

Resources on:

Foster Parent Bill of Rights

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The rights foster parents have in dealing with child welfare agencies may vary from state to state. The National Foster Parent Association (NFPA) (n.d.) has addressed the need to clearly define those rights by publishing what it believes to be the "Basic Rights of Foster Parents:"

Foster parents have the right to:

- a. Be treated with consideration, respect for personal dignity, and privacy.
- b. Be included as a valued member of the service team.
- c. Receive support services which assist in the care of the child in their home including an open and timely response from agency personnel.
- d. Be informed of all information regarding the child that will impact their home or family life during the care of the foster child.
- e. Have input into the permanency plan for the child in their home.
- f. Assurance of safety for their family member.
- g. Assistance in dealing with family loss and separation when a child leaves their home.
- h. Be informed of all agency policies and procedures that related to their role as foster caregiver.
- i. Receive training that will enhance their skills and ability to cope as foster care givers.
- j. Be informed of how to receive services and reach personnel on a 24 hour day 7 days a week basis.
- k. Be granted a reasonable plan for relief from the role of foster care giver.
- l. Confidentiality regarding issues that arise in their foster family home.
- m. Not be discriminated against on the basis of religion, race, color, creed, sex, national origins, age, or physical handicap.
- n. Receive evaluation and feedback on their role of foster care giver.

Municipalities can use this list to create a bill of rights for foster parents in their town, city, county, or state. Legislators in Dutchess County, New York worked with the NFPA to write and adopt just such a bill of rights as part of Foster Care Month recognition in May, 2002. The NFPA is available to provide technical assistance. Contact:

NFPA

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According to the National Conference of State Legislatures (2002), six states have enacted laws that establish the rights of foster parents. These states are Illinois, Maryland, Mississippi, Oklahoma, Tennessee, and Washington. A bill of rights was proposed to the Florida Legislature as HB0853 in January 2002, but it was not acted upon (Florida Legislature, n.d.). 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.

**Illinois:** Ill. Rev. Stat. ch. 20 §520/1-15

Foster parent rights. A foster parent's rights include, but are not limited to, the following:

1. The right to be treated with dignity, respect, and consideration as a professional member of the child welfare team.
2. The right to be given standardized pre-service training and appropriate ongoing training to meet mutually assessed needs and improve the foster parent's skills.
3. The right to be informed as to how to contact the appropriate child placement agency in order to receive information and assistance to access supportive services for children in the foster parent's care.
4. The right to receive timely financial reimbursement commensurate with the care needs of the child as specified in the service plan.
5. The right to be provided a clear, written understanding of a placement agency's plan concerning the placement of a child in the foster parent's home. Inherent in this right is the foster parent's responsibility to support activities that will promote the child's right to relationships with his or her own family and cultural heritage.
6. The right to be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's licensure, to be provided the opportunity to have a person of the foster parent's choosing present during the investigation, and to be provided due process during the investigation; the right to be provided the opportunity to request and receive mediation or an administrative review of decisions that affect licensing parameters, or both mediation and an administrative review; and the right to have decisions concerning a licensing corrective action plan specifically explained and tied to the licensing standards violated.
7. The right, at any time during which a child is placed with the foster parent, to receive additional or necessary information that is relevant to the care of the child.
8. The right to be notified of scheduled meetings and staffings concerning the foster child in order to actively participate in the case planning and decision-making process regarding the child, including individual service planning meetings, administrative case reviews, interdisciplinary staffings, and individual educational planning meetings; the right to be informed of decisions made by the courts or the child welfare agency concerning the child; the right to provide input concerning the plan of services for the child and to have that input given full consideration in the same manner as information presented by any other professional on the team; and

the right to communicate with other professionals who work with the foster child within the context of the team, including therapists, physicians, and teachers.

9. The right to be given, in a timely and consistent manner, any information a case worker has regarding the child and the child's family which is pertinent to the care and needs of the child and to the making of a permanency plan for the child. Disclosure of information concerning the child's family shall be limited to that information that is essential for understanding the needs of and providing care to the child in order to protect the rights of the child's family. When a positive relationship exists between the foster parent and the child's family, the child's family may consent to disclosure of additional information.
10. The right to be given reasonable written notice of (i) any change in a child's case plan, (ii) plans to terminate the placement of the child with the foster parent, and (iii) the reasons for the change or termination in placement. The notice shall be waived only in cases of a court order or when the child is determined to be at imminent risk of harm.
11. The right to be notified in a timely and complete manner of all court hearings, including 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; and the right to intervene in court proceedings or to seek mandamus under the Juvenile Court Act of 1987.
12. The right to be considered as a placement option when a foster child who was formerly placed with the foster parent is to be re-entered into foster care, if that placement is consistent with the best interest of the child and other children in the foster parent's home.
13. The right to have timely access to the child placement agency's existing appeals process and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal.
14. The right to be informed of the Foster Parent Hotline established under Section 35.6 of the Children and Family Services Act and all of the rights accorded to foster parents concerning reports of misconduct by Department employees, service providers, or contractors, confidential handling of those reports, and investigation by the Inspector General appointed under Section 35.5 of the Children and Family Services Act.

