

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 769

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

Sponsors: Representatives Willis, Stevens, Paré, and Winslow (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Families, Children, and Aging Policy, if favorable, Rules, Calendar, and Operations of the House

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, 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



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

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