

HOUSE No. 4492

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 14, 2018.

The committee on Children, Families and Persons with Disabilities to whom were referred the petition (accompanied by bill, House, No. 104) of Joseph D. McKenna, David F. DeCoste and others relative to the rights of foster parents and the 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, reports recommending that the accompanying bill (House, No. 4492) ought to pass.

For the committee,

KAY KHAN.

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

An Act Foster Parents Bill of 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 119 of the General Laws is hereby amended by inserting after
2 section 23B the following section:-

3 Section 23C. Foster Parents Bill of Rights (a) The Commonwealth of Massachusetts
4 recognizes that children in its custody deserve safe and nurturing placements, which promote
5 healing and support the child's culture, background and trauma history. Foster parents and pre-
6 adoptive parents play an integral and vital role in the Commonwealth's effort to care for children
7 removed from their homes. The Commonwealth acknowledges the need for foster parents to be
8 active and participating members in this effort. In recognition of the important role of foster
9 parents, the department shall promulgate a policy governing its relationship with and
10 responsibilities to those serving the Commonwealth as foster parents. This policy shall be
11 collectively known as the Foster Parents Bill of Rights and shall be provided by the department
12 to all prospective foster parents during the application process and current foster parents on an
13 annual basis, including any supplemental information referenced in the Foster Parents Bill of
14 Rights. (b) The Foster Parents Bill of Rights shall contain, at a minimum, the following:

15 1) A foster parent shall be treated with dignity, respect, privacy and consideration.

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

18 3) A foster parent shall be offered standardized pre-service training and ongoing training
19 at appropriate intervals to meet the needs of the child, to improve foster parents' skills, and
20 update foster parents of any relevant changes in policies and procedures of the department and
21 any changes in applicable law.

22 4) As allowable under state and federal law, a foster parent shall receive from the
23 department prior to placement, all available pertinent information about the child's, physical
24 health, behavioral health, trauma history, history of high risk behavior and education needs as
25 relevant to the care of the child. The Department shall communicate all such additional
26 information that becomes known to them during the time of placement in a timely fashion.

27 5) When the department determines that contact between the current and previous foster
28 parent promotes the child's best interest, the department shall provide the current foster parent
29 with names and phone numbers of the previous foster parents, if the previous foster parents have
30 authorized such release.

31 6) A foster parent shall have reasonable access to a social worker and family resource
32 worker as well as access to a 24-hour emergency hotline to assist with any urgent needs.

33 7) A foster parent shall be provided with a written copy of department action plans
34 regarding the child in the foster parent's home and be afforded an opportunity to discuss such
35 plan with the social worker, as well as reasonable notification of any changes to that plan.

36 8) A foster parent shall be informed of foster care reviews and appropriate meetings
37 regarding the child in their home and be provided an opportunity to actively participate in said
38 meetings. If there is a clinical conference which is inappropriate for a foster parent to attend, a
39 foster parent will have the ability to provide input to the department before a final decision is
40 made.

41 9) A foster parent shall be provided with advance notice of all court hearings, consistent
42 with federal and state statute, regarding the child in their home. Such notice shall include the
43 date, time and location of the hearing. A foster parent who is unable to attend a court hearing
44 shall have the ability to provide input to the department's legal representative prior to the
45 hearing.

46 10) A foster parent may communicate with professionals who work with the child in their
47 home for the purpose of supporting the needs of the foster child. Such professionals include
48 therapists, physicians, and teachers.

49 11) A foster parent shall receive information about the range and frequency of payments
50 the foster parent may be eligible to receive, including daily reimbursement and quarterly
51 clothing, birthday, and holiday payments and shall receive notification of any delays in such
52 payments as soon as such delay becomes known to the Department.

53 12) A foster parent shall be informed of other available financial supports and services
54 including, PACT, reimbursements for onetime costs, child care and respite and the criteria for
55 accessing said supports and services.

56 13) A foster parent may refuse placement of a child in their home. Understanding the
57 trauma that occurs in moving a child, a foster parent may request, upon reasonable notice, the
58 removal of a child from their home.

59 14) A foster parent shall be given advance notice, whenever possible, when a child is to
60 be removed from their home.

61 15) A foster parent may participate with department staff to plan visitation between the
62 child and the child's biological family at a time that is mutually convenient, consistent with the
63 wellbeing of the child and family's plan for visitation.

64 16) The department shall keep information regarding the foster parent and household
65 members confidential, except as required by law.

66 17) A non-kin foster parent shall have the opportunity to be considered as the first choice
67 as an adoptive parent or legal guardian for a child whose goal has been changed to adoption or
68 guardianship if no kin is available.

69 18) A foster parent shall be permitted to make routine decisions about the foster child's
70 daily activities and shall be permitted to continue practicing their own family values and
71 routines, excluding physical discipline, while respecting the foster child's culture, background,
72 trauma history and preferences.

73 19) Foster parents shall be provided with periodic respite from their role.

74 20) Foster parent shall be provided with the content of their record, upon request,
75 including any assessment or evaluations completed on the foster home.

76 21) Foster parents may request a review of department decisions, including filling for a
77 grievance or requesting a Fair Hearing. Foster parents shall be provided with the most up to date
78 information on these procedures and timelines which shall be included with the Foster Parent
79 Bill of Rights.

80 22) Foster parents shall be provided with information about the process and time lines for
81 investigation and resolution of a complaint made against them including complaints made
82 pursuant to M.G.L. Chapter 119 § 51A and their rights to receive and provide information and
83 during the review or investigation and the potential consequences of a supported complaint
84 review or an investigation.

85 23) The Department shall take immediate action to remedy any action taken against a
86 foster parent in retaliation for exercising their rights under this section

87 SECTION 2: The Department shall establish a Task Force for the purpose of reviewing
88 and revising procedures for handling complaints against foster parents including complaints of
89 abuse and neglect filed pursuant to M.G.L. Chapter 119 § 51A.

90 The Task Force shall be chaired by the Commissioner of the Department of Children and
91 Families or their designee. Members of the Task Force shall include The Child Advocate or their
92 designee, the House Chair of the Joint Committee on Children Families and Persons with
93 Disabilities or their designee, the Senate Chair of the Joint Committee on Children Families and
94 Persons with Disabilities or their designee the Executive Director of the MSPCC or their
95 designee, the Executive Director of the Children’s League of Massachusetts or their designee, a
96 representative of the Massachusetts Association for Families, three foster parents to be selected
97 by the Commissioner of the Department of Children and Families one of whom shall be a

98 Departmental foster parent one of whom shall be an intensive foster care provider and one of
99 whom shall be a kinship foster parent. The Task Force may consult with others as necessary to
100 achieve its purpose.

101 The task force shall make recommendations for procedures for reviewing complaints
102 against foster parents including those made pursuant to M.G.L. Chapter 119 § 51A. The Task
103 Force shall prioritize development of processes which protect the health and safety of children
104 and, to the extent possible, protect foster parents from the negative consequences of an
105 unsupported allegation.

106 Recommendations shall include processes and timelines for: notifying a foster parent of a
107 complaint, sharing information, conducting and concluding the review or investigation,
108 informing foster parents of their rights during a review or investigation and rights to appeal the
109 result of a review or investigation.

110 The Task Force shall report its recommendations to the Governor, and the Clerks of the
111 House of Representatives and the Senate no later than November 1, 2019.

112 The Department shall implement the recommendations of the Task Force no later than
113 February 1, 2020.