

1 SB56  
2 147437-1  
3 By Senator Ward  
4 RFD: Children, Youth Affairs, and Human Resources  
5 First Read: 05-FEB-13  
6 PFD: 01/24/2013

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8 SYNOPSIS: Under existing law, the Department of Human  
9 Resources is responsible for ensuring that a foster  
10 parent has certain rights regarding a foster child  
11 in his or her care and that a foster parent has the  
12 training and other resources necessary to care for  
13 the child.

14 This bill would provide that a foster parent  
15 has a right to notice from the department and a  
16 hearing before a child is removed from his or her  
17 care and the right to appeal any decision of the  
18 department to remove the child from the care of the  
19 foster parent.

20 This bill would provide that a foster parent  
21 may intervene in an action by the department to  
22 terminate parental rights with regard to the parent  
23 of a foster child.

24 This bill would provide a foster parent with  
25 the right to appointed counsel in certain  
26 proceedings involving the child.  
27

1 A BILL  
2 TO BE ENTITLED  
3 AN ACT  
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5 To amend Section 38-12A-2, Code of Alabama 1975; to  
6 provide further for the rights of foster parents.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 38-12A-2, Code of Alabama 1975,  
9 is amended to read as follows:

10 "§38-12A-2.

11 "The Department of Human Resources shall ensure that  
12 each foster parent shall have all of the following rights:

13 "(1) ~~The right to~~ To be treated with dignity,  
14 respect, trust, value, and consideration as a primary provider  
15 of foster care and a member of the professional team caring  
16 for foster children.

17 "(2) ~~The right to~~ To receive information concerning  
18 the rights enumerated in this section.

19 "(3) ~~The right to~~ To a concise written explanation  
20 of their role as foster parents in partnership with children  
21 and their families, the department, and other providers, the  
22 role of the department, and the rights and role of the members  
23 of the birth family of a child in foster care.

24 "(4) ~~The right to~~ To training and support for the  
25 purpose of improving skills in providing daily care and  
26 meeting the needs of the child in foster care.

1           "~~The right to~~ To training, consultation, and  
2 assistance in evaluating, identifying, and accessing services  
3 to meet their needs related to their role as foster care  
4 providers. This includes, but is not limited to, all foster  
5 care polices, the Foster Parent Handbook, Foster Family Homes  
6 Minimum Standards, the Therapeutic Foster Care Manual, and a  
7 mediation process.

8           "~~The right to~~ To provide input to the department  
9 in identifying the types of resources and services that would  
10 meet the needs of children currently in their care and of  
11 their families, and advocate for the same without threat of  
12 reprisal.

13           "~~The right to~~ To information concerning  
14 behavioral problems, health history, educational status,  
15 cultural and family background, and other issues relative to  
16 the child which are known to the department at the time the  
17 child is placed in foster care prior to the child's placement  
18 with a foster parent or parents. When the department knows  
19 such information after placement, the department shall make  
20 that information available to the foster parent as soon as  
21 practicable.

22           "~~The right to~~ To a written explanation of the  
23 plan concerning the placement of a child in the foster  
24 parent's home. For emergency placements where time does not  
25 allow prior preparation of the explanation, the department  
26 shall provide such explanation within 72 hours. Prior to  
27 placement, the department shall allow the foster parent to

1 review a written summary of information concerning the child,  
2 including, but not limited to, assessments, evaluations, and  
3 case plans, and allow the foster parent to assist in  
4 determining if the child would be a proper placement for the  
5 prospective foster family. For emergency placements where time  
6 does not allow prior review of the information, the department  
7 shall provide the information within 72 hours of placement.  
8 Confidential information shall be kept confidential by the  
9 foster parents, except as determined through the  
10 individualized service plan (ISP) process to promote the  
11 health and welfare of the child.

12 "(9) ~~The right to~~ To a staff person representing the  
13 department on call 24 hours a day, seven days a week, for the  
14 purpose of aiding the foster parent in receiving departmental  
15 assistance.

16 "(10) ~~The right to~~ To fair and equitable board  
17 payments based on a system of daily board rates and other  
18 financial reimbursement as specified in a plan adopted by the  
19 department after consultation with foster parents, subject to  
20 the availability of funds.

