

By the Committee on Children, Families, and Elder Affairs; and
Senator Baxley

586-04038-19

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1 A bill to be entitled
2 An act relating to foster parents; creating s.
3 39.4087, F.S.; providing a short title; providing
4 legislative intent; creating a bill of rights for
5 foster parents; providing for mediation; requiring the
6 Department of Children and Families to adopt rules;
7 providing an effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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

13 39.4087 Bill of rights for foster parents.-

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

16 (2) LEGISLATIVE INTENT.-The Legislature finds that foster
17 parents providing care for children who are in the custody of
18 the department play an integral, indispensable, and vital role
19 in the state's effort to care for dependent children displaced
20 from their homes. The Legislature further finds that it is in
21 the best interest of the state's child welfare system to
22 acknowledge foster parents as active and participating members
23 of this system and to support them through a bill of rights for
24 foster parents who care for children in the custody of the
25 department through direct approval and placement by the
26 department.

27 (3) BILL OF RIGHTS.-To the extent not otherwise prohibited
28 by general law, the department shall implement each of the
29 following policies. With respect to the placement of any foster

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30 child with a foster parent that is contracted directly with the
31 department, or through an agency that contracts with the
32 department to place children in foster care:

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

36 (b) The department shall provide a foster parent with a
37 clear explanation and understanding of the role of the
38 department and the role of the members of the child's birth
39 family.

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

42 (d) A foster parent shall be provided training and support
43 for the purposes of improving skills in providing daily care,
44 meeting the special needs of the child in foster care, and
45 having a better understanding of the rights and responsibilities
46 of the foster parent.

47 (e) Before the placement of a child in foster care, the
48 department shall inform the foster parent of issues relative to
49 the child that may jeopardize the health and safety of the
50 foster family or alter the manner in which foster care should be
51 administered.

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

57 (g) The department shall provide a means by which the
58 foster parent can contact the department 24 hours a day, 7 days

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59 a week for the purpose of receiving assistance.

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

62 (i) The department shall provide a clear, written
63 explanation of the plan concerning the placement of a child in
64 the foster parent's home. For emergency placements, the
65 department shall provide such explanation as soon as reasonably
66 possible.

67 (j) Before placement in a foster home, unless there is the
68 need for an emergency placement, the department shall allow the
69 foster parent to review written information concerning the child
70 and allow the foster parent to assist in determining if the
71 prospective foster family is the proper placement for the child.

72 (k) The department shall allow the foster parent to refuse
73 placement in his or her home, or to request, upon reasonable
74 notice to the department, the removal of a child from his or her
75 home for good reason, without threat of reprisal, unless
76 otherwise stipulated by contract or policy.

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

80 (m) The department shall allow the foster parent to
81 communicate with any person who works directly with the foster
82 child, such as therapists, physicians, and teachers, with
83 written consent of the person.

84 (n) Unless otherwise prohibited by law, a foster parent has
85 the right to full disclosure of all medical, psychological, and
86 behavioral issues of the child in his or her care. The
87 department shall provide all information regarding the child and

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88 the child's family background and health history in a timely
89 manner to the foster parent.

90 (o) The department shall provide timely written
91 notification of changes to the case plan or termination of the
92 placement, and the reasons for the changes or termination of
93 placement.

94 (p) The department shall notify the foster parent of all
95 court hearings and any meeting pertaining to the child in his or
96 her care at least 7 days before such hearing or meeting. The
97 foster parent is permitted to attend such hearings or meetings
98 at the discretion of the court.

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

103 (r) The department shall take into consideration whether a
104 foster family is an appropriate permanent placement for the
105 child, if the child has been in the foster family's care for 12
106 months or longer.

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

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

112 (u) A foster parent may submit factually based written
113 statements relevant to the case to the court, as provided by
114 law.

115 (4) MEDIATION.—The department shall provide a foster parent
116 with information regarding the department's mediation policy. A

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117 foster parent may file for mediation upon a violation of this
118 section.

119 (5) RULES.—The department shall adopt rules to implement
120 this section.

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