

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 725 of the Regular Session

As Engrossed: S3/20/07 S3/22/07

A Bill

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

SENATE BILL 955

4  
5 By: Senator Madison  
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8 **For An Act To Be Entitled**

9 AN ACT TO CREATE THE FOSTER PARENT SUPPORT ACT OF  
10 2007 AND THE SAFEGUARDS FOR CHILDREN IN FOSTER  
11 CARE ACT OF 2007; AND FOR OTHER PURPOSES.  
12

13 **Subtitle**

14 AN ACT TO CREATE THE FOSTER PARENT  
15 SUPPORT AND FOSTER CHILDREN PROTECTION  
16 ACT OF 2007.  
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Title 9, Chapter 28, is amended to add an  
22 additional subchapter to read as follows:

23 9-28-901. Title and Findings.

24 This subchapter shall be known and may be cited as the "Foster Parent  
25 Support Act of 2007".  
26

27 9-28-902. Findings.

28 (a) The General Assembly finds that foster parents providing care for  
29 children who are in the custody of the Department of Health and Human  
30 Services play an integral, indispensable, and vital role in the state's  
31 effort to care for dependent children displaced from their homes. The  
32 General Assembly further finds that it is in the best interests of Arkansas'  
33 child welfare system to acknowledge foster parents as active and  
34 participating members of this system and to support them.

35 (b) When policies regarding foster care and adoptive placement are



1 developed by the Division of Children and Family Services of the Department  
2 of Health and Human Services and other child placement agencies, those  
3 policies shall be designed to support and aid foster parents.  
4

5 9-28-903. Foster Parent Support.

6 Foster Parents should be supported in the following manner:

7 (1) Treated by the Division of Children and Family Services of  
8 the Department of Health and Human Services and other partners in the care of  
9 abused and neglected children with consideration, dignity, respect, and trust  
10 as a primary caregiver for foster children, including respect for the family  
11 values and routines of the foster parent;

12 (2) Considered to be an integral member of the professional team  
13 caring for children in foster care;

14 (3) Confidentiality regarding personal issues as provided by law  
15 and to be free from discrimination based on religion, race, color, creed,  
16 national origin, age, marital status, or physical handicap in matters  
17 concerning licensing approval;

18 (4)(A) Receive training that will enhance the skills and ability  
19 to cope as foster parents.

20 (B) The training shall include both standardized pre-  
21 service training and continuing education at least annually and at  
22 appropriate intervals, including without limitation the following purposes:

23 (i) To meet mutually assessed needs of the children  
24 in foster care;

25 (ii) To inform foster parents of their  
26 responsibilities and opportunities as foster parents.

27 (iii) To assist in the understanding of and dealing  
28 with family loss and separation when a child in foster care is placed, as  
29 well as when a foster child leaves the foster parent's home;

30 (iv) To be informed of and have access to in a  
31 timely manner and at least annually, any changes in applicable laws,  
32 guidelines, policies and procedures that may impact the role of foster  
33 parents;

34 (v) To receive specific training on investigations  
35 of alleged child abuse or neglect in a foster home. The training shall  
36 include the rights of a foster parent during an investigation; and

1                   (vi) To receive information about and have access to  
2 local and statewide support groups, including without limitation local and  
3 statewide foster parent associations;

4                   (5) Have contact information for the appropriate staff of the  
5 child placement agency in order to receive information and assistance to  
6 access supportive services for children in the foster parent's care;

7                   (6) Have access to services from the Division of Children and  
8 Family Services/Child Placement Agency twenty-four (24) hours a day, seven  
9 (7) days a week for assistance;

10                  (7)(A) All information regarding the foster child that will  
11 impact the foster parent's home or family life in order to provide assurance  
12 of safety of the foster parent's family during the care of the child in  
13 foster care.

14                  (B) Full disclosure of all medical, psychological, and  
15 behavioral issues of children in their care;

16                  (8)(A) To be informed prior to placement of all information  
17 regarding the child's behavior, background, health history, or other issues  
18 relative to the child that may jeopardize the health and safety of the foster  
19 family or alter the manner in which foster care should be provided.