(Source: P.A. 89-19, eff. 6-3-95.)

**Maryland:** Md. Ann. Code Article—Family Law, §5-504

In general.- Foster parents in this State have the following rights:

- 1) the right, at the initial placement, at any time during the placement of a child in foster care, and as soon as practicable after new information becomes available, to receive full information from the caseworker, except for information about the family members that may be privileged or confidential, on the physical, social, emotional, educational, and mental history of a child which would possibly affect the care provided by a foster parent;
- 2) with regard to the local department of social services case planning, the right to:
  - i) except for meetings covered by the attorney-client privilege or meetings in which confidential information about the natural parents is discussed, be

notified of, and when applicable, be heard at scheduled meetings and staffings concerning a child in order to actively participate, without superseding the rights of the natural parents to participate and make appropriate decisions regarding the child, in the case planning, administrative case reviews, interdisciplinary staffings, and individual educational planning and mental health team meetings;

- ii) be informed of decisions made by the courts or a child welfare agency concerning a child; and
  - iii) provide input concerning the plan of services for a child and to have that input given full consideration by the local department of social services; and
- 3) the right to be given reasonable written notice, waived only in cases of a court order or when a child is determined to be at imminent risk of harm, of plans to terminate the placement of a child with a foster parent.

**Mississippi:** Miss Code Ann. §43-15-13

The Department of Human Services shall extend the following rights to foster care parents:

- a) A clear understanding of their role as foster parents and the roles of the birth parent(s) and the placement agency in respect to the child in care;
- b) Respect, consideration, trust and value as a family who is making an important contribution to the agency's objectives;
- c) Involvement in all the agency's crucial decisions regarding the foster child as team members who have pertinent information based on their day-to-day knowledge of the child in care;
- d) Support from the social worker in efforts to do a better day-to-day job in caring for the child and in working to achieve the agency's objectives for the child and the birth family through provision of:
  - i) Pertinent information about the child and the birth family.
  - ii) Help in using appropriate resources to meet the child's needs.
  - iii) Direct interviews between the social worker and the child, previously discussed and understood by the foster parents;
- e) The opportunity to develop confidence in making day-to-day decisions in regard to the child;
- f) The opportunity to learn and grow in their vocation through planned foster parent education;
- g) The opportunity to be heard regarding agency practices that they may question; and
- h) Reimbursement for costs of the foster child's care in the form of a board payment based on the age of the foster child as prescribed in Section 43-15-17.

**Oklahoma:** Okla. Stat. tit. 10, §7206.1

A statement of foster parent's rights shall include, but not be limited to, the right to:

1. Be treated with dignity, respect, and consideration as a professional member of the child welfare team;
2. Be notified of and be given appropriate, ongoing education and continuing education and training to develop and enhance foster parenting skills;

3. Be informed about ways to contact the state agency or the child-placing agency in order to receive information and assistance to access supportive services for any child in the foster parent's care;
4. Receive timely financial reimbursement for providing foster care services;
5. Be notified of any costs or expenses for which the foster parent may be eligible for reimbursement;
6. Be provided a clear, written explanation of the individual treatment and service plan concerning the child in the foster parent's home, listing components of the plan pursuant to the provisions of the Oklahoma Children's Code and the Oklahoma Foster Care and Out-of-Home Placement Act;
7. Receive, at any time during which a child is placed with the foster parent, additional or necessary information that is relevant to the care of the child;
8. Be notified of scheduled review meetings, permanency planning meetings and special staffing concerning the foster child in order to actively participate in the case planning and decision-making process regarding the child;
9. Provide input concerning the plan of services for the child and to have that input be given full consideration in the same manner as information presented by any other professional on the team;
10. Communicate with other foster parents in order to share information regarding the foster child. In particular, receive any information concerning the number of times a foster child has been moved and the reasons why, and the names and telephone numbers of the previous foster parent if the previous foster parent has authorized such release;
11. Communicate with other professionals who work with the foster child within the context of the team including, but not limited to, therapists, physicians, and teachers;
12. Be given, in a timely and consistent manner, any information regarding the child and the child's family which is pertinent to the care and needs of the child and to the making of a permanency plan for the child. Disclosure of information shall be limited to that information which is authorized by the provisions of Article V of the Oklahoma Children's Code for foster parents and Article VII of the Oklahoma Juvenile Code;
13. Be given reasonable notice of any change in or addition to the services provided to the child pursuant to the child's individual treatment and service plan;
14. a. Be given written notice of:
  - (1) plans to terminate the placement of the child with the foster parent pursuant to Section 7208 of this title, and
  - (2) the reasons for the changes or termination in placement, andb. The notice shall be waived only in emergency cases pursuant to Section 7208 of this title;
15. Be notified by the applicable state agency in a timely and complete manner of all court hearings, including notice of the date and time of any 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;
16. Be informed of decisions made by the court, the state agency or the child-placing agency concerning the child;

