

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 769
PROPOSED COMMITTEE SUBSTITUTE H769-PCS10481-BP-12

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) 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. Foster parents will
17 also honor children placed in their homes.

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

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

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

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

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

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

35 f. Active participation in the decision-making process regarding the
36 child.



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- 1 g. Reasonable notice, subject to the circumstances of each particular
2 case, to a foster parent with regard to the removal of a child from the
3 foster home.
- 4 h. Participation in transition planning when it is in the best interest of the
5 child.
- 6 i. 24/7 emergency contact information in the event of crisis or
7 emergency.
- 8 j. Referral to resources for dealing with loss and separation when
9 children return home to their parents.
- 10 (3) Be notified of any costs or expenses that may be eligible for reimbursement.
- 11 (4) Have timely allocation of resources, including submission of child care
12 vouchers and a monthly stipend that meets or exceeds the rate established by
13 the Division of Social Services.
- 14 (5) Receive notice of hearings regarding the child placed in the foster home and
15 to be heard in court, either verbally or in writing, as provided for in
16 G.S. 7B-906.1.
- 17 (6) Receive information regarding the professionals working with the child,
18 including any physicians, therapists, teachers, and other school personnel.
- 19 (7) Have input in court and be included as a valued member of the child's team,
20 including the right to be informed by the Clerk of Court of periodic reviews
21 of the juvenile case of a child in foster care at least 15 days before each review,
22 and the right to provide input, verbal or written, during periodic reviews of
23 any information that may be relevant to a child's best interests so that the court
24 may use that information in forming its opinion on the case.
- 25 (8) Provide input to and seek out support from the Division of Social Services,
26 including the right to request respite as needed or to request a break between
27 placements.
- 28 (9) Reasonable opportunities to be consulted with and considered in the
29 scheduling of home visits, therapies, and other meetings related to the child
30 that the foster or resource parents are allowed or required to attend.
- 31 (10) Request a change in licensing workers.
- 32 (11) Be considered as prospective adoptive placement after a termination of
33 parental rights hearing or relinquishment pursuant to G.S. 7B-1112.1.
- 34 (12) Provide or withhold permission from, without prior approval of the county
35 department of social services, guardian ad litem, or court, the child in the
36 foster parents' care to participate in normal childhood activities based on a
37 reasonable and prudent parent standard in accordance with the provisions of
38 Title IV-E of the Social Security Act. The reasonable and prudent parent
39 standard is the standard of care used in determining whether a foster parent
40 can allow a child in the foster parent's care to participate in educational field
41 trips and extracurricular, enrichment, and social activities. This standard is
42 characterized by careful and thoughtful parental decision-making that is
43 intended to maintain a child's health, safety, and best interest while
44 encouraging the child's social, emotional, and developmental growth.
- 45 (13) Request a shared parenting agreement that includes clear expectations and
46 appropriate boundaries for all parties.
- 47 (14) To request contact information be kept confidential by the supervising agency
48 when safety concerns are present.
- 49 (c) A violation of this Bill of Rights shall not be construed to create a cause of action
50 under this section against the State, the Department of Health and Human Services, private
51 supervising agencies, local county departments of social services, or an entity providing foster

1 care pursuant to this Article. Nothing in this Bill of Rights shall override existing law or
2 administrative rule."

3 **SECTION 2.** This act is effective when it becomes law.