

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 769
Committee Substitute Favorable 5/11/21
PROPOSED SENATE COMMITTEE SUBSTITUTE H769-PCS30441-BP-17

Short Title: Foster Parents' Bill of Rights.

(Public)

Sponsors:

Referred to:

May 4, 2021

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) The State recognizes the importance of foster parents in the vital role of supporting
9 children and families experiencing foster care. When children are removed from their parents or
10 legal guardians, families are almost immediately integrated into a team, including child welfare
11 workers, resource parents, a guardian ad litem, attorneys, and others who are working together
12 to address the issues leading to the foster care.

13 (b) In an effort to ensure that foster parents are treated with dignity, respect, and trust in
14 their work for the Department of Health and Human Services, Division of Social Services, with
15 this team, the State supports and promotes the following for foster parents in the provision of
16 foster care:

17 (1) To serve as a respected member of the child welfare team. Foster parents will
18 also honor children placed in their homes in accordance with G.S. 131D-10.1.

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

21 a. Required training and resources to ensure preparedness for caring for
22 children experiencing loss and trauma.

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

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

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

34 e. Advance notice of scheduled meetings and appointments regarding
35 case planning and care of the child.



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

- 1 (14) 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.