

Foster Parent Advocacy Rights

How should I treat thee...let me count the ways...

Children who live in families that are unable to unwilling to care for them need the strength of a stable and secure environment.

The Department of Children's Services is responsible for providing temporary care, also known as foster care, for many of these children. DCS recruits foster families who provide safe and supportive homes in which the children's emotional, physical and social needs can be met.

Foster homes provide a stable, caring environment to children. Foster children come in all shapes, sizes, ages and have individual needs and preferences. The Department provides a variety of environments that address these individual needs.

Grandparents, aunts, uncles, cousins and siblings are excellent resources to care for their minor relatives who enter the foster care system. Relative caregivers are provided with the same support as non-relative caregivers and must meet the same criteria to become an approved foster home.

Foster homes for the medical fragile serve children who have extraordinary medical needs that require special attention.

Each and every one of our foster homes are afforded rights according to the Foster Parent Bill of Rights. This handout will supply you with knowledge of the 25 tenets of the Foster Parent Bill of Rights as well as Public Chapter 270. The Foster Parent Bill of Rights, in its entirety, is presented on the following pages.

Public Chapter 270

On May 7, 2009, Public Chapter 270 was approved into law. The act amends Tennessee Code Annotated, Section 37-2-415 relative to the rights of foster parents.

Essentially, this act speaks directly to the procedures foster parents can use when it is believed that DCS or any agency under contract to DCS has failed to abide by any of the tenants of the Foster Parent Bill of Rights. That includes advocating for a child or advocating for their foster home in order to meet the child's needs. This act includes the chain of command that must be followed when a complaint is made by the foster parents. The act in its entirety is presented on the following pages.





Foster Parent Bill of Rights

- (1) The department shall treat the Foster Parent(s) with dignity, respect, trust and consideration as a primary provider of foster care and a member of the professional team caring for foster children;
- (2) The department shall provide the Foster Parent(s) with a clear explanation and understanding of the role of the department and the role of the members of the child's birth family in a child's foster care;
- (3) The Foster Parent(s) shall be permitted to continue their own family values and routines;
- (4) The Foster Parent(s) shall be provided training and support for the purpose of improving skills in providing daily care and meeting the special needs of the child in foster care;
- (5) Prior to the placement of a child in foster care, the department shall inform the Foster Parent(s) of issues relative to the child that may jeopardize the health and safety of the Foster Family or alter the manner in which foster care should be administered;
- (6) The department shall provide a means by which the Foster Parent(s) can contact the department twenty-four (24) hours a day, seven (7) days a week for the purpose of receiving departmental assistance;
- (7) The department shall provide the Foster Parent(s) timely, adequate financial reimbursement for the quality and knowledgeable care of a child in foster care, as specified in the plan; provided, that the amount of such financial reimbursement shall, each year, be subject to and restricted by the level of funding specifically allocated for such purpose by the provisions of the general appropriations act;
- (8) The department shall provide clear, written explanation of the plan concerning the placement of a child in the Foster Parent's home. For emergency placements where time does not allow prior preparation of such explanation, the department shall provide such explanation as it becomes available. This explanation shall include, but is not limited to, all information regarding the child's contact with such child's birth family and cultural heritage, if so outlined;
- (9) Prior to placement, the department shall allow the Foster Parent(s) to review written information concerning the child and allow the Foster Parent(s) to assist in determining if such child would be a proper placement for the prospective Foster Family. For emergency placements where time does not allow prior review of such information, the department shall provide information as it becomes available;
- (10) The department shall permit the Foster Parent(s) to refuse placement within their home, or to request, upon reasonable notice to the department, the removal of a child from their home for good reason, without threat of reprisal, unless otherwise stipulated by contract or policy;
- (11) The department shall inform the Foster Parent(s) of scheduled meetings and staffing, concerning the foster child and the Foster Parent(s) shall be permitted to actively participate in the case planning

and decision-making process regarding the child in foster care. This may include individual service planning meetings, foster care reviews, and individual educational planning meetings;

(12) The department shall inform a Foster Parent(s) of decisions made by the courts or the child welfare agency concerning the child;

(13) The department shall solicit the input of a Foster Parent(s) concerning the plan of services for the child; this input shall be considered in the department's ongoing development of the plan;

(14) The department shall permit, through written consent, the ability of the Foster Parent(s) to communicate with professionals who work with the foster child, including any therapists, physicians and teachers that work directly with the child;

