



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-3481/1
EAW:emw

2021 SENATE BILL 402

June 10, 2021 - Introduced by Senator JACQUE, cosponsored by Representatives DITTRICH, ARMSTRONG, BRANDTJEN and GUNDRUM. Referred to Committee on Human Services, Children and Families.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to create* 48.649 of the statutes; **relating to:** creating a foster parents'
2 bill of rights.

Analysis by the Legislative Reference Bureau

This bill creates a foster parents' bill of rights and requires a licensing agency to provide a copy of the foster parents' bill of rights to a foster parent when the foster parent is licensed.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 48.649 of the statutes is created to read:

4 **48.649 Foster parents' bill of rights.** (1) The department and all county
5 departments and licensed child welfare agencies shall respect the rights of all foster
6 parents. These rights shall include the right to all of the following:

7 (a) Be treated with dignity, respect, and consideration as a member of the child
8 welfare team.

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1 (b) Be notified of and be given appropriate education and continuing education
2 and training to develop and enhance foster-parenting skills.

3 (c) Be informed of how to contact the appropriate agency in order to receive
4 information on and assistance in accessing supportive services for any child in the
5 foster parent's care.

6 (d) Receive timely financial reimbursement commensurate with the care needs
7 of a foster child in the foster parent's care as specified in the foster child's permanency
8 plan.

9 (e) Be provided a clear, written understanding of the permanency plan and case
10 plan of a child placed in the foster parent's care to the extent that those plans concern
11 the placement of the foster child in the foster parent's home.

12 (f) Receive information that is necessary and relevant to the care of a foster
13 child placed in the foster parent's care at any time during which the foster child is
14 placed with the foster parent.

15 (g) Be notified of scheduled review meetings, permanency-planning meetings,
16 and special staffing concerning the foster child in order to actively participate in the
17 case planning and decision-making process regarding the child.

18 (h) Provide input concerning the case plan of a foster child placed in the foster
19 parent's care, have that input given full consideration in the same manner as
20 information presented by any other professional member of the child welfare team,
21 and communicate with other professionals who work with the foster child within the
22 context of the child welfare team, including therapists, physicians, and teachers.

23 (i) Be given, in a timely and consistent manner, information, as allowed by law,
24 regarding the child and the child's family that is pertinent to the care and needs of
25 the child and to the development of a permanency plan for the child.

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1 (j) Be given reasonable notice of any change in, or addition to, the services
2 provided to the child pursuant to the child's individual permanency or case plan.

3 (k) Be given written notice, except in emergency circumstances, of plans to
4 terminate the placement of the child with the foster parent and the reasons for the
5 changes or termination of the placement.

6 (L) Be notified in a timely and complete manner of all court hearings and of the
7 rights of the foster parent at the hearing.

8 (m) Be considered as a preferred placement option if a foster child who was
9 formerly placed with the foster parent is to reenter foster care and if that placement
10 is consistent with the best interest of the child and any other children in the home.

11 (n) Be provided a fair, timely, and impartial investigation of complaints
12 concerning the licensing of the foster parent.

13 (o) Be provided the opportunity to request and receive a fair and impartial
14 hearing regarding decisions that affect licensing retention.

15 (p) Provide or withhold permission, without prior approval of the caseworker,
16 department, child welfare agency, educational advocate, or court, to allow a child in
17 his or her care to participate in normal childhood activities based on a reasonable and
18 prudent parent standard in accordance with the provisions of part E of title IV of the
19 federal Social Security Act.

20 (q) Have timely access to any administrative or judicial appeals process and be
21 free from acts of harassment and retaliation by any other party when exercising the
22 right to appeal.

23 **(2)** The department, county department, or licensed child welfare agency shall
24 provide a foster parent with a written copy of the foster parents' bill of rights in his

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1 or her primary language, if possible, when the department, county department, or
2 licensed child welfare agency issues or renews a foster care license.

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

5 (END)