

HOUSE BILL No. 4649

April 30, 2013, Introduced by Rep. Cotter and referred to the Committee on Families,
Children, and Seniors.

A bill to amend 1994 PA 203, entitled
"Foster care and adoption services act,"
by amending section 3 (MCL 722.953) and by adding section 8a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. The purposes of this act are all of the following:

2 (a) To assist foster parents to provide a stable, loving
3 family environment for children who are placed outside of their
4 homes on a temporary basis.

5 (b) To help eliminate barriers to the adoption of children and
6 to promote the provision of a stable and loving family environment
7 to children who are without permanent families.

8 (c) To promote the well-being and safety of all children who
9 receive foster care or are adopted under the laws of this state.

10 (d) To protect and assist prospective adoptive families as

1 they negotiate the adoption process.

2 (e) To regulate child placing agencies who certify foster
3 parents and serve adoptees and adoptive families in this state.

4 (f) To regulate adoption attorneys who facilitate direct
5 placement adoptions.

6 (G) TO PROVIDE FOSTER PARENTS WITH THE RIGHTS DESCRIBED IN
7 SECTION 8A.

8 SEC. 8A. (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS
9 THE "RESOURCE FAMILIES BILL OF RIGHTS LAW".

10 (2) THE DEPARTMENT SHALL ENSURE THAT EACH FOSTER PARENT HAS
11 ALL OF THE FOLLOWING RIGHTS:

12 (A) THE RIGHT TO BE TREATED WITH DIGNITY, RESPECT, TRUST, AND
13 CONSIDERATION AS A PERSON CARING FOR THE CHILD'S WELFARE.

14 (B) THE RIGHT TO RECEIVE EXPLANATION AND CLARIFICATION
15 REGARDING EXPECTATIONS AND ROLE OF THE SUPERVISING AGENCY AND TO
16 RECEIVE EVALUATION AND FEEDBACK ON THE ROLE OF FOSTER CARE PARENT.

17 (C) THE RIGHT TO RECEIVE THE NECESSARY TRAINING AND SUPPORT TO
18 ENABLE THE FOSTER PARENT TO PROVIDE QUALITY SERVICES TO THE
19 CHILDREN IN HIS OR HER CARE, INCLUDING REASONABLE RELIEF AND
20 RESPITE AS ALLOWED BY THE SUPERVISING AGENCY RESOURCES, ACCESS TO
21 THE SUPERVISING AGENCY STAFF FOR ASSISTANCE DEALING WITH FAMILY
22 LOSS AND SEPARATION WHEN A CHILD LEAVES THE FOSTER PARENT'S HOME,
23 AND ACCESS TO AVAILABLE ADVOCACY SERVICES TO HELP SUPPORT THE
24 FOSTER PARENT IN HIS OR HER ROLE AS CAREGIVER.

25 (D) THE RIGHT OF ACCESS TO THE APPROPRIATE SUPERVISING AGENCY
26 24 HOURS A DAY, 7 DAYS A WEEK, FOR EMERGENCY INFORMATION AND
27 ASSISTANCE FOR CHILDREN IN THE FOSTER PARENT'S CARE.

1 (E) THE RIGHT TO RECEIVE TIMELY FINANCIAL REIMBURSEMENT FOR
2 FOSTER CHILDREN IN THE FOSTER PARENT'S CARE.

3 (F) THE RIGHT TO RECEIVE INFORMATION CONCERNING THE
4 SUPERVISING AGENCY'S POLICIES AND PROCEDURES, CHANGES TO THOSE
5 POLICIES OR PROCEDURES RELATED TO THE ROLE AS A FOSTER PARENT OR
6 THE CHILDREN IN THE FOSTER PARENT'S CARE, OR INFORMATION CONTAINED
7 IN THE FOSTER PARENT'S RECORD, AS ALLOWED BY LAW.

8 (G) THE RIGHT TO INFORMATION ON THE POLICIES DEVELOPED BY THE
9 SUPERVISING AGENCY THAT ARE DESIGNED TO SUPPORT AND AID FOSTER,
10 KINSHIP, AND ADOPTIVE FAMILIES RELATIVE TO FOSTER CARE AND ADOPTIVE
11 PLACEMENT.

