

2016 -- S 2611 SUBSTITUTE A

LC003424/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

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

Introduced By: Senators Goldin, Crowley, Satchell, Coyne, and Goodwin

Date Introduced: February 25, 2016

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. 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 hereinafter
7 ("the department"). In an effort to ensure that foster parents' are treated with dignity, respect and
8 trust in their work for the department, a statement of foster parents' rights shall be given to every
9 foster parent at each licensing interval and shall include the following rights: ~~In an effort to~~
10 ~~ensure that foster parents are treated with dignity, respect and trust in their work for the~~
11 ~~department and/or the department's designated child placing agency, the general assembly hereby~~
12 ~~directs the department to promulgate through policy, rule and/or regulations a statement of foster~~
13 ~~parents' rights by no later than January 1, 2011. Said policy, rule and/or regulations shall address~~
14 ~~at a minimum issues related to the following:~~

- 15 ~~(1) The role of the foster parent within the child welfare team;~~
16 ~~(2) Foster parent training;~~
17 ~~(3) The timely sharing of available appropriate information on a foster child with the~~
18 ~~foster parent, where the information could reasonably be expected to impact the care provided to~~

1 ~~the child and/or the health and safety of the child and/or a foster family member;~~

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

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

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

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

8 ~~and~~

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

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

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

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

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

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

22 (5) The right to be notified of any costs or expenses which may be eligible for
23 reimbursement by the department;

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

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

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

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

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

4 (11) The right to be given, in a timely and consistent manner, information, as allowed by
5 law, regarding the child and the child's family that is pertinent to the care and needs of the child
6 and to the development of a permanency plan for the child.

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

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

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

12 (ii) The reasons for the changes or termination of the placement.

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

15 (15) The right to be considered as a preferred placement option if a foster child who was
16 formerly placed with the foster parent is to reenter foster care at the same level and type of care,
17 provided that placement is consistent with the best interest of the child and other children in the
18 home of the foster parent and, in the case of a child age twelve (12) or older, that child wants to
19 return to the foster parent;

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

22 (17) The right to be provided the opportunity to request and receive a fair and impartial
23 hearing regarding decisions that affect licensing retention;

24 (18) The right to provide or withhold permission, without prior approval of the
25 caseworker, department, educational advocate or court, to allow a child in their care to participate
26 in normal childhood activities based on a reasonable and prudent parent standard in accordance
27 with the provisions of Title IV-E of the Social Security Act. The reasonable and prudent parent
28 standard means the standard of care used in determining whether a foster parent(s) can allow a
29 child in their care to participate in educational field trips, extracurricular, enrichment, and social
30 activities. This standard is characterized by careful and thoughtful parental decision-making that
31 is intended to maintain a child's health, safety, and best interest while encouraging the child's
32 social, emotional and developmental growth;

33 (19) The right to have timely access to the appeals process of the department and the right
34 to be free from acts of harassment and retaliation by any other party when exercising the right to

1 appeal; and

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

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

4 (c) Nothing in this section shall be construed to create a private right of action or claim

5 on the part of any individual, department, or other state agency.

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

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