

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.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/20/07

A Bill

SENATE BILL 955

5 By: Senator Madison
6
7

For An Act To Be Entitled

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

Subtitle

14 AN ACT TO CREATE THE FOSTER PARENT
15 SUPPORT AND FOSTER CHILDREN PROTECTION
16 ACT OF 2007.
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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 and Children Protection 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
36 developed by the Division of Children and Family Services of the Department



1 of Health and Human Services and other child placement agencies, those
2 policies shall be designed to support and aid parents.

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4 9-28-903. Foster Parent Support.

5 Foster Parents should be supported in the following manner:

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

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

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

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

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

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

24 (ii) To inform foster parents of their rights,
25 responsibilities, and opportunities as foster parents;

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

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

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

36 (vi) To receive information about and have access to

1 local and statewide support groups, including without limitation local and
2 statewide foster parent associations;

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

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

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

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

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

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

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

16 (16) The right to be considered as a permanency option for a
17 foster child in their home and if in the best interest of the foster child,
18 and to receive assistance in dealing with family loss and separation when a
19 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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