12 (H) THE RIGHT TO A FAIR, TIMELY, AND IMPARTIAL INVESTIGATION
13 OF COMPLAINTS CONCERNING THE FOSTER PARENT'S LICENSURE, THE RIGHT
14 TO HAVE A PERSON OF THE FOSTER PARENT'S CHOOSING PRESENT DURING AN
15 INVESTIGATION, AND DUE PROCESS DURING THE INVESTIGATION.

16 (I) THE RIGHT TO REQUEST AND RECEIVE MEDIATION OR AN
17 ADMINISTRATIVE REVIEW OF DECISIONS AFFECTING LICENSING PARAMETERS,
18 OR TO HAVE BOTH MEDIATION AND ADMINISTRATIVE REVIEW.

19 (J) THE RIGHT TO HAVE DECISIONS CONCERNING A LICENSING
20 CORRECTIVE ACTION PLAN SPECIFICALLY TIED TO THE LICENSING STANDARD
21 VIOLATED.

22 (K) THE RIGHT TO COPIES OF ALL INFORMATION RELATIVE TO THE
23 FOSTER FAMILY AND SERVICES CONTAINED IN THE PERSONAL FOSTER HOME OR
24 FOSTER PARENT RECORDS.

25 (l) THE RIGHT TO RECEIVE INFORMATION ABOUT, AND HAVE ACCESS TO,
26 LOCAL AND STATEWIDE SUPPORT GROUPS, INCLUDING LOCAL AND STATEWIDE
27 FOSTER, KINSHIP, AND ADOPTIVE PARENT ASSOCIATIONS.

1 (M) THE RIGHT TO BE NOTIFIED IN ADVANCE WHENEVER POSSIBLE
2 ABOUT PLANS FOR PLACING A CHILD WITH THE FOSTER PARENT.

3 (N) THE RIGHT TO RECEIVE INFORMATION BEFORE PLACEMENT OF THE
4 CHILD, REGARDING THE CHILD'S BEHAVIOR, BACKGROUND, HEALTH HISTORY,
5 OR OTHER ISSUES RELATIVE TO THE CHILD THAT MAY JEOPARDIZE THE
6 HEALTH AND SAFETY OF THE FOSTER FAMILY OR ALTER THE MANNER IN WHICH
7 FOSTER CARE SHOULD BE PROVIDED. IN AN EMERGENCY SITUATION, THE
8 SUPERVISING AGENCY SHALL PROVIDE INFORMATION AS SOON AS IT IS
9 AVAILABLE.

10 (O) THE RIGHT TO REFUSE PLACEMENT OF A CHILD INTO THE FOSTER
11 HOME OR TO REQUEST, UPON REASONABLE NOTICE, THE REMOVAL OF A CHILD
12 FROM THE FOSTER HOME WITHOUT FEAR OF REPRISAL OR ADVERSE EFFECT ON
13 ASSIGNMENTS OF FUTURE FOSTER CHILDREN OR ADOPTIVE PLACEMENTS.

14 (P) THE RIGHT TO RECEIVE INFORMATION THROUGH THE SUPERVISING
15 AGENCY REGARDING THE NUMBER OF TIMES A FOSTER CHILD HAS BEEN MOVED,
16 THE REASON FOR THE MOVE, AND NAMES AND TELEPHONE NUMBERS OF
17 PREVIOUS FOSTER PARENTS, IF THE PREVIOUS FOSTER PARENT HAS
18 AUTHORIZED RELEASE OF THAT INFORMATION.

19 (Q) THE RIGHT TO BE GIVEN ADVANCE NOTICE OF A CHILD'S REMOVAL
20 IN ORDER TO PREPARE THE CHILD AND FOSTER FAMILY MEMBERS, EXCEPT IN
21 AN EMERGENCY SITUATION WHERE THERE IS EVIDENCE OF MISTREATMENT.

