

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2000

CHAPTER _____

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;
4 establishing that this Act does not create, and may not be construed as creating,
5 a new cause of action or substantive legal right for foster parents; and generally
6 relating to foster care.

7 BY adding to
8 Article - Family Law
9 Section 5-504
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 1999 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Family Law**

15 5-504.

16 (A) FOSTER PARENTS IN THIS STATE HAVE THE FOLLOWING RIGHTS:

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

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

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

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

7 (5) THE RIGHT OF ACCESS TO A CLEAR AND WRITTEN UNDERSTANDING
8 OF THE ~~PLACEMENT AGENCY PLAN~~ FOSTER PARENT'S RESPONSIBILITIES
9 CONCERNING THE PLACEMENT OF A CHILD INTO THE CARE OF A THE FOSTER
10 PARENT IN A MANNER WHICH SUPPORTS ACTIVITIES THAT WILL PROMOTE THE
11 RIGHT OF A CHILD TO RELATIONSHIPS WITH THE CHILD'S OWN FAMILY AND
12 CULTURAL HERITAGE;

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

16 (I) A FAIR, TIMELY, AND IMPARTIAL INVESTIGATION OF
17 COMPLAINTS;

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

20 (III) THE OPPORTUNITY TO BE HEARD AT THE FOSTER HOME
21 ADMINISTRATIVE REVIEW STAFFING;

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

24 (V) THE OPPORTUNITY TO HAVE DECISIONS CONCERNING A
25 FOSTER HOME APPROVAL OR LICENSING CORRECTIVE ACTION PLAN SPECIFICALLY
26 EXPLAINED TO A FOSTER PARENT AND BE LIMITED TO THE LICENSING STANDARDS
27 ORIGINALLY AT ISSUE;

28 (7) THE RIGHT, AT THE INITIAL PLACEMENT, AT ANY TIME DURING THE
29 PLACEMENT OF A CHILD IN FOSTER CARE, AND AS SOON AS PRACTICAL AFTER NEW
30 INFORMATION BECOMES AVAILABLE, TO RECEIVE FULL INFORMATION FROM THE
31 ~~CASE WORKER~~ CASEWORKER, EXCEPT FOR INFORMATION ABOUT THE FAMILY
32 MEMBERS THAT MAY BE PRIVILEGED OR CONFIDENTIAL, ON ANY ELEMENT OF THE
33 PHYSICAL, SOCIAL, EMOTIONAL, EDUCATIONAL, AND MENTAL HISTORY OF A CHILD
34 WHICH ~~COULD~~ WOULD POSSIBLY AFFECT THE CARE PROVIDED BY A FOSTER
35 PARENT;

36 (8) WITH REGARD TO THE LOCAL DEPARTMENT OF SOCIAL SERVICES
37 CASE PLANNING, THE RIGHT TO:

38 (I) BE NOTIFIED OF, AND WHEN APPLICABLE, BE HEARD AT
39 SCHEDULED MEETINGS AND STAFFINGS CONCERNING A CHILD IN ORDER TO

1 ACTIVELY PARTICIPATE, WITHOUT SUPERSEDING THE RIGHTS OF THE NATURAL
 2 PARENTS TO PARTICIPATE AND MAKE APPROPRIATE DECISIONS REGARDING THE
 3 CHILD, IN THE CASE PLANNING, ADMINISTRATIVE CASE REVIEWS,
 4 INTERDISCIPLINARY STAFFINGS, AND INDIVIDUAL EDUCATIONAL PLANNING AND
 5 MENTAL HEALTH TEAM MEETINGS; AND

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

8 ~~(III) PROVIDE INPUT CONCERNING THE PLAN OF SERVICES FOR A~~
 9 ~~CHILD AND TO HAVE THAT INPUT GIVEN FULL CONSIDERATION IN THE SAME~~
 10 ~~MANNER AS INFORMATION PRESENTED BY ANY OTHER PROFESSIONAL ON THE~~
 11 ~~TEAM;~~

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

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

17 (II) THE REASONS FOR THE CHANGE OR TERMINATION OF
 18 PLACEMENT;

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

21 (I) THE DATE, TIME, AND LOCATION OF THE REVIEWS, PROVIDED
 22 THAT A FOSTER PARENT MAY NOT BE CONSIDERED TO BE A PARTY SOLELY ON THE
 23 BASIS OF THE NOTICE PROVIDED UNDER THIS ITEM; AND

24 (II) THE RECOMMENDATIONS MADE BY THE CITIZEN REVIEW
 25 BOARD OF A CHILD IN THE CARE OF A FOSTER PARENT, PROVIDED THAT
 26 INFORMATION ABOUT THE FAMILY OF THE CHILD, NOT ESSENTIAL TO ASSISTING A
 27 FOSTER PARENT CARING FOR A CHILD, ~~MAY~~ SHALL BE WITHHELD TO PROTECT THE
 28 FAMILY OF A CHILD;

29 (11) THE RIGHT TO BE CONSIDERED:

30 ~~(H)~~ AS A PLACEMENT OPTION WHEN A FOSTER CHILD PREVIOUSLY
 31 PLACED WITH A FOSTER PARENT REENTERS FOSTER CARE, IF THAT PLACEMENT IS
 32 CONSISTENT WITH THE BEST INTEREST OF THE CHILD AND OTHER CHILDREN IN
 33 THE HOME OF A FOSTER PARENT AND IS CONSISTENT WITH THE PROVISIONS OF §
 34 5-534(C) OF THIS SUBTITLE; AND

35 ~~(H)~~ AS A FIRST SOURCE ADOPTIVE RESOURCE FOR A CHILD WHEN
 36 REUNIFICATION IS NOT VIABLE AND A PLAN FOR ADOPTION IS DEVELOPED IN
 37 ACCORDANCE WITH § 5-525(E) OF THIS SUBTITLE; AND

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

5 (B) THIS SECTION DOES NOT CREATE, AND MAY NOT BE CONSTRUED AS
6 CREATING, A NEW CAUSE OF ACTION OR SUBSTANTIVE LEGAL RIGHT FOR FOSTER
7 PARENTS.

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