

HOUSE BILL 194

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SB 0494/99 - JPR

2000 Regular Session
0lr1632
CF 0lr0487

By: **Delegates Montague, Klausmeier, and O'Donnell**

Introduced and read first time: January 21, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Foster Parents' Bill of Rights of 2000**

3 FOR the purpose of setting forth certain rights of foster parents in the State; and
4 generally relating to foster care.

5 BY adding to

6 Article - Family Law

7 Section 5-504

8 Annotated Code of Maryland

9 (1999 Replacement Volume and 1999 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article - Family Law**

13 5-504.

14 FOSTER PARENTS IN THIS STATE HAVE THE FOLLOWING RIGHTS:

15 (1) THE RIGHT TO BE TREATED WITH DIGNITY, RESPECT, AND
16 CONSIDERATION AS A PROFESSIONAL MEMBER OF A CHILD WELFARE TEAM;

17 (2) THE RIGHT TO BE GIVEN STANDARDIZED PRESERVICE TRAINING
18 AND APPROPRIATE ONGOING TRAINING TO MEET MUTUALLY ASSESSED NEEDS TO
19 IMPROVE THE SKILLS OF A FOSTER PARENT;

20 (3) THE RIGHT OF ACCESS TO THE APPROPRIATE CHILD PLACEMENT
21 AGENCY IN ORDER TO RECEIVE INFORMATION AND ASSISTANCE TO ACCESS
22 SUPPORTIVE SERVICES FOR A CHILD IN THE CARE OF A FOSTER PARENT;

23 (4) THE RIGHT TO RECEIVE FINANCIAL REIMBURSEMENT ON A TIMELY
24 BASIS COMMENSURATE WITH THE CARE NEEDS OF THE CHILD AS SPECIFIED IN THE
25 SERVICE PLAN;

1 (5) THE RIGHT OF ACCESS TO A CLEAR AND WRITTEN UNDERSTANDING
2 OF THE PLACEMENT AGENCY PLAN CONCERNING THE PLACEMENT OF A CHILD INTO
3 THE CARE OF A FOSTER PARENT WHICH SUPPORTS ACTIVITIES THAT WILL PROMOTE
4 THE RIGHT OF A CHILD TO RELATIONSHIPS WITH THE CHILD'S OWN FAMILY AND
5 CULTURAL HERITAGE;

6 (6) THE RIGHT, DURING AN INVESTIGATION OF COMPLAINTS
7 CONCERNING THE APPROVAL OR LICENSURE OF A FOSTER PARENT, TO BE
8 PROVIDED:

9 (I) A FAIR, TIMELY, AND IMPARTIAL INVESTIGATION OF
10 COMPLAINTS;

11 (II) IF PRACTICABLE, 7 DAYS' NOTICE PRECEDING THE FOSTER
12 HOME ADMINISTRATIVE REVIEW STAFFING;

13 (III) THE OPPORTUNITY TO BE HEARD AT THE FOSTER HOME
14 ADMINISTRATIVE REVIEW STAFFING;

15 (IV) THE OPPORTUNITY TO APPEAL THE DECISION OF THE FOSTER
16 HOME ADMINISTRATIVE REVIEW STAFFING; AND

17 (V) THE OPPORTUNITY TO HAVE DECISIONS CONCERNING A
18 FOSTER HOME APPROVAL OR LICENSING CORRECTIVE ACTION PLAN SPECIFICALLY
19 EXPLAINED TO A FOSTER PARENT AND BE LIMITED TO THE LICENSING STANDARDS
20 ORIGINALLY AT ISSUE;

21 (7) THE RIGHT, AT THE INITIAL PLACEMENT, AT ANY TIME DURING THE
22 PLACEMENT OF A CHILD IN FOSTER CARE, AND AS SOON AS PRACTICAL AFTER NEW
23 INFORMATION BECOMES AVAILABLE, TO RECEIVE FULL INFORMATION FROM THE
24 CASE WORKER ON ANY ELEMENT OF THE PHYSICAL, SOCIAL, EMOTIONAL,
25 EDUCATIONAL, AND MENTAL HISTORY OF A CHILD WHICH COULD POSSIBLY AFFECT
26 THE CARE PROVIDED BY A FOSTER PARENT;