20                  (B) In an emergency situation, the child placement agency  
21 shall provide information as soon as it is available;

22                  (9) Prior to placement, to review and discuss written  
23 information concerning the child and to assist in determining if the child is  
24 a proper placement for the foster family;

25                  (10) The ability to refuse placement of a child in the foster  
26 home or to request, upon reasonable notice, the removal of a child from the  
27 foster home without fear of reprisal or any adverse affect on being assigned  
28 any future foster child or adoptive placements;

29                  (11) Receipt of any information through the Division of Children  
30 and Family Services/Child Placement Agency regarding the number of times a  
31 child in foster care has been moved and the reasons for those moves and, upon  
32 request and within legal guidelines or as provided by statute, to receive the  
33 names and phone numbers of the previous foster parents if the previous foster  
34 parents authorize such release;

35                  (12) The provision of a clear, written explanation of the  
36 placement agency's plan concerning the placement of a child in the foster

1 parent's home and to receive at any time during the placement any additional  
2 or necessary information that is relevant to the case of the child, including  
3 any subsequent revisions to the case plan on a timely basis;

4 (13)(A) Meaningful participation in the development of the case  
5 plan for the child in foster care in their home.

6 (B) To accomplish this goal the foster parents shall have:

7 (i) The opportunity to discuss the plan of the child  
8 in foster care with the case manager and the child welfare team and be  
9 provided with a written copy of the individual service and treatment plan  
10 concerning the child in foster care in the foster parent's home, as well as a  
11 reasonable notification of any changes to that plan;

12 (ii) The opportunity to participate in the planning  
13 of visitation with the child in foster care and their birth family;

14 (iii) The opportunity to participate in the case  
15 planning and decision-making process with the Division of Family and Children  
16 Services/Child Placement Agency regarding the child in foster care;

17 (iv) The opportunity to provide input concerning the  
18 plan of care for the child and to have that input considered by the Division  
19 of Children and Family Services/Child Placement Agency;

20 (v) The opportunity to communicate for the purpose  
21 of participating in the case planning for the child in foster care with other  
22 professionals who work with the child in foster care within the context of  
23 the professional team, including without limitation therapists, physicians,  
24 and teachers;

25 (vi) The opportunity to be notified of all scheduled  
26 meetings and staffings concerning the child in foster care in order to  
27 actively participate in the case planning and decision-making process  
28 regarding the child in foster care, including individual service planning  
29 meetings, administrative case reviews, multidisciplinary staffings, and  
30 individual educational planning meetings;

31 (vii) The opportunity to be given, in a timely and  
32 consistent manner, any information a case worker has regarding the child in  
33 foster care and the family of the child in foster care that is pertinent to  
34 the care and needs of the child in foster care and to the making of a  
35 permanency plan for the child in foster care;

36 (viii) The opportunity to be given reasonable

1 explanatory written notice of any changes in a case plan for the child in  
2 foster care, plans to terminate the placement of the child with the foster  
3 parent within fourteen (14) days, and the reasons for the change or  
4 termination in placement except in an immediate response to a child  
5 maltreatment investigation involving the foster home. The notice shall be  
6 waived only as provided for by law;

7 (14) The opportunity to be notified in advance by the Division  
8 of Children and Family Services or the court of any hearing or review where  
9 the case plan or permanency of the child in foster care is an issue,  
10 including periodic reviews held by the court, permanency hearings, and  
11 motions to extend custody;

12 (15) The opportunity to be notified and to be heard during any  
13 court proceeding regarding the child in foster care in the foster parent's  
14 home and to be informed of decisions made by the courts or the child welfare  
15 agency concerning the child in foster care;

16 "(16) The opportunity to be considered as a permanency option  
17 for a foster child in their home and if in the best interest of the foster  
18 child, and to receive assistance in dealing with family loss and separation  
19 when a child in foster care leaves the foster parent's home;

20 (17) The following considerations:

21 (A) Consideration when appropriate, as a preferential  
22 placement option when a child in foster care who was formerly placed with the  
23 foster parents has reentered the foster care system;

24 (B) Consideration for adoption when a child in foster care  
25 who has been placed in the foster home for a period of at least twelve (12)  
26 months becomes eligible for adoption to the extent it is in the best interest  
27 of the child in foster care; and

28 (C) To maintain contact with the child in foster care  
29 after the child leaves the foster home, unless the child in foster care, a  
30 birth parent, the Division of Children and Family Services who retains  
31 custody of the child in foster care, or other foster or adoptive parent  
32 refuses such contact;

33 (18) A reasonable plan for relief from the role of foster  
34 parenting through the use of respite care services;

35 (19) Receipt of timely and adequate financial reimbursement  
36 according to the agreement between the foster parents and the Division of

1 Children and Family Services/Child Placement Agency;

2 (20) Receipt of evaluation and feedback on their role as a  
3 foster parent.