22 (R) THE RIGHT TO BE NOTIFIED OF MEETINGS AND STAFFING
23 CONCERNING THE FOSTER CHILD TO ENABLE THE FOSTER PARENT TO BE AN
24 ACTIVE AND RESPECTED PARTICIPANT IN THE CASE PLANNING AND DECISION-
25 MAKING PROCESS REGARDING THE CHILD, INCLUDING, BUT NOT LIMITED TO,
26 ALL OF THE FOLLOWING:

27 (i) INDIVIDUAL SERVICE PLANNING MEETINGS.

1 (ii) ADMINISTRATIVE CASE REVIEWS.

2 (iii) INTERDISCIPLINARY STAFFING.

3 (iv) INDIVIDUAL EDUCATION PLANNING MEETINGS.

4 (S) THE RIGHT TO PARTICIPATE IN ANY MEETING, TO BE INFORMED OF
5 DECISIONS MADE BY THE COURT OR THE SUPERVISING AGENCY CONCERNING
6 THE CHILD, TO PROVIDE INPUT CONCERNING THE SERVICE PLAN FOR THE
7 CHILD, AND TO HAVE THAT INPUT GIVEN FULL CONSIDERATION IN THE SAME
8 MANNER AS INFORMATION FROM OTHER PROFESSIONALS WORKING WITH THE
9 FOSTER CHILD WITHIN THE CONTEXT OF THE FOSTER CARE, INCLUDING
10 THERAPISTS, PHYSICIANS, AND TEACHERS.

11 (T) THE RIGHT TO RECEIVE A COPY OF THE SUPERVISING AGENCY'S
12 PLACEMENT AND SERVICE PLAN CONCERNING THE CHILD'S CARE IN THE
13 FOSTER PARENT'S HOME AND TO PARTICIPATE IN AND RECEIVE SERVICE PLAN
14 REVISIONS AS WELL AS ANY OTHER INFORMATION RELEVANT TO THE CHILD'S
15 CARE, INCLUDING SUBSEQUENT REVISIONS TO THE CASE PLAN IN A TIMELY
16 MANNER. FOSTER PARENTS ARE TO BE MEANINGFUL PARTICIPANTS IN THE
17 DEVELOPMENT OR REVISION, OR BOTH, OF THE CASE PLAN FOR THE FOSTER
18 CHILD IN THAT FOSTER PARENT'S HOME. SERVICE PLANS MUST BE PROVIDED
19 WITHIN 10 DAYS AFTER A FOSTER PARENT'S WRITTEN REQUEST.

20 (U) THE RIGHT TO BE GIVEN TIMELY AND COMPLETE WRITTEN NOTICE
21 OF ALL COURT PROCEEDINGS, INCLUDING NOTICE OF THE HEARING DATE,
22 TIME, AND LOCATION, THE NAME OF THE JUDGE OR HEARING OFFICER
23 ASSIGNED TO THE CASE, AND THE COURT DOCKET NUMBER AS WELL AS THE
24 RIGHT TO FULL PARTICIPATION IN COURT HEARINGS.

25 (V) THE RIGHT TO SUBMIT FACTUAL WRITTEN STATEMENTS TO THE
26 COURT AS PROVIDED BY LAW, AS WELL AS THE RIGHT TO BE HEARD AT COURT
27 HEARINGS REGARDING THE FOSTER CHILD IN THE FOREST PARENT'S CARE.

1 (W) THE RIGHT TO BE CONSIDERED AS A FOSTER CARE OPTION WHEN A
2 CHILD FORMERLY PLACED WITH THE FOSTER PARENT IS REENTERING FOSTER
3 CARE AND THE RIGHT TO BE CONSIDERED WHEN A CHILD PREVIOUSLY PLACED
4 IN THE FOSTER PARENT'S HOME BECOMES AVAILABLE FOR ADOPTION, IF
5 RELATIVE PLACEMENT IS NOT AVAILABLE AND THE PLACEMENT IS CONSISTENT
6 WITH THE BEST INTEREST OF THE CHILD AND OTHER CHILDREN IN THE
7 FOSTER PARENT'S HOME.