88R16346 MLH-D

By:  Sherman, Sr. H.B. No. 4791

A BILL TO BE ENTITLED

AN ACT

relating to the rights of a foster parent.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subchapter A, Chapter 263, Family Code, is amended by adding Section 263.0081 to read as follows:

Sec. 263.0081.  FOSTER PARENT'S BILL OF RIGHTS. (a) In this section:

(1)  "Child-placing agency" has the meaning assigned by Section 42.002, Human Resources Code.

(2)  "Foster care" means the temporary placement of a child who is in the conservatorship of the department or an authorized agency in a facility licensed or certified under Chapter 42, Human Resources Code, in which care is provided for 24 hours a day.

(3)  "Foster parent's bill of rights" means the rights described by Subsection (c).

(b)  The state recognizes that foster parents:

(1)  play an important and significant role in the lives of foster children;

(2)  are an essential part of the child protective services system; and

(3)  should be treated with respect by all employees of the department and child-placing agency.

(c)  It is the policy of this state that, to the extent provided by state or federal law or policy, each foster parent has the right:

(1)  to be treated with dignity, respect, and consideration as a professional member of the child protective services team;

(2)  to be free from being discriminated against on the basis of religion, race, color, sex, national origin, age, or disability;

(3)  to be assured that all members of the foster parent's family are safe from physical violence, emotional abuse, and harassment;

(4)  to be given standardized preservice training, including cultural competence training and appropriate ongoing training to meet mutually assessed needs and improve the foster parent's skills;

(5)  to be informed of the contact information of and the process to contact the appropriate child-placing agency or other source to receive information and assistance and to access supportive services 24 hours a day, seven days a week;

(6)  to receive timely financial reimbursement commensurate with the level of care the foster child requires, considering any medical or psychiatric care specified in the child's service plan, any previous hospitalization due to medical or psychiatric care, and the child's runaway status;

(7)  to receive post-placement counseling for loss, secondary trauma, and grief;

(8)  to communicate with other professionals who work with foster children, including therapists, physicians, and teachers;

(9)  to be considered as a placement option for a foster child who was formerly placed with the foster parent if the child reenters foster care, subject to a determination that the placement is consistent with the best interest of the child and any other child in the foster parent's home;

(10)  to refuse a placement;

(11)  to file a grievance and be informed of the process for filing a grievance;

(12)  to have timely notice of and access to the appeals process of the department or child-placing agency, as appropriate;

(13)  to be free from acts of harassment and retaliation by any other party when exercising the right to appeal or refuse a placement;

(14)  to be given, in a consistent and timely manner, any information:

(A)  that is pertinent to the care and needs of the child or to the child's permanency plan and essential to the foster parent's understanding of the needs of and care required for the child, including information regarding the foster child and the foster child's family and information related to previous placements; and

(B)  that the child's family consents to disclose regarding the child or the child's family;

(15)  to be provided a clear, written accounting of a child-placing agency's plan concerning the placement of a foster child in the foster parent's home, including a summary of the foster parent's responsibility to support activities that promote the foster child's right to relationships with the child's family and cultural heritage;

(16)  to provide input concerning the service plan for the child and to have that input fully considered in the same manner as information presented by any other child protective services professional;

(17)  except as otherwise provided by a court order or when a child is at imminent risk of harm, to be given written notice of and a description of the reasons for:

(A)  changes in a foster child's case plan; or

(B)  any plan to terminate the placement of the child with the foster parent;

(18)  to be notified of relevant staffing and scheduled meetings regarding the foster child to allow the foster parent to actively participate in the case-planning and decision-making process with regards to the child, including individual service planning meetings, administrative case reviews, interdisciplinary staffings, and individual educational planning meetings;

(19)  to receive written notice in a timely manner of all court hearings, including the following details:

(A)  the date and time;

(B)  the name of the judge or hearing officer;

(C)  the location; and

(D)  the docket number;

(20)  to be reminded in writing that the foster parent has a right to speak at the court hearings;

(21)  to be informed of decisions made by the court or the department concerning the child;

(22)  to be provided a fair, timely, and impartial investigation of any complaint concerning the foster parent's licensure;

(23)  to be provided an opportunity to have a person of the foster parent's choosing present during any investigation;

(24)  to receive mediation or an administrative review, or both, regarding decisions that affect the foster parent's license; and

(25)  to be presented with a specific explanation of any licensing corrective action plan, including the specific licensing standard violated.

(d)  The department or the child-placing agency that places a foster child with a foster parent shall:

(1)  provide the foster parent with:

(A)  a written copy of the foster parent's bill of rights; and

(B)  the grievance process; and

(2)  orally inform the foster parent of the rights provided by the foster parent's bill of rights.

(e)  The department's child protective services division or a contractor shall provide the cultural competence training described by Subsection (c)(4) to help foster parents provide care that is respectful of the child's cultural identity and needs. The training must:

(1)  help the foster parents learn cultural competence; and

(2)  specifically address cultural needs of children, including information on:

(A)  skin and hair care;

(B)  any specific religious or cultural practices of the child's biological family; and

(C)  referrals to community resources for ongoing education and support.

(f)  The commissioner of the department shall ensure that the rules and policies governing foster care are consistent with the state policy outlined by Subsection (c).

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.