

TITLE 42 - 6/2016
Rhode Island State Affairs and Government



CHAPTER 42-72.10
Department of Children, Youth and Families
Foster Parents' Bill of Rights

SECTION 42-72.10-1 6/2016

§ 42-72.10-1. Statement of foster parents' rights.

(a) The Rhode Island general assembly recognizes the importance of foster parents in the care and nurturing of children who are in the care and custody of the department of children, youth and families hereinafter ("the department"). In an effort to ensure that foster parents are treated with dignity, respect, and trust in their work for the department, a statement of foster parents' rights shall be given to every foster parent at each licensing interval and shall include the following rights:

- (1) The right to be treated with dignity, respect, and consideration as a member of the child-welfare-treatment team;
- (2) The right to be notified of and be given appropriate education and continuing education and training to develop and enhance foster-parenting skills;
- (3) The right to be informed about ways to contact the department to receive information and assistance to access supportive services for any child in the foster parent's care;
- (4) The right to receive timely financial reimbursement for providing foster-care services;
- (5) The right to be notified of any costs or expenses that may be eligible for reimbursement by the department;
- (6) The right to be provided a clear, written explanation of the individual treatment and service plan concerning the child in the foster parent's home;
- (7) The right to receive, at any time during which a child is placed with the foster parent, additional or necessary information that the department has that may be relevant to the care of the child;
- (8) The right to 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) The right to provide input concerning individual treatment and the services plan for the child and to have that input be given respect and consideration in the same manner as information presented by any other member of the treatment team;
- (10) The right to communicate with other professionals who work with the foster child within the context of the treatment team, including, but not limited to, therapists, physicians, and teachers;

(11) The right to be given, in a timely and consistent manner, information, as allowed by law, regarding the child and the child's family that is pertinent to the care and needs of the child and to the development of a permanency plan for the child;

(12) The right to 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;

(13) The right to be given written notice, except in emergency circumstances, of the following:

(i) Plans to terminate the placement of the child with the foster parent; and

(ii) The reasons for the changes or termination of the placement;

(14) The right to be notified by the department of court proceedings, to attend hearings and reviews, and to present oral or written reports to the court pursuant to § 14-1-30.2;

(15) The right to be considered as a preferred-placement option if a foster child who was formerly placed with the foster parent is to reenter foster care at the same level and type of care; provided that placement is consistent with the best interest of the child and other children in the home of the foster parent and, in the case of a child age twelve (12) or older, that child wants to return to the foster parent;

(16) The right to be provided a fair, timely, and impartial investigation of complaints concerning the licensing of the foster parent;

(17) The right to be provided the opportunity to request and receive a fair and impartial hearing regarding decisions that affect licensing retention;

(18) The right to provide or withhold permission, without prior approval of the caseworker, department, educational advocate, or court, to allow a child in his or her care to participate in normal childhood activities based on a reasonable and prudent parent standard in accordance with the provisions of Title IV-E of the Social Security Act. The reasonable and prudent parent standard means the standard of care used in determining whether a foster parent(s) can allow a child in his or her care to participate in educational field trips, extracurricular, enrichment, and social activities. This standard is characterized by careful and thoughtful parental decision-making that is intended to maintain a child's health, safety, and best interest while encouraging the child's social, emotional, and developmental growth;

(19) The right to have timely access to the appeals process of the department and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal; and

(20) The right to file a grievance and be informed of the process for filing a grievance.

(b) The department shall be responsible for implementing the provisions of this section.

(c) Nothing in this section shall be construed to create a private right of action or claim on the part of any individual, department, or other state agency.

History of Section.

(P.L. 2010, ch. 173, § 1; P.L. 2010, ch. 182, § 1; P.L. 2016, ch. 340, § 1; P.L. 2016, ch. 370, § 1.