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LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 39.4087, Florida Statutes, is created to
read:

39.4087 Bill of rights for foster parents.-

(1) SHORT TITLE.-This act may be cited as the "Foster
Parent Bill of Rights."

(2) LEGISLATIVE INTENT.-The Legislature finds that foster



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11 parents providing care for children who are in the custody of
12 the department play an integral, indispensable, and vital role
13 in the state's effort to care for dependent children displaced
14 from their homes. The Legislature further finds that it is in
15 the best interest of the state's child welfare system to
16 acknowledge foster parents as active and participating members
17 of this system and to support them through a bill of rights for
18 foster parents who care for children in the custody of the
19 department through direct approval and placement by the
20 department.

21 (3) BILL OF RIGHTS.—To the extent not otherwise prohibited
22 by general law, the department shall implement each of the
23 following policies. With respect to the placement of any foster
24 child with a foster parent that is contracted directly with the
25 department, or through an agency that contracts with the
26 department to place children in foster care:

27 (a) The department shall treat a foster parent with
28 dignity, respect, and trust, and shall consider a foster parent
29 as a member of the professional team caring for foster children.

30 (b) The department shall provide a foster parent with a
31 clear explanation and understanding of the role of the
32 department and the role of the members of the child's birth
33 family.

34 (c) A foster parent may continue his or her own family
35 values and routines.

36 (d) A foster parent shall be provided training and support
37 for the purposes of improving skills in providing daily care,
38 meeting the special needs of the child in foster care, and
39 having a better understanding of the rights and responsibilities



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40 of the foster parent.

41 (e) Before the placement of a child in foster care, the
42 department shall inform the foster parent of issues relative to
43 the child that may jeopardize the health and safety of the
44 foster family or alter the manner in which foster care should be
45 administered.

46 (f) The department shall fully disclose to the foster
47 parent any information regarding past or pending charges of
48 delinquency as a juvenile; criminal charges, if charged as an
49 adult; and previous hospitalizations, whether due to mental or
50 physical issues, of the foster child.

51 (g) The department shall provide a means by which the
52 foster parent can contact the department 24 hours a day, 7 days
53 a week for the purpose of receiving assistance.

54 (h) The department shall provide the foster parent timely
55 and adequate financial reimbursement.

56 (i) The department shall provide a clear, written
57 explanation of the plan concerning the placement of a child in
58 the foster parent's home. For emergency placements, the
59 department shall provide such explanation as soon as reasonably
60 possible.

61 (j) Before placement in a foster home, unless there is the
62 need for an emergency placement, the department shall allow the
63 foster parent to review written information concerning the child
64 and allow the foster parent to assist in determining if the
65 prospective foster family is the proper placement for the child.

66 (k) The department shall allow the foster parent to refuse
67 placement in his or her home, or to request, upon reasonable
68 notice to the department, the removal of a child from his or her



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69 home for good reason, without threat of reprisal, unless
70 otherwise stipulated by contract or policy.

71 (l) The department shall inform a foster parent of
72 decisions made by the court or the licensed child-placing agency
73 concerning the child.

74 (m) The department shall allow the foster parent to
75 communicate with any person who works directly with the foster
76 child, such as therapists, physicians, and teachers, with
77 written consent of the person.

78 (n) Unless otherwise prohibited by law, a foster parent has
79 the right to full disclosure of all medical, psychological, and
80 behavioral issues of the child in his or her care. The
81 department shall provide all information regarding the child and
82 the child's family background and health history in a timely
83 manner to the foster parent.

84 (o) The department shall provide timely written
85 notification of changes to the case plan or termination of the
86 placement, and the reasons for the changes or termination of
87 placement.

88 (p) The department shall notify the foster parent of all
89 court hearings and any meeting pertaining to the child in his or
90 her care at least 7 days before such hearing or meeting. The
91 foster parent is permitted to attend such hearings or meetings
92 at the discretion of the court.

93 (q) The department shall provide, upon request by the
94 foster parent, information regarding the child's progress after
95 a child leaves foster care, to the extent the department is in
96 possession of such information at the time of the request.

97 (r) The department shall take into consideration whether a



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98 foster family is an appropriate permanent placement for the
99 child, if the child has been in the foster family's care for 12
100 months or longer.

101 (s) The department shall consider a former foster family as
102 a placement option when a foster child reenters foster care.

103 (t) A foster parent may take a period of respite where the
104 department may not place foster children within the home upon
105 reasonable notice to the department.

106 (u) A foster parent may submit factually based written
107 statements relevant to the case to the court, as provided by
108 law.

109 (4) MEDIATION.—The department shall provide a foster parent
110 with information regarding the department's mediation policy. A
111 foster parent may file for mediation upon a violation of this
112 section.

113 (5) RULES.—The department shall adopt rules to implement
114 this section.

115 Section 2. This act shall take effect July 1, 2019.

116
117 ===== T I T L E A M E N D M E N T =====

118 And the title is amended as follows:

119 Delete everything before the enacting clause
120 and insert:

121 A bill to be entitled
122 An act relating to foster parents; creating s.
123 39.4087, F.S.; providing a short title; providing
124 legislative intent; creating a bill of rights for
125 foster parents; providing for mediation; requiring the
126 Department of Children and Families to adopt rules;



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providing an effective date.