21 "(11) ~~The right to~~ To accept or refuse placement  
22 within their home, or to request, upon reasonable notice to  
23 the department, the removal of a child from their home for  
24 good cause without threat of reprisal for acting on such good  
25 cause.

26 "(12) ~~The right to~~ To information of scheduled  
27 meetings and appointments concerning the foster child and

1 permission for the foster parent to actively participate in  
2 and provide input to be used by the ISP team in the case  
3 planning and decision-making process regarding the child in  
4 foster care, including, but not limited to, individual service  
5 planning meetings, foster care reviews, individual educational  
6 planning meetings, and medical appointments.

7 "(13) ~~The right to~~ To request that a person or  
8 persons serve as a volunteer advocate and to be present at all  
9 meetings with the department, including, but not limited to,  
10 individualized service planning, administrative hearings, the  
11 grievance/mediation process, the adoption process, and the  
12 allegation process where the foster parent is present. All  
13 communications received by the volunteer advocate shall be in  
14 strict confidence.

15 "(14) ~~The right to~~ To notice and an opportunity to  
16 be heard, including timely information concerning all court  
17 hearings. This notification may include, but is not limited  
18 to, notice of the date and time of the court hearing, the name  
19 of the judge or hearing officer assigned to the case, the  
20 guardian ad litem, the location of the hearing, and the court  
21 docket number. The notification shall be made upon receipt of  
22 this information by the department. Although not a party to  
23 the case, the foster parent may attend court hearings at the  
24 discretion of the judge.

25 "(15) ~~The right to~~ To communication with  
26 professionals who work with the foster child, including, but

1 not limited to, therapists, physicians, and teachers who work  
2 directly with the child.

3 "(16) ~~The right to~~ To communicate with the child's  
4 birth family, other foster parents of the child, and  
5 prospective and finalized adoptive parents of the child with  
6 ISP team approval and without the threat of reprisal.

7 "(17) ~~The right to~~ To necessary information on an  
8 ongoing basis which is relevant to the care of the child,  
9 including timely information on changes in the case plan or  
10 termination of the placement and reasons for the changes or  
11 termination of placement to the foster parent, except in the  
12 instances of immediate response of child protective service.

13 "(18) ~~The right to~~ To first consideration as the  
14 resource for a child in a foster parent's home who becomes  
15 free for adoption or another planned permanent living  
16 arrangement.

17 "(19) ~~The right to~~ To a period of respite upon the  
18 request of a foster parent. The foster parent shall provide  
19 reasonable notice of a request for respite.

20 "(20) ~~The right to~~ To information, in person and in  
21 writing, of any allegations of maltreatment of children in the  
22 home of the foster parent alleged to have been perpetrated by  
23 a member of the foster parent's household, the process for  
24 disposition of these allegations, and any review process for  
25 reports of indicated child abuse and neglect upon receipt of  
26 the allegations. A written notification of any report in which

1 a finding is not indicated on the county level shall be  
2 provided to a foster parent within five days of the findings.

3 "(21) ~~The right to~~ To copies of all information  
4 relative to their family and services contained in the  
5 personal foster home record.

6 "(22) ~~The right to~~ To mediation procedures that may  
7 be developed and adopted by the department and the Alabama  
8 Foster and Adoptive Parent Association Board. The foster  
9 parent may request mediation in accordance with any mediation  
10 policy adopted by the department and the Alabama Foster and  
11 Adoptive Parent Association Board without threat of reprisal.

12 "(23) ~~The right to~~ To appeal the closing of a foster  
13 family home by the department in accordance with any appeal  
14 procedure adopted by the department and the Alabama Foster and  
15 Adoptive Parent Association Board without threat of reprisal.

16 "(24) To notice and a hearing before the department  
17 removes the child from the care of the foster parent, and to  
18 appeal any decision of the department removing the foster  
19 child from the care of the foster parent.

20 "(25) To intervene in any action by the department  
21 to terminate the parental rights with regard to the parent of  
22 a foster child or, if the foster child has been in the care of  
23 the foster parent for at least 12 consecutive months, to  
24 intervene in any custody proceeding involving the foster  
25 child.

1                   "(26) To appointed counsel in any custody proceeding  
2 involving a foster child in the care of the foster parent upon  
3 a finding of indigency by the court."

4                   Section 2. This act shall become effective on the  
5 first day of the third month following its passage and  
6 approval by the Governor, or its otherwise becoming law.