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Legislative Document

No. 1548

H.P. 1055

House of Representatives, January 12, 2016

An Act To Establish a Foster Parents' Bill of Rights

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MALABY of Hancock.

Cosponsored by Representatives: BEAVERS of South Berwick, HAMANN of South Portland, HERRICK of Paris, HICKMAN of Winthrop, STEARNS of Guilford, VACHON of Scarborough, Senator: LANGLEY of Hancock.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA c. 1693** is enacted to read:

3 **CHAPTER 1693**

4 **FOSTER PARENTS' BILL OF RIGHTS**

5 **§9101. Short title**

6 This chapter may be known and cited as "the Foster Parents' Bill of Rights."

7 **§9102. Definitions**

8 As used in this chapter, unless the context indicates otherwise, the following terms
9 have the following meanings.

10 **1. Family foster home.** "Family foster home" has the same meaning as in section
11 8101, subsection 3.

12 **2. Foster parent.** "Foster parent" means a person whose home is licensed by the
13 department as a family foster home and with whom a child lives pursuant to a court order
14 or agreement of the department.

15 **§9103. Rights and obligations of foster parents**

16 **1. Rights of foster parents.** The department shall acknowledge foster parents as
17 active participants in the State's efforts to care for children who are in the custody of the
18 department and support foster parents in accordance with this chapter. The department
19 shall treat a foster parent with dignity, respect and trust as a primary provider of foster
20 care and a member of the team caring for a foster child. The department shall provide to
21 a foster parent the following:

22 A. Information concerning the provisions of this chapter;

23 B. A concise written explanation of the foster parent's role as a foster parent in
24 partnership with children and their birth families, the department and other providers;
25 the role of the department; and the rights and roles of the members of the birth family
26 of a child in foster care;

27 C. Training, consultation and assistance in identifying, evaluating and accessing
28 resources and services to meet the foster parent's needs related to the foster parent's
29 role as a foster parent, including, but not limited to, training, consultation and
30 assistance related to improving skills in providing daily care and meeting the needs of
31 the child in foster care, all foster care policies, a foster parent handbook, minimum
32 standards for family foster homes, therapeutic foster care and the mediation
33 procedure developed pursuant to section 9105;

34 D. A method for the foster parent to provide input to the department to assist the
35 department in identifying the types of resources and services that would meet the

1 needs of children in the foster parent's care and to advocate for those children without
2 adverse action by the department;

3 E. All pertinent information known to the department at the time the child is placed
4 in foster care prior to the child's placement with the foster parent, including, but not
5 limited to, full disclosure of all medical, psychological and psychiatric conditions of
6 the child; information from previous placements that would indicate the child may
7 have a propensity toward violence against any foster family member; family history
8 of mental or physical illness; sexual abuse of the child or sexual abuse perpetrated by
9 the child; criminal background of the child or the child's family; setting fires or
10 destructive behavior by the child; educational status of the child; cultural and family
11 background; and any other issues pertinent to the care and needs of the child and
12 protecting the foster family. If the department becomes aware of such information
13 after placement with the foster parent, the department shall make that information
14 available to the foster parent as soon as practicable. If a caseworker knowingly
15 provides false or misleading information to a foster parent in order to secure
16 placement of a child, the department shall make a notation of the provision of that
17 information in the personnel file of the caseworker maintained by the department;

18 F. Prior to placement of the child in the family foster home, a written explanation of
19 the case plan concerning the placement of the child in the family foster home. For
20 emergency placements, if time does not allow prior preparation of the explanation,
21 the department shall provide that explanation within 72 hours after preparation of the
22 explanation. Prior to placement, the department shall allow the foster parent to review
23 a written summary of information concerning the child, including, but not limited to,
24 assessments, evaluations and case plans. For emergency placements, if time does not
25 allow prior review of the information, the department shall provide the information
26 within 72 hours of placement. The foster parent shall keep confidential information
27 provided by the department confidential, except as determined through a process
28 adopted by the department to promote the health and welfare of the child;

29 G. For the purpose of aiding the foster parent in receiving departmental assistance,
30 access to a staff person representing the department 24 hours a day, 7 days a week;

31 H. Fair and equitable board payments based on a system of daily board rates and
32 other financial reimbursement as specified in a plan adopted by the department after
33 consultation with the foster parent, subject to the availability of funds. If a child
34 meeting the requirements for placement in a specialized children's home, as defined
35 in section 8101, subsection 5, is placed in a family foster home, the department shall
36 expedite the process of licensing the family foster home as a specialized children's
37 home so the foster parent may receive the necessary support and additional financial
38 reimbursement received by a specialized children's home;

39 I. Notification of the right to accept or refuse a placement within the family foster
40 home and to request with 2 weeks' notice to the department, except in an emergency,
41 the removal of a child from the family foster home for good cause without threat of
42 adverse action by the department. Except in emergencies, the department shall
43 provide a foster parent 2 weeks' notice before a child is removed from the foster
44 parent's care along with a written statement of the reasons for the removal;

- 1 J. Information related to scheduled meetings and appointments concerning the child
2 and permission for the foster parent to actively participate in and provide input to be
3 used by the child's treatment team in the case planning and decision-making process
4 regarding the child in foster care, including, but not limited to, individual service
5 planning meetings, foster care reviews, individual educational planning meetings and
6 medical appointments;
- 7 K. Notice concerning each court hearing with respect to the child. This notification
8 may include, but is not limited to, the date and time of the court hearing, the name of
9 the judge or hearing officer, the name of the guardian ad litem, the location of the
10 hearing and the court docket number. The notification must be made upon receipt of
11 this information by the department. The foster parent may attend court hearings at the
12 discretion of the judge or hearing officer;
- 13 L. Communications received by the department from professionals who work with
14 the child, including, but not limited to, therapists, physicians and teachers who work
15 directly with the child;
- 16 M. With the approval of the department, the permission to communicate with the
17 child's birth family, previous foster parents of the child and prospective and final
18 adoptive parents of the child without adverse action by the department;
- 19 N. Except in the case of an immediate response of child protective services,
20 information, on an ongoing basis, that is relevant to the care of the child, including,
21 but not limited to, timely information on changes in the case plan or termination of
22 the placement and reasons for the changes or termination;
- 23 O. A period of respite upon the request of the foster parent. The foster parent shall
24 provide to the department reasonable notice of a request for respite;
- 25 P. Information in a timely manner, in person and in writing, with respect to any
26 allegations of maltreatment of a child in the family foster home alleged to have been
27 perpetrated by a member of the foster parent's household, the process for disposition
28 of these allegations and any review process for reports of indicated child abuse and
29 neglect upon receipt of the allegations. A written notification of any report in which a
30 finding of maltreatment, child abuse or neglect is not indicated must be provided to a
31 foster parent within 5 days of the finding;
- 32 Q. Copies of all information relative to the foster parent's family and services
33 contained in the department's family foster home record;
- 34 R. Mediation procedures developed and adopted by the department pursuant to
35 section 9105. The foster parent may request mediation in accordance with any
36 mediation policy adopted by the department without adverse action by the
37 department;
- 38 S. Notification of the right to appeal the closing of a family foster home by the
39 department in accordance with an appeal procedure adopted by the department; and
- 40 T. Training that specifically addresses the cultural needs of the child, including, but
41 not limited to, information on skin and hair care, information on any specific
42 religious or cultural practices of the child's birth family and referrals to community
43 resources for ongoing education and support.

