

House Bill 1580

By: Representatives Cooper of the 30th, Sinkfield of the 50th, Oliver of the 56th, Post 2, Campbell of the 39th, and Lunsford of the 85th, Post 2

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to
2 programs and protection for children and youth, so as to enact the "Foster Parents Bill of
3 Rights"; to provide for a short title; to set out a list of rights for foster parents; to provide that
4 such rights be taken into consideration in policies of the Division of Family and Children
5 Services of the Department of Human Resources; to provide for the establishment of
6 grievance procedures for violation of the bill of rights; to provide for related matters; to
7 repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and
11 protection for children and youth, is amended by adding a new article to read as follows:

12 **"ARTICLE 14**

13 49-5-280.

14 This article shall be known and may be cited as the 'Foster Parents Bill of Rights.'

15 49-5-281.

16 (a) The General Assembly finds that foster parents who are volunteers providing care for
17 children who are in the custody of the Department of Human Resources play an integral,
18 indispensable, and vital role in the state's effort to care for dependent children displaced
19 from their homes. The General Assembly further finds that it is in the best interest of
20 Georgia's child welfare system to acknowledge foster parents as active and participating
21 members of this system and to support them through the following bill of rights:

22 (1) The right to be treated by the Division of Family and Children Services of the
23 Department of Human Resources and other partners in the care of abused children with

1 dignity, respect, and trust as a primary provider of foster care and a member of the
2 professional team caring for foster children;

3 (2) The right not to be discriminated against on the basis of religion, race, color, creed,
4 gender, marital status, national origin, age, or physical handicap;

5 (3) The right to continue with his or her own family values and beliefs, so long as the
6 values and beliefs of the foster child and the birth family are not infringed upon and
7 consideration is given to the special needs of children who have experienced trauma and
8 separation from their families. This shall include the right to exercise parental authority
9 within the limits of policies, procedures, and other directions of the Division of Family
10 and Children Services and within the limits of the laws of the State of Georgia;

11 (4) The right to receive both standardized pre-service training, including training in
12 Division of Family and Children Services policies and procedures and appropriate
13 ongoing training, by the Division of Family and Children Services or the placing agency
14 at appropriate intervals to meet mutually assessed needs of the child and to improve foster
15 parents' skills and to apprise foster parents of any changes in policies and procedures of
16 the Division of Family and Children Services and any changes in applicable law;

17 (5) The right to be apprised of information, laws, and guidelines on the obligations,
18 responsibilities, and opportunities of foster parenting and to be kept informed of any
19 changes in laws, policies, and procedures regarding foster parenting by the Division of
20 Family and Children Services in a timely manner and at least annually;

21 (6) The right to receive timely financial reimbursement according to the agreement
22 between the foster parents and the Department of Human Resources from funds
23 appropriated by the General Assembly and to be notified of any costs or expenses for
24 which the foster parent may be eligible for reimbursement;

25 (7) The right to receive information from the Division of Family and Children Services
26 on how to receive services and reach personnel 24 hours per day, seven days per week;

27 (8) The right prior to the placement of a child to be notified of any issues relative to the
28 child that may jeopardize the health and safety of the foster family or the child or alter
29 the manner in which foster care should be administered;

30 (9) The right to discuss information regarding the child prior to placement. The Division
31 of Family and Children Services will provide such information as it becomes available
32 as allowable under state and federal laws;

33 (10) The right to refuse placement of a child in the foster home or to request, upon
34 reasonable notice, the removal of a child from the foster home without fear of reprisal or
35 any adverse affect on being assigned any future foster or adoptive placements;

36 (11) The right to receive any information through the Division of Family and Children
37 Services regarding the number of times a foster child has been moved and the reasons

1 therefor; and to receive the names and phone numbers of the previous foster parents if the
2 previous foster parents have authorized such release and as allowable under state and
3 federal law;

4 (12) The right, at any time during which a child is placed with the foster parent, to receive
5 from the Division of Family and Children Services any and all additional pertinent
6 information relevant to the care of the child;

7 (13) The right to be provided with a written copy of the individual treatment and service
8 plan concerning the child in the foster parent's home and to discuss such plan with the
9 case manager, as well as reasonable notification of any changes to that plan;

10 (14) The right to participate in the planning of visitation with the child and the child's
11 biological family with the foster parents recognizing that visitation with his or her
12 biological family is important to the child;

13 (15) The right to participate in the case planning and decision-making process with the
14 Division of Family and Children Services regarding the child as provided in Code Section
15 15-11-58;

16 (16) The right to provide input concerning the plan of services for the child and to have
17 that input considered by the department;

18 (17) The right to communicate for the purpose of participating in the case of the foster
19 child with other professionals who work with such child within the context of the
20 professional team, including, but not limited to, therapists, physicians, and teachers, as
21 allowable under state and federal law;

22 (18) The right to be notified in advance, in writing, by the Division of Family and
23 Children Services or the court of any hearing or review where the case plan or
24 permanency of the child is in issue, including periodic reviews held by the court or by the
25 Citizen Review Panel, hearings following revocation of the license of an agency which
26 has permanent custody of a child, permanency hearings, and motions to extend custody,
27 in accordance with Code Section 15-11-58;

28 (19) The right to be considered, where appropriate, as a preferential placement option
29 when a child who was formerly placed with the foster parents has reentered the foster
30 care system;

31 (20) The right to be considered, where appropriate, as the first choice as a permanent
32 parent or parents for a child who, after 12 months of placement in the foster home, is
33 released for adoption or permanent foster care;

34 (21) The right to be provided a fair and timely investigation of complaints concerning the
35 operation of a foster home;

36 (22) The right to an explanation of a corrective action plan or policy violation relating to
37 foster parents; and

1 (23) The right, to the extent allowed under state and federal law, to have an advocate
2 present at all portions of investigations of abuse and neglect at which an accused foster
3 parent is present. Child abuse and neglect investigations shall be investigated pursuant
4 to Division of Family and Children Services policies and procedures, and any removal
5 of a foster child shall be conducted pursuant to those policies and procedures. The
6 Division of Family and Children Services will permit volunteers with the Adoptive and
7 Foster Parent Association of Georgia to be educated concerning the procedures relevant
8 to investigations of alleged abuse and neglect and the rights of accused foster parents.

9 After such training, a volunteer will be permitted to serve as an advocate for an accused
10 foster parent. All communication received by the advocate in this capacity shall be
11 strictly confidential.

12 (b) This bill of rights shall be given full consideration when Division of Family and
13 Children Services policies regarding foster care and adoptive placement are developed.

14 (c) Foster parents shall have the right to file a grievance in response to any violation of this
15 article, which shall be such foster parents' exclusive remedy for any violation of this
16 article. The Division of Family and Children Services and the Office of the Child Advocate
17 for the Protection of Children, along with an advisory committee comprised in part of
18 representatives from the Adoptive and Foster Parent Association of Georgia, will develop
19 a grievance procedure, including a mediation procedure, to be published in departmental
20 policy manuals and the Foster Parent Handbook within one year of the effective date of the
21 article."

22 SECTION 2.

23 All laws and parts of laws in conflict with this Act are repealed.