17. Be considered as a preferred placement option when a foster child who was formerly placed with the foster parent is to reenter foster care at the same level and type of care, if that placement is consistent with the best interest of the child and other children in the foster parent's home;
18. Be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's certification;
19. Be provided the opportunity to request and receive a fair and impartial hearing regarding decisions that affect certification retention or placement of children in the home;
20. Be allowed the right to exercise parental substitute authority;
21. Have timely access to the state agency's and child placement agency's appeals process and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal;
22. Be given the number of the statewide toll-free Foster Parent Hotline established in Section 7204 of this title; and
23. File a grievance and be informed of the process for filing a grievance.

**Tennessee:** Tenn. Code Ann. §37-2-415

(a) To the extent not otherwise prohibited by state or federal statute, the department shall, through promulgation of rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, implement each of the following tenets. With respect to the placement of any foster child with a foster parent, which is contracted directly with the department of children's services, or through an agency which contracts with the department to place children in foster care, pursuant to this part:

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 decisions 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 permit, through written consent, the ability of the foster parent or parents to communicate with professionals who work with the foster child, including any therapists, physicians and teachers that work directly with the child;
15. 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;
16. 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 the instances of immediate response for child protective services;
17. The department shall notify the foster parent or parents, in a complete manner, of all court hearings. 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 birth parents. The foster parent or parents shall be permitted to attend such hearings at the discretion of the court;

18. The department shall provide, upon request by the foster parent or parents, information regarding the child's progress after a child leaves foster care. Information provided pursuant to this subsection shall only be provided from information already in possession of the department at the time of the request;
19. 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;
20. The department shall consider the foster parent or parents as the possible first choice permanent parents for the child, who after being in the foster parent's home for twelve (12) months, becomes free for adoption or permanent foster care;
21. 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;
22. The department shall permit the foster parent or parents a period of respite, free from placement of foster children in the family's home with follow-up contacts by the agency occurring a minimum of every two (2) months. The foster parent or parents shall provide reasonable notice, to be determined in the promulgation of rules, to the department for respite;
23. Child abuse/neglect investigations involving the foster parent or parents shall be investigated pursuant to the department's child protective services policy and procedures. A child protective services case manager from another area shall be assigned investigative responsibility. Removal of a foster child will be conducted pursuant to Tennessee Code Annotated and departmental policy and procedures. The department shall permit an individual selected by the membership of the Tennessee Foster Care 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 advocate for the accused foster parent or parents. Such advocate 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 advocate therein shall be strictly confidential. Nothing contained within this item shall be construed to abrogate the provisions of chapter 1 of this title, regarding procedures for investigations of child abuse and neglect and child sexual abuse by the department of children's services and law enforcement agencies;
24. Upon request, the department shall provide the foster parent or parents copies of all information relative to their family and services contained in the personal foster home record; and
25. The department shall advise the foster parent or parents of mediation efforts through publication in departmental policy manuals and the Foster Parent Handbook. The foster parent or parents may file for mediation efforts in response to any violations of the preceding tenets...

(c) (1) At the time of placement of a child in a foster home, and no later than at the time the foster care placement contract is signed, the foster parent shall be informed, in writing, through a succinct checklist form, of all information that is available to the department regarding the child's:

(A) Pending petitions, or adjudications of delinquency when the conduct constituting the delinquent act, if committed by an adult, would constitute first degree murder, second degree murder, rape, aggravated rape, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping;

(B) Behavioral issues which may affect the care and supervision of the child;

(C) History of physical or sexual abuse;

(D) Special medical or psychological needs of the child; and

(E) Current infectious diseases.

**Washington:** Wash. Rev. Code §74.13.332

Foster parents have the right to be free of coercion, discrimination, and reprisal in serving foster children, including the right to voice grievances about treatment furnished or not furnished to the foster child.

**Sources**

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