

1       **AN ACT** *to create* 48.648 and 48.649 of the statutes; **relating to:** creating bills of  
 2           rights for foster children and foster parents.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the Special Committee on Strengthening Wisconsin Families.

The draft creates a bill of rights for foster children and a bill of rights for foster parents. Under the draft, a foster child or foster parent must receive a written copy of the applicable bill of rights in his or her primary language, if possible. For foster children, the bill of rights must also be explained orally using language or means that are age appropriate and appropriate to the child’s developmental level, and that ensure that the child understands the meaning of the bill of rights.

3           **SECTION 1.** 48.648 of the statutes is created to read:

4           **48.648 Foster children’s bill of rights. (1)** The department and all county departments  
 5           and licensed child welfare agencies shall respect the rights of all foster children. These rights  
 6           shall include all of the following:

7           (a) To live in a safe, healthy, and comfortable home where he or she is treated with  
 8           respect.

9           (b) To be free from physical, sexual, emotional, or other abuse or corporal punishment.

10          (c) To receive adequate and healthy food and adequate clothing.

11          (d) To receive medical, dental, vision, and mental health services.

12          (e) To be free from the administration of medication or chemical substances, unless  
 13          authorized by a physician.

14          (f) To contact family members, unless prohibited by court order.

15          (g) To visit and contact siblings, unless prohibited by court order.

1 (h) To contact the department, a county department, or a licensed child welfare agency  
2 regarding violations of rights, to speak to representatives of these agencies confidentially, and  
3 to be free from threats or punishments for making complaints.

4 (i) To make and receive confidential telephone calls and send and receive confidential  
5 mail and electronic mail, if electronic mail is available at his or her placement.

6 (j) To attend religious services and activities of his or her choice.

7 (k) To manage personal income, consistent with the child's age and developmental  
8 level, unless prohibited by the case plan.

9 (l) To not be locked in any room.

10 (m) To attend school and participate in extracurricular, cultural, and personal  
11 enrichment activities, consistent with the child's age and developmental level.

12 (n) To work and develop job skills at an age-appropriate level that is consistent with  
13 state law.

14 (o) To have social contacts with people outside of the child welfare system, such as  
15 teachers, church members, mentors, and friends.

16 (p) To attend court hearings and speak to the judge.

17 (q) To have storage space for private use.

18 (r) To review his or her own permanency plan if he or she is over 12 years of age and  
19 to receive information about his or her permanency plan and any changes to the plan.

20 (s) To be free from unreasonable searches of personal belongings.

21 (t) To have fair and equal access to all available services, placement, care, treatment,  
22 and benefits, and to not be subjected to discrimination or harassment on the basis of actual or  
23 perceived race, ethnicity, ancestry, national origin, religion, sex, sexual orientation, mental or  
24 physical disability, or human immunodeficiency virus status.

1 (u) At 16 years of age or older, to have access to information regarding the educational  
2 options available, including the prerequisites for vocational and postsecondary education  
3 options and information regarding financial aid for postsecondary education.

4 (2) When a child is placed in a foster home or a treatment foster home, the county  
5 department, department, or licensed child welfare agency shall provide the child with a written  
6 copy of the foster children's bill of rights in the child's primary language, if possible, and must  
7 inform the child of the rights provided by the foster children's bill of rights orally using  
8 language or means that are age appropriate and appropriate to the child's developmental level,  
9 and that ensure that the child understands the meaning of the bill of rights.

**NOTE:** Creates a bill of rights for foster children and requires a county department, the department of children and families, or a licensed child welfare agency to provide a foster child with a written copy in the child's primary language, if possible, when the child is placed in a foster home and to inform the child of the rights provided by the bill of rights orally using language or means that are age appropriate and appropriate to the child's developmental level, and that ensure that the child understands the meaning of the bill of rights.

**COMMENT:** The foster children's bill of rights is based upon the bill of rights contained in California statutes.

10 **SECTION 2.** 48.649 of the statutes is created to read:

11 **48.649 Foster parent's bill of rights.** (1) The department and all county departments  
12 and licensed child welfare agencies shall respect the rights of all foster parents. These rights  
13 shall include all of the following:

14 (a) To be treated with dignity, respect, and consideration as a professional member of  
15 the child welfare team.

16 (b) To be given training prior to receiving children in the home and appropriate ongoing  
17 training to meet needs and improve the foster parent's skills.

1 (c) To be informed of how to contact the appropriate agency in order to receive  
2 information and assistance to access supportive services for children in the foster parent's  
3 care.

4 (d) To receive timely financial reimbursement commensurate with the care needs of the  
5 child as specified in the permanency plan.

6 (e) To be provided a clear, written understanding of the child's permanency plan and  
7 case plan concerning the placement of a child in the foster parent's home.

8 (f) To be provided a fair, timely, and impartial investigation of complaints concerning  
9 the foster parent's licensure, to be provided with the opportunity to have a person of the foster  
10 parent's choosing present during the investigation, and to be provided due process during the  
11 investigation.

12 (g) To receive additional or necessary information that is relevant to the care of the child  
13 at any time during which the child is placed with the foster parent.

14 (h) To be notified of scheduled meetings and information relating to the child's case  
15 management in order to actively participate in the case planning and decision-making process  
16 regarding the child.

17 (i) To be informed of decisions made by the court or agency regarding the child.

18 (j) To provide input concerning the child's case plan and to have that input given full  
19 consideration in the same manner as information presented by any other professional on the  
20 team and to communicate with other professionals who work with the foster child within the  
21 context of the team, including therapists, physicians, and teachers.

22 (k) To be given, in a timely and consistent manner, any information a case worker has  
23 regarding the child and the child's family which is pertinent to the care and needs of the child  
24 and to the making of a case plan for the child.

1 (l) To be given clear instruction on disclosure of information concerning the child and  
2 the child's family.

3 (m) To be given reasonable written notice of any changes to the child's permanency  
4 plan, plans to terminate the placement of the child with the foster parent, and the reasons for  
5 change or termination in placement, except under circumstances when the child is in imminent  
6 risk of harm.

7 (n) To be notified in a timely and complete manner of all court hearings and the rights  
8 of the foster parent at the hearing.

9 (o) To be considered as a placement option when a foster child who was formerly  
10 placed with the foster parents reenters foster care, if that placement is consistent with the best  
11 interest of the child and other children in the home.

12 (p) To have timely access to any administrative or judicial appeal processes and to be  
13 free from acts of harassment and retaliation by any other party when exercising the right to  
14 appeal.

15 (2) The county department, department, or licensed child welfare agency shall provide  
16 a foster parent with a written copy of the foster parent's bill of rights in his or her primary  
17 language, if possible, when the county department, department, or licensed child welfare  
18 agency issues the foster parent his or her foster care license.

**NOTE:** Creates a bill of rights for foster parents and requires the county department, department of children and families, or licensed child welfare agency to provide a foster parent with a written copy of the foster parent's bill of rights in his or her primary language, if possible, when the county department, department, or licensed child welfare agency issues the foster parent his or her foster care license.

**COMMENT:** The foster parents' bill of rights is based upon the bill of rights contained in Illinois statutes.