4 (21) In the event of an alleged violation of policies, foster  
5 parents shall have the opportunity:

6 (A) To request and receive a fair and impartial review  
7 regarding decisions that affect approval and retention or placement of a  
8 foster child in the foster parent's home;

9 (B) To be provided a fair, timely, and impartial  
10 investigation of complaints concerning the operation of the foster home;

11 (C) To an explanation of a corrective action plan or  
12 policy violation relating to foster parents;

13 (D) To have child maltreatment allegations investigated in  
14 accordance with the Child Maltreatment Act and any removal of a child in  
15 foster care shall be pursuant to the Division of Children and Family Services  
16 policies and procedures;

17 (E) To request and receive a review of decisions that  
18 affect approval of the foster home; and

19 (21) Information on policies and procedures for reporting of  
20 misconduct by Division of Children and Family employees, service providers,  
21 or contractors, confidential handling of the reports, and investigation of  
22 the reports.

23  
24 SECTION 2. Arkansas Code Title 9, Chapter 28, is amended to add an  
25 additional subchapter to read as follows:

26 9-28-1001. Title.

27 This subchapter shall be known and may be cited as the "Safeguards for  
28 Children in Foster Care Act."

29 9-28-1002. Findings and Purpose.

30 (a) The Arkansas General Assembly acknowledges that society has a  
31 responsibility, along with foster parents and the Department of Health and  
32 Human Services, for the well-being of children in foster care.

33 (b) Every child in foster care is endowed with the opportunities  
34 inherently belonging to all children.

35 9-28-1003. Safeguards children in foster care.

36 (a) Special safeguards, resources, and care should be provided to

1 children in foster care because of the temporary or permanent separation from  
2 parents.

3 (b) A child in foster care in the State of Arkansas shall be entitled  
4 to the following:

5 (1) To be cherished by a family of his or her own;

6 (2) To be nurtured by foster parents who have been selected to  
7 meet his or her individual needs;

8 (3) To be heard and involved with the decisions of his or her  
9 life;

10 (4) To have complete information and direct answers to his or  
11 her questions about choices, services, and decisions;

12 (5) To be informed about and have involvement when appropriate  
13 with his or her birth family and siblings;

14 (6) To have reasonable access to his or her caseworker or a  
15 person in the Department of Health and Human Services who can make decisions  
16 on his or her behalf;

17 (7) To express his or her opinion and have it treated  
18 respectfully;

19 (8) To request support and services that he or she needs;

20 (9) To have individualized care and attention;

21 (10) To have ongoing contact with significant people in his or  
22 her life, such as teachers, friends, personal support, and relatives;

23 (11) To be notified of changes impacting his or her permanence,  
24 safety, stability, or well-being;

25 (12) To have a stable, appropriate placement if he or she is  
26 placed in foster care;

27 (13) To receive a free appropriate education, training, and  
28 career guidance to prepare him or her for a useful and satisfying life;

29 (14) To receive preparation for citizenship and parenthood  
30 through interaction with foster parents and other adults who are consistent  
31 role models;

32 (15) To have reasonable access to and be represented by an  
33 attorney ad litem in all juvenile judicial proceedings so that his or her  
34 best interests are represented;

35 (16) To receive quality child welfare services;

36 (17) To have a plan for his or her future and the support needed

1 to accomplish it;

2 (18) To receive a copy of his or her case record upon exiting  
3 foster care;

4 (19) To be placed in the custody or foster home of relatives, if  
5 appropriate, provided the relative caregiver meets all relevant child  
6 protection standards; and

7 (20) To be cared for without regard to race, gender, religion,  
8 or disability.

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10 */s/ Madison*

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12 *APPROVED: 3/30/2007*

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