

House Bill 256

By: Representatives Wiedower of the 121<sup>st</sup>, Gullett of the 19<sup>th</sup>, Efstration of the 104<sup>th</sup>, Clifton of the 131<sup>st</sup>, Hatchett of the 155<sup>th</sup>, and others

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, so as to revise provisions relating to the foster parents  
3 bill of rights; to provide for definitions; to provide that such rights include relative caregivers  
4 and fictive kin; to provide for the development of administrative procedures; to provide for  
5 related matters; to provide for an effective date; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and  
10 protection for children, is amended in Code Section 49-5-41, relating to persons and agencies  
11 permitted access to records, by adding a new subsection to read as follows:

12 "(h) As used in this Code section, the term 'foster parent' shall have the same meaning as  
13 in Code Section 49-5-281."



40 dignity, respect, and trust as a primary provider of foster care and a member of the  
41 professional team caring for ~~foster children~~ children in foster care;

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

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

50 (3.1) The right to use a reasonable and prudent parent standard when determining the  
51 ability of a child in foster care to engage in extracurricular, enrichment, cultural, social,  
52 or skill-building activities;

53 (4) The right to receive both standardized pre-service training, including training in  
54 Division of Family and Children Services policies and procedures and appropriate  
55 ongoing training, by the Division of Family and Children Services or the ~~placing~~  
56 child-placing agency at appropriate intervals to meet mutually assessed needs of the child  
57 and to improve foster parents' skills and to apprise foster parents of any changes in  
58 policies and procedures of the Division of Family and Children Services and any changes  
59 in applicable law;

60 (5) The right to be apprised of, and to seek out from independent sources, information,  
61 laws, and guidelines on the obligations, responsibilities, and opportunities of foster  
62 parenting and to be kept informed of any changes in laws, policies, and procedures  
63 regarding foster parenting by the Division of Family and Children Services in a timely  
64 manner and at least annually;

65 (6) The right to receive timely financial reimbursement according to the agreement  
66 between the foster parents and the Department of Human Services from funds

- 67 appropriated by the General Assembly and to be notified of any costs or expenses for  
68 which the foster parent may be eligible for reimbursement;
- 69 (7) The right to receive information from the Division of Family and Children Services  
70 on how to receive services and reach personnel 24 hours per day, seven days per week;
- 71 (8) The right prior to the placement of a child to be notified of any issues relative to the  
72 child that may jeopardize the health and safety of the foster family or the child or alter  
73 the manner in which foster care should be administered;
- 74 (9) The right to discuss information regarding the child prior to placement. The Division  
75 of Family and Children Services will provide such information as it becomes available  
76 as allowable under state and federal laws;
- 77 (10) The right to refuse placement of a child in the foster home or to request, upon  
78 reasonable notice, the removal of a child from the foster home without fear of reprisal or  
79 any adverse effect on being assigned any future foster or adoptive placements;
- 80 (11) The right to receive any information through the Division of Family and Children  
81 Services regarding the number of times a foster child has been moved and the reasons  
82 therefor; and to receive the names and phone numbers of the previous foster parents if the  
83 previous foster parents have authorized such release and as allowable under state and  
84 federal law;
- 85 (12) The right, at any time during which a child is placed with the foster parent, to  
86 receive from the Division of Family and Children Services any and all additional  
87 pertinent information relevant to the care of the child;
- 88 (13) The right to be provided with a written copy of the individual treatment and service  
89 plan or case plan created pursuant to Code Section 15-11-201 concerning the child in the  
90 foster parent's home and to discuss such plan with the case manager, as well as reasonable  
91 notification of any changes to that plan;

- 92 (14) The right to participate in the planning of visitation with the child and the child's  
93 biological family with the foster parents recognizing that visitation with his or her  
94 biological family is important to the child;
- 95 (15) The right to participate in the case planning and decision-making process with the  
96 Division of Family and Children Services regarding the child as provided in Code Section  
97 15-11-201;
- 98 (16) The right to provide input concerning the plan of services for the child and to have  
99 that input considered by the department;
- 100 (17) The right to communicate for the purpose of participating in the case of the foster  
101 child with other professionals who work with such child within the context of the  
102 professional team, including, but not limited to, therapists, physicians, and teachers, as  
103 allowable under state and federal law;
- 104 (18) The right to be notified in advance, in writing, by the Division of Family and  
105 Children Services or the court of any hearing or review where the case plan or  
106 permanency of the child is an issue, including initial and periodic reviews held by the  
107 court in accordance with Code Section 15-11-216 or by the Judicial Citizen Review Panel  
108 in accordance with Code Section 15-11-217, hearings following revocation of the license  
109 of an agency which has permanent custody of a child in accordance with Code Section  
110 31-2-6, and permanency plan hearings in accordance with Code Section 15-11-230;
- 111 (19) The right to be considered, where appropriate, as a preferential placement option  
112 when a child who was formerly placed with the foster parents has reentered the foster  
113 care system;
- 114 (20) The right to be considered, where appropriate, as the first choice as a permanent  
115 parent or parents for a child who, after 12 months of placement in the foster home, is  
116 released for adoption or permanent foster care;
- 117 (21) The right to be provided a fair and timely investigation of complaints concerning  
118 the operation of a foster home;

