

HOUSE No. 1955

The Commonwealth of Massachusetts

PRESENTED BY:

Tricia Farley-Bouvier and Aaron Vega

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to foster parent rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>

HOUSE No. 1955

By Representatives Farley-Bouvier of Pittsfield and Vega of Holyoke, a petition (accompanied by bill, House, No. 1955) of Tricia Farley-Bouvier, Aaron Vega and others for legislation to establish a bill of rights for foster parents. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to foster parent rights.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 18B of the General Laws, as appearing in the 2014 official edition,
2 is hereby amended by inserting the following section:-

3 Section 26. (a) The Commonwealth of Massachusetts finds that foster parents providing
4 care for children who are in the custody of the department play an integral, indispensable and
5 vital role in the Commonwealth’s effort to care for dependent children displaced from their
6 homes. The Commonwealth further finds that it is in the best interest of its child welfare system
7 to acknowledge foster parents as active and participating members of this system and to support
8 them through the following bill of rights for foster parents who care for children in the care and
9 custody of the commonwealth.

10 (1) A foster parent shall be treated with consideration and respect for the foster
11 parent’s personal dignity and privacy;

12 (2) A foster parent shall not be discriminated against on the basis of religion, race,
13 color, creed, sex, sexual orientation, national origin, age or physical handicap;

14 (3) A foster parent shall receive both standardized pre-service training, including
15 training in department policies and procedures; and appropriate ongoing training by the
16 department or the placing agency at appropriate intervals to meet mutually assessed needs of the
17 child, to improve foster parents' skills, and to apprise foster parents of any changes in policies
18 and procedures of the department and any changes in applicable law;

19 (4) A foster parent shall receive, from the department, prior to placement, and at any
20 time during which a child is placed, any and all pertinent information relevant to the care of the
21 child; as allowable under state and federal laws;

22 (5) A foster parent shall receive any information through the department regarding
23 the number of times a foster child has been moved and the reasons therefor; and shall receive the
24 names and phone numbers of the previous foster parents if the previous foster parents have
25 authorized such release and as allowable under state and federal law;

26 (6) A foster parent shall be provided with a written copy of the individual treatment
27 and service plan concerning the child in the foster parent's home and to discuss such plan with
28 the case manager, as well as reasonable notification of any changes to that plan;

29 (7) A foster parent shall be informed of available support services, case planning
30 meetings, court hearings, and other decision making meetings in a timely manner in recognition
31 of the importance of their role as foster caregivers. This shall include information concerning
32 participation as foster caregivers in legal and administrative actions as authorized by law;

33 (8) A foster parent may communicate for the purpose of participating in the case of
34 the foster child with other professionals who work with such child within the context of the
35 professional team, including, but not limited to, therapists, physicians, and teachers, as allowable
36 under state and federal law;

37 (9) A foster parent shall receive timely financial reimbursement according to the
38 agreement between the foster parents and the department, including, but not limited to, fair and
39 adequate stipends for the care given, clothing allowance, the cost of necessary child centered
40 items such as cribs and car seats and the cost of outside child care;

41 (10) A foster parent may access agency staff for assistance in dealing with
42 emergencies on a twenty-four-hour basis, to assistance in dealing with family loss and separation
43 when a child leaves their home, and access to available advocacy services to help support the
44 foster parent in their role as caregiver;

45 (11) A foster parent may refuse placement of a child in the foster home or to request,
46 upon reasonable notice, the removal of a child from the foster home without fear of reprisal or
47 any adverse effect on being assigned any future foster or adoptive placements;

48 (12) A foster parent shall be given advance notice, whenever possible, when a child is
49 to be removed from their home;

50 (13) A foster parent shall have the right to participate in the planning of visitation with
51 the child and the child's biological family with the foster parents recognizing that visitation with
52 his or her biological family is important to the child;

53 (14) Placement information shall be kept confidential when it is necessary to protect
54 the foster parent and the members of the foster parent’s household.

55 (15) A foster parent shall have the opportunity to be considered, if placement with kin
56 is not available and only where appropriate, as the first choice as a permanent parent or parents
57 for a child who, after 12 months of placement in the foster home, is released for adoption or
58 permanent foster care;

59 (16) A foster parent shall be permitted to make decisions about the daily living
60 concerns of the child, and shall be permitted to continue the practice of their own family values
61 and routines while respecting the child's cultural heritage. All discipline shall be consistent with
62 state laws and regulations;

63 (17) A foster parent shall be granted a reasonable plan for respite from the role of
64 foster parent;

65 (18) A foster parent has the right to be promptly informed of any complaint against
66 their home or of any condition or problem in the home which adversely affects their status as a
67 foster parent and provide guidance and support toward resolution of the condition or problem;
68 and

69 (19) A foster parent shall be provided with a fair, timely, and impartial investigation of
70 complaints concerning the foster parent's licensure, the opportunity to have a person of the foster
71 parent's choosing present during the investigation, and to be provided due process during the
72 investigation; the right to be provided the opportunity to request and receive mediation or an
73 administrative review of decisions that affect licensing parameters, or both mediation and an
74 administrative review; the right to have decisions concerning a licensing corrective action plan

75 specifically explained and tied to the licensing standards violated; the right to have timely access
76 to the child placement agency's existing appeals process; and the right to be free from acts of
77 harassment and retaliation by any other party when exercising the right to appeal.

78 (b) The department shall comply with the foster parent bill of rights outlined in
79 subsection (a).