

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

1 provided by state or federal law or policy, each foster parent has
2 the right:

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

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

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

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

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

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

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

27 (8) to communicate with other professionals who work

1 with foster children, including therapists, physicians, and
2 teachers;

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

8 (10) to refuse a placement;

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

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

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

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

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

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

26 (15) to be provided a clear, written accounting of a
27 child-placing agency's plan concerning the placement of a foster

1 child in the foster parent's home, including a summary of the foster
2 parent's responsibility to support activities that promote the
3 foster child's right to relationships with the child's family and
4 cultural heritage;

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

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

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

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

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

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

23 (A) the date and time;

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

25 (C) the location; and

26 (D) the docket number;

27 (20) to be reminded in writing that the foster parent

1 has a right to speak at the court hearings;

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

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

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

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

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

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

17 (1) provide the foster parent with:

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

20 (B) the grievance process; and

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

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

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

2 and

3 (2) specifically address cultural needs of children,

4 including information on:

5 (A) skin and hair care;

6 (B) any specific religious or cultural practices

7 of the child's biological family; and

8 (C) referrals to community resources for ongoing

9 education and support.

10 (f) The commissioner of the department shall ensure that the

11 rules and policies governing foster care are consistent with the

12 state policy outlined by Subsection (c).

13 SECTION 2. This Act takes effect immediately if it receives

14 a vote of two-thirds of all the members elected to each house, as

15 provided by Section 39, Article III, Texas Constitution. If this

16 Act does not receive the vote necessary for immediate effect, this

17 Act takes effect September 1, 2023.