(15) The department shall provide all information regarding the child and the child's family background and health history, in a timely manner to the Foster Parent(s) The Foster Parent(s) shall receive additional or necessary information, that is relevant to the care of the child, on an ongoing basis; provided that confidential information received by the Foster Parents shall be maintained as such by the Foster Parents, except as necessary to promote or protect the health and welfare of the child;

(16) The department shall provide timely, written notification of changes in the case plan or termination of the placement and the reasons for the changes or termination of placement to the Foster Parent(s), except in the instances of immediate response for Child Protective Services;

(17) The department shall notify the Foster Parent(s), in a complete manner, of all court hearings. This notification may include, but is not limited to, notice of the date and time of the court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case. Such notification shall be made upon the department's receiving of this information, or at the same time that notification is issued to birth parents. The Foster Parent(s) shall be permitted to attend such hearings at the discretion of the court;



(18) The department shall provide, upon request by the Foster Parent(s), information regarding the child's progress after a child leaves foster care. Information provided pursuant to this subsection shall only be provided from information already in possession of the department at the time of the request;

(19) The department shall provide the Foster Parent(s) the training for obtaining support and information concerning a better understanding of the rights and responsibilities of the Foster Parent(s);

(20) The department shall consider the Foster Parent(s) as the possible first choice permanent parents for the child, who after being in the Foster Parent's home for twelve (12) months, becomes free for adoption or permanent foster care;

(21) The department shall consider the former Foster Family as a placement option when a foster child who was formerly placed with the Foster Parent(s) is to be re-entered into foster care;

(22) The department shall permit the Foster Parent(s) a period of respite, free from placement of foster children in the family's home with follow-up contacts by the agency occurring a minimum of every two (2) months. The Foster Parent(s) shall provide reasonable notice, to be determined in the promulgation of rules, to the department for respite;

(23) (Effective February 1, 1998) Child abuse/neglect investigations involving the Foster parent(s) shall be investigated pursuant to the department's Child Protective Services (CPS) policy and procedures. A CPS case manager from another area shall be assigned investigative responsibility. Removal of a foster child will be conducted pursuant to Tennessee Code Annotated and departmental policy and procedures. The department shall permit an individual selected by the membership of the Tennessee Foster Care Association to be educated concerning the procedures relevant to investigations of alleged abuse and neglect by the department and the rights of the accused Foster Parent(s). Upon receiving such training, such individual shall be permitted to serve as advocate for the accused Foster Parent(s). Such advocate shall be permitted to be present at all portions of investigations where the accused Foster Parent(s) are present; and all communication received by such advocate therein shall be strictly confidential. Nothing contained within this item shall be construed to abrogate the provisions of chapter 1 of this title, regarding procedures for investigations of child abuse and neglect and child sexual abuse by the department of children's services and law enforcement agencies;

(24) Upon request, the department shall provide the Foster Parent(s) copies of all information relative to their family and services contained in the personal Foster home record;

(25) The department shall advise the Foster Parent(s) of mediation efforts through publication in departmental policy manuals and the Foster Parent Handbook. The Foster parent(s) may file for mediation efforts in response to any violations of the preceding tenets.

(a) In promulgation of rules pursuant to subsection (a), the department shall provide forty-five (45) days written notification of public hearings, held pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, chapter 5, to the president of the Tennessee Foster Care Association and the president's designee. (Acts 1997, Ch. 549, & 2, 3)



Public Chapter 270

Present law requires the Department of Children's Services to observe twenty-five rights of foster parents with respect to the placement of any foster child with a foster parent that in contracted directly with the department, or through an agency that contracts with the department to place children in foster care. Generally, the Foster Parent Rights Act requires that the department provide sufficient information, training, and support to foster parents to enable such persons to be effective foster parents.

This bill authorized foster parents to request that the department review actions of departmental employees that a foster parent believes fail to follow the requirements of the Foster Parent Rights Act and such failure has harmed or could harm a child who is or was in the department's custody. Any review conducted pursuant to this bill must include an in-person interview with the foster parent. The department will be required to respond in writing to the foster parent and transmit a copy of the response to the Tennessee Commission on Children and Youth.

This bill requires the department to train all of its employees who come in contact with foster parents regarding the provisions of the Foster Parent Rights Act and the review procedure that this bill creates. Please review Public Chapter 270 below.

