

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 769
May 3, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10385-NB-150

Short Title: Foster Parents' Bill of Rights. (Public)

Sponsors: Representative Willis.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE A BILL OF RIGHTS RECOGNIZING THE RIGHTS OF FOSTER
3 PARENTS IN THE STATE OF NORTH CAROLINA.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 1A of Chapter 131D of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 131D-10.9C. Foster parents' Bill of Rights.**

8 (a) Findings. – The State recognizes the importance of foster parents in the vital role of
9 supporting children and families experiencing foster care. When children are placed in the
10 custody of a county department of social services, families are almost immediately integrated
11 into a team, including child welfare workers, resource parents, a guardian ad litem, attorneys,
12 and others who are working together to address the issues leading to the foster care.

13 (b) Rights. – In an effort to ensure that foster parents are treated with dignity, respect, and
14 trust in their work for the Department of Health and Human Services, Division of Social Services,
15 with this team, the State recognizes that foster parents have the following rights:

16 (1) To serve as a respected member of the child welfare team, regardless of
17 religion, race, color, creed, gender, gender identity, marital status, national
18 origin, age, physical handicap, or sexual orientation. Foster parents will also
19 honor children placed in their homes by respecting their values,
20 confidentiality, culture, religion, and sexual orientation and gender identity.

21 (2) To receive information about the responsibilities of foster parents and access
22 to support services, including all of the following:

23 a. Required training and resources to ensure preparedness for caring for
24 children experiencing loss and trauma.

25 b. Access to the Division of Social Services and licensing agency
26 policies, including traveling with children in- and out-of-state, family
27 visits and time, supervised and unsupervised, complaint and grievance
28 policies, and confidentiality.

29 c. Any known information to help better care for children, including
30 health and behavioral health history, disability, exposure to trauma,
31 and educational needs.

32 d. To receive, at any time during which a child is placed with the foster
33 parents, additional or necessary information that the county
34 department of social services has that may be relevant to the care of
35 the child.



- 1 e. Advance notice of scheduled meetings and appointments regarding
2 case planning and care of the child.
- 3 f. Active participation in the decision-making process regarding the
4 child.
- 5 g. Reasonable notice, subject to the circumstances of each particular
6 case, to a foster parent with regard to the removal of a child from the
7 foster home.
- 8 h. Participation in transition planning when it is in the best interest of the
9 child.
- 10 i. 24/7 emergency contact information in the event of crisis or
11 emergency.
- 12 j. Referral to resources for dealing with loss and separation when
13 children return home to their parents.
- 14 (3) Be notified of any costs or expenses that may be eligible for reimbursement.
- 15 (4) Have timely allocation of resources, including submission of child care
16 vouchers and a monthly stipend that meets or exceeds the rate established by
17 the Division of Social Services.
- 18 (5) Receive notice of hearings regarding the child placed in the foster home and
19 to be heard in court, either verbally or in writing, as provided for in
20 G.S. 7B-906.1.
- 21 (6) Receive information regarding the professionals working with the child,
22 including any physicians, therapists, teachers, and other school personnel.
- 23 (7) Have input in court and be included as a valued member of the child's team,
24 including the right to be informed by the Clerk of Court of periodic reviews
25 of the juvenile case of a child in foster care at least 15 days before each review,
26 and the right to provide input, verbal or written, during periodic reviews of
27 any information that may be relevant to a child's best interests so that the court
28 may use that information in forming its opinion on the case.
- 29 (8) Provide input to and seek out support from the Division of Social Services,
30 including the right to request respite as needed or to request a break between
31 placements.
- 32 (9) Reasonable opportunities to be consulted with and considered in the
33 scheduling of home visits, therapies, and other meetings related to the child
34 that the foster or resource parents are allowed or required to attend.
- 35 (10) Request a change in licensing workers.
- 36 (11) Be considered as prospective adoptive placement after a termination of
37 parental rights hearing or relinquishment pursuant to G.S. 7B-1112.1.
- 38 (12) Provide or withhold permission from, without prior approval of the county
39 department of social services, guardian ad litem, or court, the child in the
40 foster parents' care to participate in normal childhood activities based on a
41 reasonable and prudent parent standard in accordance with the provisions of
42 Title IV-E of the Social Security Act. The reasonable and prudent parent
43 standard is the standard of care used in determining whether a foster parent
44 can allow a child in the foster parent's care to participate in educational field
45 trips and extracurricular, enrichment, and social activities. This standard is
46 characterized by careful and thoughtful parental decision-making that is
47 intended to maintain a child's health, safety, and best interest while
48 encouraging the child's social, emotional, and developmental growth.
- 49 (13) Request a shared parenting agreement that includes clear expectations and
50 appropriate boundaries for all parties.

- 1 (14) To request contact information be kept confidential by the supervising agency
- 2 when safety concerns are present.
- 3 (c) A violation of this Bill of Rights shall not be construed to create a cause of action
- 4 under this section against the State, the Department of Health and Human Services, private
- 5 supervising agencies, local county departments of social services, or an entity providing foster
- 6 care pursuant to this Article. Nothing in this Bill of Rights shall override existing law or
- 7 administrative rule."
- 8 **SECTION 2.** This act is effective when it becomes law.