

- 1 SB228
- 2 62783-8
- 3 By Senator Escott
- 4 RFD: Children, Youth Affairs, and Human Resources
- 5 First Read: 05-FEB-04

1 ENROLLED, An Act,

2                   Relating to the Department of Human Resources; to establish the  
3 Foster Parents' Bill of Rights Act.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5                   Section 1. There is hereby established and created the "Foster  
6 Parents' Bill of Rights Act."

7                   Section 2. The Department of Human Resources shall ensure that  
8 each foster parent shall have all of the following rights:

9                   (1) The right to be treated with dignity, respect, trust, value, and  
10 consideration as a primary provider of foster care and a member of the  
11 professional team caring for foster children.

12                   (2) The right to receive information concerning the rights  
13 enumerated in this act.

14                   (3) The right to a concise written explanation of their role as foster  
15 parents in partnership with children and their families, the department, and other  
16 providers, the role of the department, and the rights and role of the members of  
17 the birth family of a child in foster care.

18                   (4) The right to training and support for the purpose of improving  
19 skills in providing daily care and meeting the needs of the child in foster care.

20                   (5) The right to training, consultation, and assistance in evaluating,  
21 identifying, and accessing services to meet their needs related to their role as  
22 foster care providers. This includes, but is not limited to, all foster care policies,

1 the Foster Parent Handbook, Foster Family Homes Minimum Standards, the  
2 Therapeutic Foster Care Manual, and a mediation process.

3 (6) The right to provide input to the department in identifying the  
4 types of resources and services that would meet the needs of children currently in  
5 their care and of their families, and advocate for the same without threat of  
6 reprisal.

7 (7) The right to information concerning behavioral problems,  
8 health history, educational status, cultural and family background, and other  
9 issues relative to the child which are known to the department at the time the child  
10 is placed in foster care prior to the child's placement with a foster parent or  
11 parents. When the department knows such information after placement, the  
12 department shall make that information available to the foster parent as soon as  
13 practicable.

14 (8) The right to a written explanation of the plan concerning the  
15 placement of a child in the foster parent's home. For emergency placements  
16 where time does not allow prior preparation of the explanation, the department  
17 shall provide such explanation within 72 hours. Prior to placement, the  
18 department shall allow the foster parent to review a written summary of  
19 information concerning the child, including, but not limited to, assessments,  
20 evaluations, and case plans, and allow the foster parent to assist in determining if  
21 the child would be a proper placement for the prospective foster family. For  
22 emergency placements where time does not allow prior review of the information,

1 the department shall provide the information within 72 hours of placement.  
2 Confidential information shall be kept confidential by the foster parents, except as  
3 determined through the ISP process to promote the health and welfare of the  
4 child.

5 (9) The right to a staff person representing the department on call  
6 24 hours a day, seven days a week, for the purpose of aiding the foster parent in  
7 receiving departmental assistance.

8 (10) The right to fair and equitable board payments based on a  
9 system of daily board rates and other financial reimbursement as specified in a  
10 plan adopted by the department after consultation with foster parents, subject to  
11 the availability of funds.

12 (11) The right to accept or refuse placement within their home, or  
13 to request, upon reasonable notice to the department, the removal of a child from  
14 their home for good cause without threat of reprisal for acting on such good  
15 cause.

16 (12) The right to information of scheduled meetings and  
17 appointments concerning the foster child and permission for the foster parent to  
18 actively participate in and provide input to be used by the Individualized Service  
19 Plan team in the case planning and decision-making process regarding the child in  
20 foster care, including, but not limited to, individual service planning meetings,  
21 foster care reviews, individual educational planning meetings, and medical  
22 appointments.

1           (13) The right to request that a person or persons serve as volunteer  
2 advocate and to be present at all meetings with the department, including, but not  
3 limited to, individualized service planning, administrative hearings, the  
4 grievance/mediation process, the adoption process, and the allegation process  
5 where the foster parent is present. All communications received by the volunteer  
6 advocate shall be in strict confidence.

7           (14) The right to notice and an opportunity to be heard, including  
8 timely information concerning all court hearings. This notification may include,  
9 but is not limited to, notice of the date and time of the court hearing, the name of  
10 the judge or hearing officer assigned to the case, the guardian ad litem, the  
11 location of the hearing, and the court docket number. The notification shall be  
12 made upon receipt of this information by the department. Although not a party to  
13 the case, the foster parent may attend court hearings at the discretion of the judge.

14           (15) The right to communication with professionals who work with  
15 the foster child, including, but not limited to, therapists, physicians, and teachers  
16 who work directly with the child.

17           (16) The right to communicate with the child's birth family, other  
18 foster parents of the child, and prospective and finalized adoptive parents of the  
19 child with Individualized Service Plan Team approval and without the threat of  
20 reprisal.

21           (17) The right to necessary information on an ongoing basis which  
22 is relevant to the care of the child, including timely information on changes in the

1 case plan or termination of the placement and reasons for the changes or  
2 termination of placement to the foster parent except in the instances of immediate  
3 response of child protective service.

4 (18) The right to first consideration as the resource for a child in a  
5 foster parent's home who becomes free for adoption or another planned permanent  
6 living arrangement.

7 (19) The right to a period of respite upon the request of a foster  
8 parent. The foster parent shall provide reasonable notice of a request for respite.

9 (20) The right to information, in person and in writing, of any  
10 allegations of maltreatment of children in the home of the foster parent alleged to  
11 have been perpetrated by a member of the foster parent's household, the process  
12 for disposition of these allegations, and any review process for reports of  
13 indicated child abuse and neglect upon receipt of the allegations. A written  
14 notification of any report in which a finding is not indicated on the county level  
15 shall be provided to a foster parent within five days of the findings.

16 (21) The right to copies of all information relative to their family  
17 and services contained in the personal foster home record.

18 (22) The right to mediation procedures that may be developed and  
19 adopted by the department and the Alabama Foster and Adoptive Parent  
20 Association Board. The foster parent may request mediation in accordance with  
21 any mediation policy adopted by the department and the Alabama Foster and  
22 Adoptive Parent Association Board without threat of reprisal.

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1                   (23) The right to appeal the closing of a foster family home by the  
2 department in accordance with any appeal procedure adopted by the department  
3 and the Alabama Foster and Adoptive Parent Association Board without threat of  
4 reprisal.

5                   Section 3. This act shall become effective on the first day of the  
6 third month following its passage and approval by the Governor, or its otherwise  
7 becoming law.

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*Lucy Baxley*

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President and Presiding Officer of the Senate

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*Seth Hammett*

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Speaker of the House of Representatives

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Senate 17-FEB-04

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I hereby certify that the within Act originated in and passed the Senate, as amended.

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McDowell Lee

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Secretary

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House of Representatives

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Passed: 15-APR-04

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APPROVED 4-20-04

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TIME 11:05 am

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*Bob Riley*

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GOVERNOR

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By: Senator Escott

Alabama Secretary Of State

Act Num. . . . : 2004-257

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