

SAMPLE Nebraska Foster Parent Bill of Rights

The rights foster parents have in dealing with child welfare agencies varies from state to state. According to the National Conference of State Legislatures (2002), seven states have enacted laws that establish the rights of foster parents. These states are Illinois, Maryland, Mississippi, Missouri, Oklahoma, Tennessee, and Washington. Common themes within these bills of rights are for foster parents to be treated with respect, to have all information disclosed, to be treated as part of the team, and to express grievances without fear of retaliation.

Here is a sample of how Nebraska's Foster Parent Bill of Rights could read.

The Nebraska Department of Health and Human Services (HHS) shall extend the following rights to foster care parents, with respect to the placement of any foster child with a foster parent, which is contracted directly with HHS, or through an agency which contracts with the department to place children in foster care:

1. The department shall treat the foster parent or parents with dignity, respect, trust and consideration as a primary provider of foster care and a member of the professional team caring for foster children;
2. The department shall provide the foster parent or parents with a clear explanation and understanding of the role of the department and the role of the members of the child's birth family in a child's foster care;
3. The foster parent or parents shall be permitted to continue their own family values and routines;
4. The foster parent or parents shall be provided training and support for the purpose of improving skills in providing daily care and meeting the special needs of the child in foster care;
5. Prior to the placement of a child in foster care, the department shall inform the foster parent or parents of issues relative to the child that may jeopardize the health and safety of the foster family or alter the manner in which foster care should be administered
6. The department shall provide a means by which the foster parent or parents can contact the department twenty-four (24) hours a day, seven (7) days a week for the purpose of receiving departmental assistance;
7. The department shall provide the foster parent or parents timely, adequate financial reimbursement for the quality and knowledgeable care of a child in foster care, as specified in the plan; provided, that the amount of such financial reimbursement shall, each year, be subject to and restricted by the level of funding specifically allocated for such purpose by the provisions of the general appropriations act;
8. The department shall provide clear, written explanation of the plan concerning the placement of a child in the foster parent's home. For emergency placements where time does not allow prior preparation of such explanation, the department shall provide such explanation as it becomes available. This explanation shall include, but is not limited to, all information regarding the child's contact with such child's birth family and cultural heritage, if so outlined;

9. Prior to placement, the department shall allow the foster parent or parents to review written information concerning the child and allow the foster parent or parents to assist in determining if such child would be a proper placement for the prospective foster family. For emergency placements where time does not allow prior review of such information, the department shall provide information as it becomes available.
10. The department shall permit the foster parent or parents to refuse placement within their home, or to request, upon reasonable notice to the department, the removal of a child from their home for good reason, without threat of reprisal, unless otherwise stipulated by contract or policy;
11. The department shall inform the foster parent or parents of scheduled meetings and staffing, concerning the foster child, and the foster parent or parents shall be permitted to actively participate in the case planning and decision-making process regarding the child in foster care. This may include individual service planning meetings, foster care reviews, and individual educational planning meetings
12. The department shall inform a foster parent or parents of decision made by the courts or the child care agency concerning the child
13. The department shall solicit the input of a foster parent or parents concerning the plan of services for the child; this input shall be considered in the department's ongoing development of the plan;
14. The department shall provide all information regarding the child and the child's family background and health history, in a timely manner to the foster parent or parents. The foster parent or parents shall receive additional or necessary information, that is relevant to the care of the child, on an ongoing basis; provided, that confidential information received by the foster parents shall be maintained as such by the foster parents, except as necessary to promote or protect the health and welfare of the child;
15. The department shall provide timely, written notification of changes in the case plan or termination of the placement and the reasons for the changes or termination of placement to the foster parent or parents, except in instances of immediate response for child protective services;
16. The department shall notify the foster parent or parents, in a complete manner, of all court hearing. This notification may include, but is not limited to, notice of the date and time of the court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case. Such notification shall be made upon the department's receipt of this information, or at the same time that notification is issued to the birth parents. The foster parent or parents shall be permitted to attend such hearings at the discretion of the court;
17. The department shall provide, upon request by foster parent or parents, information regarding the child's progress after a child leaves foster care. Information provided to this subsection shall only be provided from information already in possession of the department at the time of request;
18. The department shall provide the foster parent or parents the training for obtaining support and information concerning a better understanding of the rights and responsibilities of the foster parent or parents;

19. The department shall consider the foster parents or parents as the possible first choice permanent parents for the child, who after being in the foster parent's home for six (6) months, becomes free for adoption or permanent foster care;
20. The department shall consider the former foster family as a placement option when a foster child who was formerly placed with the foster parent or parents is to be re-entered into foster care;
21. The department shall permit the foster parent or parents a period of respite, free from placement of foster children in the family's home.
22. Child abuse/neglect investigations involving the foster parent or parents shall be investigated pursuant to the department's child protective services policy and procedures and in a timely manner. Removal of a foster child will be conducted pursuant to Nebraska statutes and departmental policy and guidelines. The department shall permit an individual(s) selected by the Nebraska Foster and Adoptive Parent Association to be educated concerning the procedures relevant to investigations of alleged abuse and neglect by the department and the rights of the accused foster parent or parents. Upon receiving such training, such individual shall be permitted to serve as a neutral liaison for the accused foster parent or parents when requested by the foster parent or parents. Such liaison shall be permitted to be present at all portions of investigations where the accused foster parent or parents are present, and all communication received by such liaison shall be strictly confidential.
23. The department will provide written documentation to the foster parent or parents involved in child abuse/neglect investigations once the investigation is completed, the nature of the investigation and its findings;
24. The department shall advise the foster parent or parents of mediation efforts through publication in departmental policy manuals, Nebraska Foster and Adoptive Parent Association newsletters, and the Foster Parent Handbook. The foster parent or parents may file for mediation efforts in response to any violations of the rights.