

# HOUSE BILL No. 4385

March 7, 2013, Introduced by Reps. Slavens, Hovey-Wright, Knezek and Kosowski and referred to the Committee on Families, Children, and Seniors.

A bill to create the foster care parents bill of rights; to ensure that foster care parents have certain rights; and to establish the rights and responsibilities of certain state departments and agencies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "foster care parents bill of rights act".

3           Sec. 2. As used in this act:

4           (a) "Case service plan" means that term as defined in section  
5 13a of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL  
6 712a.13a.

7           (b) "Child placing agency" means that term as defined in  
8 section 1 of 1973 PA 116, MCL 722.111.

9           (c) "Department" means the department of human services.

1 (d) "Foster care" means a child's placement outside the  
2 child's parental home by and under the supervision of a child  
3 placing agency, the court, the department, or the department of  
4 community health.

5 (e) "Supervising agency" means the department if a child is  
6 placed in the department's care for foster care, or a child placing  
7 agency in whose care a child is placed for foster care.

8 Sec. 3. The department shall ensure that each foster parent  
9 has all of the following rights:

10 (a) The right to be treated with dignity, respect, trust, and  
11 consideration as a foster parent caring for the foster child.

12 (b) The right to be free from discrimination based on  
13 religion, race, color, creed, gender orientation, national origin,  
14 age, marital status, or physical handicap in matters concerning  
15 licensing foster care parents or placing children in foster care.

16 (c) The right to receive explanation and clarification  
17 regarding expectations and roles of the supervising agency, the  
18 foster parents, and any other person providing services or  
19 resources to a foster child or foster family, and to receive  
20 evaluation and feedback on the role of foster care parent.

21 (d) The right to receive the necessary training and support to  
22 enable the foster parent to provide quality services to the  
23 children in his or her care, including reasonable relief and  
24 respite as allowed by supervising agency resources, access to  
25 supervising agency staff for assistance dealing with family loss  
26 and separation when a child leaves the foster parent's home, and  
27 access to available advocacy services to help support the foster

1 parent in his or her role as caregiver.

2 (e) The right of access to the appropriate supervising agency  
3 24 hours a day, 7 days a week, for emergency information and  
4 assistance for children in the foster parent's care.

5 (f) The right to receive timely financial reimbursement for  
6 foster children in the foster parent's care.

7 (g) The right to receive information concerning the  
8 supervising agency's policies and procedures, changes to those  
9 policies or procedures related to the role as a foster parent or  
10 the children in the foster parent's care, or information contained  
11 in the foster parent's record, as allowed by law.

12 (h) The right to policies developed by the supervising agency  
13 that are designed to support and aid foster, kinship, and adoptive  
14 families relative to foster care and adoptive placement.

15 (i) The right to a fair, timely, and impartial investigation  
16 of complaints concerning the foster parent's licensure, the right  
17 to have a person of the foster parent's choosing present during an  
18 investigation, and due process during an investigation.

19 (j) The right to request and receive mediation or an  
20 administrative review of decisions affecting licensing, or to have  
21 both mediation and administrative review.

22 (k) The right to have decisions concerning a licensing  
23 corrective action plan specifically tied to the licensing standard  
24 violated.

25 (l) The right to copies of all information relative to the  
26 foster family and services contained in the personal foster home  
27 records.

1 (m) The right to receive information about, and have access  
2 to, local and statewide support groups, including local and  
3 statewide foster, kinship, and adoptive parent associations.

4 (n) The right to be notified in advance whenever possible  
5 about plans for placing a child with the foster parent.

6 (o) The right to receive information before placement of the  
7 child, regarding the child's behavior, background, health history,  
8 or other issues relative to the child that may jeopardize the  
9 health and safety of the foster family or alter the manner in which  
10 foster care should be provided. In an emergency situation, the  
11 supervising agency shall provide information as soon as it is  
12 available.

13 (p) The right to refuse placement of a child into the foster  
14 home or to request, upon reasonable notice, the removal of a child  
15 from the foster home without fear of reprisal or adverse effect on  
16 assignments of future foster children or adoptive placements.

17 (q) The right to receive information through the supervising  
18 agency regarding the number of times a foster child has been moved,  
19 the reason for the move, and names and telephone numbers of  
20 previous foster parents, if the previous parent has authorized  
21 release of that information.

22 (r) The right to be given advance notice of a child's removal  
23 in order to prepare the child and foster family, except in an  
24 emergency situation where there is evidence of mistreatment.

25 (s) The right to be notified of meetings and staffing  
26 concerning the foster child to enable the foster parent to be an  
27 active and respected participant in the case planning and decision-

1 making process regarding the child, including, but not limited to,  
2 all of the following:

3 (i) Individual service planning meetings.

4 (ii) Administrative case reviews.

5 (iii) Interdisciplinary staffing.

6 (iv) Individual education planning meetings.

7 (t) The right to participate in any meeting described under  
8 subdivision (s), to be informed of decisions made by the court or  
9 supervising agency concerning the child, to provide input  
10 concerning the service plan for the child, and to have that input  
11 given full consideration in the same manner as information from  
12 professionals working with the foster child, including therapists,  
13 physicians, and teachers.

14 (u) The right to receive a copy of the supervising agency's  
15 placement information and case service plan concerning the child's  
16 care in the foster home and to participate in and receive case  
17 service plan revisions as well as any other information relevant to  
18 the child's care, including subsequent revisions to the case  
19 service plan in a timely manner. Foster parents are to be  
20 meaningful participants in the development or revision, or both, of  
21 the case service plan for the foster child in their home. Case  
22 service plans must be provided within 10 days after a foster  
23 parent's written request.

24 (v) The right to be given timely and complete written notice  
25 of all court proceedings, including notice of the hearing date,  
26 time, and location, the name of the judge or hearing officer  
27 assigned to the case, and the court docket number as well as the

1 right to full participation in court hearings.

2 (w) The right to submit factual written statements to the  
3 court as provided by law, as well as the right to be heard at court  
4 hearings regarding the foster child in the foster parent's care.

5 (x) The right to be considered as a foster care option when a  
6 child formerly placed with the foster parent is reentering foster  
7 care and the right to be considered when a child previously placed  
8 in the foster parent's home becomes available for adoption, if  
9 relative placement is not available and the placement is consistent  
10 with the best interest of the child and other children in the  
11 foster parent's home.