/19/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/23/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/23/2021</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/23/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/24/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>2/25/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>2/25/2021</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>2/26/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/26/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/26/2021</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/26/2021</i>

<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/26/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/26/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/26/2021</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>3/9/2021</i>

HOUSE No. 212

By Representatives Farley-Bouvier of Pittsfield and Donato of Medford, a petition (accompanied by bill, House, No. 212) of Tricia Farley-Bouvier, Paul J. Donato and others relative to the rights of foster parents. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act establishing a foster parents' Bill of Rights.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Said chapter 119 is hereby further amended by inserting after section 23B the following
2 section:-

3 Section 23C. (a) The department shall promulgate a policy governing its relationship
4 with, and responsibilities to, foster parents. This policy shall be collectively known as the foster
5 parents' bill of rights and shall be provided by the department and private agencies contracted by
6 the department to provide foster care to all prospective foster and pre-adoptive parents during the
7 application process and to kinship foster parents during the placement process. All current foster,
8 pre-adoptive and kinship parents shall be provided with a copy of the foster parents' bill of
9 rights.

10 (b) The foster parents' bill of rights shall include, but shall not be limited to, the
11 following:

12 (1) The department shall not discriminate against a foster parent on the basis of religion,
13 race, ethnicity, color, creed, sex, sexual orientation, gender identity, gender expression, national
14 origin, age or physical ability.

15 (2) The department shall keep information regarding the foster parent and household
16 members confidential, except as required by law.

17 (3) The department shall develop and provide a standardized pre-service training for
18 foster parents, including, but not limited to (i) communication; (ii) positive discipline; (iii) child
19 guidance; (iv) building the child's self-esteem; and (v) the reasonable and prudent parent
20 standard. The department shall update foster parents of any relevant changes in policies and
21 procedures of the department and any changes in applicable law not less than 30 days before the
22 changes take place. If the department cannot provide the update not less than 30 days before the
23 change takes place, the department shall update foster parents as soon as practicable; provided
24 further, that the reasonable and prudent parenting standard may include a consideration of
25 relevant factors including, but not limited to: (A) the child's age, maturity and developmental
26 level; (B) the potential risk factors, appropriateness and benefits of allowing the child to
27 participate in an extracurricular, enrichment or social activity; (C) the best interest of the child
28 based on information known to the foster parent; (D) the importance of encouraging the child's
29 emotional and developmental growth; (E) the importance of providing the child with the most
30 family-like experience possible; and (F) the behavioral health of the child and the child's ability
31 to safely participate in a proposed activity.

32 (4) To the greatest extent possible, as allowable under state and federal law, the
33 department shall, prior to placement, provide a foster parent with information about the child,

34 including, but not limited to: (i) the physical and behavioral health history of the child; (ii) the
35 education needs of the child; and (iii) information about the daily routine of the child. The
36 department shall communicate additional information that becomes known during the time of
37 placement in a timely fashion.

38 (5) The department shall provide a foster parent with a copy of the department action
39 plan regarding the child in the foster parent's home, other than those parts of the plan containing
40 information that is confidential to a parent under federal or state law, and shall afford a foster
41 parent an opportunity to discuss the plan with the social worker. The department shall provide
42 reasonable notification of any changes to that plan.

43 (6) A foster parent may decline placement of a child in their home. A foster parent may
44 request the removal of a child from their home.

45 (7) The department shall inform a foster parent of the range and frequency of payments
46 the foster parent may be eligible to receive, including, but not limited to, daily stipends, quarterly
47 clothing allowances and birthday and holiday payments. The department shall notify a foster
48 parent in writing of any delays in payments as soon as the delay becomes known to the
49 department.

50 (8) The department shall inform a foster parent of other available financial supports and
51 services including, but not limited to, parents and children together rates, reimbursements for
52 one-time costs, child care and respite. The department shall also provide the criteria for accessing
53 financial supports and services.

54 (9) The department shall consult with the foster parent in the planning of supervised or
55 unsupervised visitation.

56 (10) The department shall provide a foster parent no less than 10 days of paid respite care
57 per year.

58 (11) The department shall maintain a staffed 24-hour emergency hotline in case of
59 emergency when the department offices are closed. The department shall provide the hotline
60 number to foster parents. Should the hotline number change, the department shall notify foster
61 parents of the new number within 1 month of the change.

62 (12) The department shall provide adequate notice to a foster parent of foster care
63 reviews and appropriate meetings regarding the child in the foster parent's home, and shall invite
64 foster parents to participate in these meetings, except as to those parts of foster care reviews or
65 meetings that involve information that is confidential as to a parent under federal or state law.

66 (13) The department shall, to the extent reasonably possible, provide adequate notice to a
67 foster parent when a child is to be removed from their home.

68 (14) The department shall provide adequate notice to a foster parent of all court hearings,
69 consistent with federal and state law, regarding the child in their home. A foster parent who is
70 unable to attend a court hearing may provide a written statement to the department prior to the
71 hearing.

72 (15) The department shall provide foster parents with information about: (i) the process
73 and timelines for investigation and resolution of a report made against the foster parent pursuant
74 to section 51A; (ii) the rights of the foster parent to receive and provide information during a
75 review or investigation; and (iii) the potential consequences of a supported complaint, review or
76 investigation.

77 (16) The department may advocate for a non-kin foster parent to be considered as the first
78 choice as an adoptive parent or legal guardian for a child whose goal has been changed to
79 adoption or guardianship if no kin is available.

80 (17) Prior to a child leaving a foster home, the department may provide the opportunity
81 for the foster parent to provide notes that may assist future foster parents in the care or daily
82 routine of the child. The department may include this information in the case file of the child and
83 may make it accessible, upon request, to future foster parents, consistent with applicable state
84 and federal privacy laws.

85 (18) Upon request of a foster parent, the department shall review department decisions
86 relating to the child while in the care of the foster parent, including, but not limited to, grievance
87 or fair hearing requests filed by the foster parent in compliance with the department's
88 regulations. The department shall provide information on these procedures and timelines to
89 foster parents upon approval as a foster parent.

90 (19) The department shall not retaliate against foster parents for issuing or filing a
91 complaint with the commissioner, the department's office of the ombudsman or the office of the
92 child advocate or for retaining counsel.