



166660

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2019	.	
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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.