Summary of Review Procedure as provided by PC 270

The foster parent may inform the child's Family Services Worker who will make every attempt to resolve the dispute. If the foster parent believes that the dispute has not been adequately resolved by the Family Services Worker, the foster parent may contact the Family Services Worker's supervisor. According to PC270, foster parents are encouraged to make the contact in writing and to forward any written communication between the foster parent and the Department's employees to the employees' Regional Administrator and to the Commissioner or the Commissioner's designee within the Department's central office. While the Department's central office will maintain a record of any such communication that is received, it is hoped that the Family Services Worker of regional office will be able to resolve the dispute. If the foster parent believes that the dispute has not been adequately resolved by the Family Services Worker's supervisor or supervisors, the foster parent may contact the Regional Administrator or the regional administrator's designee.

This review will include an in person interview. If the foster parent believes that the dispute has not been adequately resolved by the regional administrator or the regional administrator's designee, the foster parent may request in writing via certified mail that the Department's central office review the actions of the Department or the Department's employee. If a review is requested the Department will conduct the review and respond in writing to the foster parent no later than thirty (30) days from the postmarked date of the foster parent's written mailed request. The review will include, but not be limited to, a review of any previous communication mailed in by the foster parent and an in-person interview with the foster parent.

The Department will transmit to the Tennessee Commission on Children and Youth copies of the written request no later than ten (10) days from the date of the request was received. The Department will also transmit copies of the written response. The copies will be transmitted no later than ten (10) days from the date the response was sent. If the foster parent believes that the dispute has not been adequately resolved by the Department's central office, the foster parent may request in writing via certified mail that the Tennessee Commission on Children and Youth review the actions of the Department.

The Department will fully comply with the Commission in the review including providing any records requested.



9 basic areas addressed in the Foster Parent Bill of Rights

RESPECT

This includes, general respect, respect for foster family values and traditions, respect that parents know the type of child they can parent, and respect that parents know when they need a break.

This RESPECT is referenced in tenets 1, 3, 10 and 22 of the Foster Parent Bill of Rights.

FOSTER PARENT RECORDS

Parents have the right to review all information in their family records and home studies excluding Child Protective Services referrals.

The FOSTER PARENT RECORDS are referenced in tenet 24 of the Foster Parent Bill of Rights.

INFORMATION ON THE CHILD AND THE CHILD'S FAMILY

This includes information regarding the birth parent's involvement and the role of the foster parent, health histories which might impact the care of safety of the child in the home or of other family members, the plan for placement of the child, information on the child's cultural identity, and other written information on the child. Please note that identifying or confidential information may be withheld to protect other people's rights.

The right to INFORMATION REGARDING THE CHILD AND THE CHILD'S FAMILY is referenced in tenants 2,5,8,9 and 15

CASE MANAGEMENT AND PLANNING

This includes information on dates and times of all meetings regarding the child, the opportunity to give input to case planning, opportunities for the foster parent to communicate with all professionals involved in the child's care, and all information related to the child's permanency plan or other services for the child.

The right to be involved with CASE MANAGEMENT AND PLANNING is referenced in tenets 11, 13, 14, and 16.

COURT

This topic includes ensuring foster parents will be informed of all court decisions and hearings, including foster care reviews.

The information about COURT is addressed in tenets 12 and 17.

SUPPORT

This includes the personal support and availability provided by the department 24 hours a day, financial support in the form of board payments and clothing allowances, as well as, the provision of the Foster Parent Advocate Program and the grievance procedures.

The information regarding SUPPORT is addressed in tenets 6, 7, and 25.

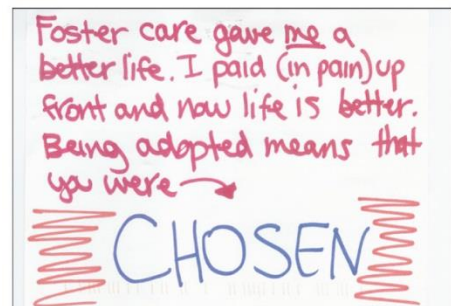
AFTER THE CHILD LEAVES

This includes information regarding children on an extended home visit, the right to be the first considered adoptive home if a child has been in the home for one year or more, and the right that the most current foster parent be the first considered placement if a child reenters care after returning home.

The information regarding AFTER A CHILD LEAVES CARE is addressed in tenets 18, 20 and 21.

ABUSE ALLEGATIONS AND INVESTIGATIONS

This includes the rights of foster parents to Due Process as outlined by the department in the case of a Child Protective Services investigation.



The information regarding ABUSE ALLEGATIONS AND INVESTIGATIONS is addressed in tenet 23.

TRAINING

This includes training to assist parents in meeting the needs of children in their home and training regarding the Foster Parent Bill of Rights.

The information regarding TRAINING is referenced in tenets 4 and 19.