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An Act To Establish a Foster Parents' Bill of Rights

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

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

CHAPTER 1693

FOSTER PARENTS' BILL OF RIGHTS

§ 9101. Short title

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

§ 9102. Definitions

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

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

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

§ 9103. Rights and obligations of foster parents

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

A. Information concerning the provisions of this chapter;

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

C. Training, consultation and assistance in identifying, evaluating and accessing resources and services to meet the foster parent's needs related to the foster parent's role as a foster parent, including, but not limited to, training, consultation and assistance related to improving skills in

providing daily care and meeting the needs of the child in foster care, all foster care policies, a foster parent handbook, minimum standards for family foster homes, therapeutic foster care and the mediation procedure developed pursuant to section 9105;

D. A method for the foster parent to provide input to the department to assist the department in identifying the types of resources and services that would meet the needs of children in the foster parent's care and to advocate for those children without adverse action by the department;

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

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

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

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

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

J. Information related to scheduled meetings and appointments concerning the child and permission for the foster parent to actively participate in and provide input to be used by the child's treatment team in the case planning and decision-making process regarding the child in foster care, including, but not limited to, individual service planning meetings, foster care reviews, individual educational planning meetings and medical appointments;

K. Notice concerning each court hearing with respect to the child. This notification may include, but is not limited to, the date and time of the court hearing, the name of the judge or hearing officer, the name of the guardian ad litem, the location of the hearing and the court docket number. The notification must be made upon receipt of this information by the department. The foster parent may attend court hearings at the discretion of the judge or hearing officer;

L. Communications received by the department from professionals who work with the child, including, but not limited to, therapists, physicians and teachers who work directly with the child;

M. With the approval of the department, the permission to communicate with the child's birth family, previous foster parents of the child and prospective and final adoptive parents of the child without adverse action by the department;

N. Except in the case of an immediate response of child protective services, information, on an ongoing basis, that is relevant to the care of the child, including, but not limited to, timely information on changes in the case plan or termination of the placement and reasons for the changes or termination;

O. A period of respite upon the request of the foster parent. The foster parent shall provide to the department reasonable notice of a request for respite;

P. Information in a timely manner, in person and in writing, with respect to any allegations of maltreatment of a child in the family foster home alleged to have been perpetrated by a member of the foster parent's household, the process for disposition of these allegations and any review process for reports of indicated child abuse and neglect upon receipt of the allegations. A written notification of any report in which a finding of maltreatment, child abuse or neglect is not indicated must be provided to a foster parent within 5 days of the finding;

Q. Copies of all information relative to the foster parent's family and services contained in the department's family foster home record;

R. Mediation procedures developed and adopted by the department pursuant to section 9105. The foster parent may request mediation in accordance with any mediation policy adopted by the department without adverse action by the department;

S. Notification of the right to appeal the closing of a family foster home by the department in accordance with an appeal procedure adopted by the department; and

T. Training that specifically addresses the cultural needs of the child, including, but not limited to, information on skin and hair care, information on any specific religious or cultural practices of the child's birth family and referrals to community resources for ongoing education and support.

2. Foster parent's obligations. A foster parent shall provide the following with respect to a child placed in the family foster home:

A. Discipline of the child in a humane and sensitive manner. All discipline must be consistent with state laws and department rules;

B. Care that is respectful of the child's cultural identity and needs; and

C. Flexibility and cooperation with regard to family visits. When possible, a foster parent shall schedule visitations at a time that meets the needs of the child, the birth family members and the foster family.

§ 9104. Confidential information

A foster parent shall treat all information received from the department and its contractors relating to a foster child in the foster parent's care or the child's birth family as confidential. Information necessary for the medical or psychiatric care of the child may be provided to the appropriate practitioners. A foster parent may share information with school personnel that is necessary in order to secure a safe and appropriate education for the child. A foster parent shall share information known to the foster parent related to concerns that arise in the care of the child with the child's caseworker and other members of the child's treatment team.

§ 9105. Grievance procedure

A foster parent may file a grievance in response to any violation of this chapter. The department shall develop and maintain a grievance procedure that includes a mediation procedure to be published in a foster parent handbook within one year of the effective date of this chapter. The department shall establish an advisory committee to assist the department in developing and maintaining the grievance procedure.

§ 9106. First consideration for placement

If a child reenters the foster care system and is not placed in a relative's home, the department shall give a former foster parent of the child first consideration for placement of the child. The department shall also give a foster parent first consideration for adoption or permanent placement of a child in the foster parent's care if the child becomes available for adoption or for another planned permanent living arrangement.

§ 9107. Rulemaking

The department shall adopt rules to implement this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill establishes a foster parents' bill of rights.