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

121 ~~(23) The right, to the extent allowed under state and federal law, to have an advocate~~  
122 ~~present at all portions of investigations of abuse and neglect at which an accused foster~~  
123 ~~parent is present. Child abuse and neglect investigations shall be investigated pursuant~~  
124 ~~to Division of Family and Children Services policies and procedures, and any removal~~  
125 ~~of a foster child shall be conducted pursuant to those policies and procedures. The~~  
126 ~~Division of Family and Children Services will permit volunteers with the Adoptive and~~  
127 ~~Foster Parent Association of Georgia to be educated concerning the procedures relevant~~  
128 ~~to investigations of alleged abuse and neglect and the rights of accused foster parents.~~  
129 ~~After such training, a volunteer will be permitted to serve as an advocate for an accused~~  
130 ~~foster parent. The right to be provided a fair, timely, and impartial investigation of~~  
131 ~~complaints concerning the foster parent's licensure, to be provided the opportunity to~~  
132 ~~have a certified volunteer advocate of the foster parent's choosing present during the~~  
133 ~~investigation, and to be provided due process during the investigation; the right to be~~  
134 ~~provided the opportunity to request and receive mediation or an administrative review of~~  
135 ~~decisions that affect licensing parameters, or both mediation and an administrative~~  
136 ~~review; and the right to have decisions concerning a licensing corrective action plan~~  
137 ~~specifically explained and cited to the licensing standards violated.~~ All communication  
138 received by the certified volunteer advocate in this capacity shall be strictly confidential;:  
139 (24) The right to request that a certified volunteer advocate be present at all meetings  
140 with the department where the foster parent is present, including, but not limited to,  
141 individual treatment and service planning, administrative hearings, the grievance and  
142 mediation process, the adoption process, and any meetings relating to an allegation  
143 process. All communication received by the certified volunteer advocate in this capacity  
144 shall be strictly confidential;

145 (25) The right to be free from retaliation or discrimination based upon the filing of any  
 146 complaint or grievance with the Division of Family and Children Services; and

147 (26) The right to seek and obtain independent legal advice and counsel regarding the  
 148 foster parent's status.

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

151 ~~(c)~~(d) Foster parents who care for children in the custody of the Department of Human  
 152 Services through direct approval and placement by the department shall have the right to  
 153 file a grievance in response to any violation of this article, ~~which shall be such foster~~  
 154 ~~parents' exclusive administrative remedy for any violation of this article.~~ The Division of  
 155 Family and Children Services and the Office of the Child Advocate for the Protection of  
 156 Children, along with an advisory committee comprised in part of representatives from ~~the~~  
 157 ~~Adoptive and Foster Parent Association of Georgia, who provide private placements~~ foster  
 158 parent advocacy organizations will develop a grievance procedure, including a mediation  
 159 procedure and an administrative procedure, to be published in departmental policy manuals  
 160 and the Foster Parent Handbook no later than July 1, ~~2005~~ 2025.

161 ~~(d)~~(e) The General Assembly further finds that it is also in the best interest of Georgia's  
 162 child welfare system for the Division of Family and Children Services of the Department  
 163 of Human Services to recognize the bill of rights, with reasonable modifications made to  
 164 adapt the provisions as required to make them applicable to private agencies, by  
 165 incorporating them into contracts with private agencies serving children in the custody of  
 166 the Department of Human Services. The Department of Human Services shall, by contract,  
 167 require that providers, with whom it contracts for the placement of children in its custody,  
 168 give full consideration to the rights in subsection ~~(a)~~ (b) of this Code section in developing  
 169 their policies, practices, and procedures regarding foster care and adoptive placement. The  
 170 department shall provide information needed by the contractors to meet the requirements  
 171 of this subsection in a timely manner.

172 ~~(e)~~(f) The Department of Human Services, in consultation with appropriate provider  
173 associations and ~~the Adoptive and Foster Parent Association of Georgia~~ foster parent  
174 advocacy organizations, shall develop a grievance procedure for dealing with any  
175 grievances their foster parents have in response to any violation of this article, no later than  
176 July 1, ~~2007~~ 2025. The department shall enforce this provision through policies and  
177 procedures and through its contracts with providers."

178 **SECTION 3.**

179 This Act shall become effective upon its approval by the Governor or upon its becoming law  
180 without such approval.

181 **SECTION 4.**

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