27 (8) WITH REGARD TO CASE PLANNING, THE RIGHT TO:

28 (I) BE NOTIFIED OF, AND WHEN APPLICABLE, BE HEARD AT
29 SCHEDULED MEETINGS AND STAFFINGS CONCERNING A CHILD IN ORDER TO
30 ACTIVELY PARTICIPATE IN THE CASE PLANNING, ADMINISTRATIVE CASE REVIEWS,
31 INTERDISCIPLINARY STAFFINGS, AND INDIVIDUAL EDUCATIONAL PLANNING AND
32 MENTAL HEALTH TEAM MEETINGS;

33 (II) BE INFORMED OF DECISIONS MADE BY THE JUVENILE OR
34 FAMILY COURTS OR A CHILD WELFARE AGENCY CONCERNING A CHILD; AND

35 (III) PROVIDE INPUT CONCERNING THE PLAN OF SERVICES FOR A
36 CHILD AND TO HAVE THAT INPUT GIVEN FULL CONSIDERATION IN THE SAME
37 MANNER AS INFORMATION PRESENTED BY ANY OTHER PROFESSIONAL ON THE
38 TEAM;

1 (9) THE RIGHT TO BE GIVEN REASONABLE WRITTEN NOTICE, WAIVED
2 ONLY IN CASES OF A COURT ORDER OR WHEN A CHILD IS DETERMINED TO BE AT
3 IMMINENT RISK OF HARM, OF:

4 (I) PLANS TO TERMINATE THE PLACEMENT OF A CHILD WITH A
5 FOSTER PARENT; AND

6 (II) THE REASONS FOR THE CHANGE OR TERMINATION OF
7 PLACEMENT;

8 (10) WITH REGARD TO CITIZEN AND ADMINISTRATIVE REVIEWS, THE
9 RIGHT TO BE NOTIFIED IN A TIMELY MANNER OF:

10 (I) THE DATE, TIME, AND LOCATION OF THE REVIEWS; AND

11 (II) THE RECOMMENDATIONS MADE BY THE CITIZEN REVIEW
12 BOARD OF A CHILD IN THE CARE OF A FOSTER PARENT, PROVIDED THAT
13 INFORMATION ABOUT THE FAMILY OF THE CHILD, NOT ESSENTIAL TO ASSISTING A
14 FOSTER PARENT CARING FOR A CHILD, MAY BE WITHHELD TO PROTECT THE FAMILY
15 OF A CHILD;

16 (11) THE RIGHT TO BE CONSIDERED:

17 (I) AS A PLACEMENT OPTION WHEN A FOSTER CHILD PREVIOUSLY
18 PLACED WITH A FOSTER PARENT REENTERS FOSTER CARE, IF THAT PLACEMENT IS
19 CONSISTENT WITH THE BEST INTEREST OF THE CHILD AND OTHER CHILDREN IN
20 THE HOME OF A FOSTER PARENT; AND

21 (II) AS A FIRST SOURCE ADOPTIVE RESOURCE FOR A CHILD WHEN
22 REUNIFICATION IS NOT VIABLE AND A PLAN FOR ADOPTION IS DEVELOPED IN
23 ACCORDANCE WITH § 5-525(E) OF THIS SUBTITLE; AND

24 (12) THE RIGHT TO HAVE TIMELY ACCESS TO THE EXISTING APPEALS
25 PROCESS OF THE CHILD PLACEMENT AGENCY AND THE RIGHT TO BE FREE FROM
26 ACTS OF HARASSMENT, INTIMIDATION, AND RETALIATION BY ANY OTHER PARTY
27 WHEN EXERCISING THE RIGHT OF APPEAL.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2000.