

AS:jal;

06/09/2009

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. 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, for foster children, and that ensure that the child or foster parent understands the meaning of the bill of rights. The copy of the bill of rights given to a foster child or foster parent or materials accompanying the copy of the bill of rights must include relevant community–specific contact and other information.

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) The right to basic care, including the following rights:

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

10       2. To receive adequate and healthy food and adequate clothing.

11       3. To receive medical, dental, vision, and mental health services.

12       4. To have fair and equal access to all available services, placement, care, treatment,  
13       and benefits.

- 1           5. To have storage space for private use.
- 2           (b) The right to be free from all of the following:
- 3           1. Physical, sexual, emotional, or other abuse or corporal punishment.
- 4           2. The administration of medication or chemical substances, unless authorized by a
- 5           physician.
- 6           3. Being locked in any room.
- 7           4. Unreasonable searches of personal belongings.
- 8           5. Discrimination or harassment on the basis of actual or perceived race, ethnicity,
- 9           ancestry, national origin, religion, sex, sexual orientation, mental or physical disability, or
- 10          human immunodeficiency virus status.
- 11          (c) The right to maintain relationships with family, including the following rights:
- 12          1. To contact family members, unless prohibited by court order.
- 13          2. To visit and contact siblings, unless prohibited by court order.
- 14          (d) The right to advocate for himself or herself, including the following rights:
- 15          1. To contact the department, a county department, or a licensed child welfare agency
- 16          regarding violations of rights or to request a change in placement, to speak to representatives
- 17          of these agencies confidentially, and to be free from threats or punishments for making
- 18          complaints.
- 19          2. To make and receive confidential telephone calls and send and receive confidential
- 20          mail and electronic mail, if electronic mail is available at his or her placement.
- 21          3. To attend court hearings and speak to the judge.
- 22          4. To review his or her own permanency plan if he or she is over 12 years of age and
- 23          to receive information about his or her permanency plan and any changes to the plan.

1 (e) The right to make choices relating to activities, religion, education, and work,  
2 including the following rights:

3 1. To attend religious services and activities of his or her choice.

4 2. To manage personal income, consistent with the child's age and developmental level,  
5 unless prohibited by the case plan.

6 3. To attend school and participate in extracurricular, cultural, and personal enrichment  
7 activities, consistent with the child's age and developmental level.

8 4. To work and develop job skills at an age-appropriate level that is consistent with state  
9 law.

10 5. To have social contacts with people outside of the child welfare system, such as  
11 teachers, church members, mentors, and friends.

12 6. At 14 years of age or older, to have access to information regarding the educational  
13 options available, including the prerequisites for vocational and postsecondary education  
14 options and information regarding financial aid for postsecondary education.

15 (2) When a child is placed in a foster home or a treatment foster home, the county  
16 department, department, or licensed child welfare agency shall provide the child with a written  
17 copy of the foster children's bill of rights in the child's primary language, if possible, and must  
18 inform the child of the rights set forth in the foster children's bill of rights orally using language  
19 or means that are age appropriate and appropriate to the child's developmental level, and that  
20 ensure that the child understands the meaning of the bill of rights. The county department,  
21 department, or licensed child welfare agency shall include relevant community-specific  
22 contact and other information in the copy of the bill of rights or in material accompanying the  
23 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 set forth in 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. The copy of the bill of rights or material accompanying the bill of rights must include relevant community-specific contact and other information.

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

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

2           **48.649 Foster parent's bill of rights. (1)** The department and all county departments  
3 and licensed child welfare agencies shall respect the rights of all foster parents. These rights  
4 shall include all of the following:

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

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

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

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

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

16           (f) To be provided a fair, timely, and impartial investigation of complaints concerning  
17 the foster parent's licensure, to be provided with the opportunity to have a person of the foster

1 parent's choosing present during the investigation, and to be provided due process during the  
2 investigation.

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

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

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

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

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

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

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

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

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

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

7           (q) To request reasonable periods of respite care.

8           (2) When the county department, department, or licensed child welfare agency issues  
9 the foster parent his or her foster care license, the county department, department, or licensed  
10 child welfare agency shall provide a foster parent with a written copy of the foster parent's bill  
11 of rights in his or her primary language, if possible, and must inform the foster parent of the  
12 rights set forth in the foster parents' bill of rights orally using language or means that ensure  
13 that the foster parent understands the meaning of the bill of rights. The county department,  
14 department, or licensed child welfare agency shall include relevant community-specific  
15 contact and other information in the copy of the bill of rights or in material accompanying the  
16 bill of rights.

**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 and to inform the foster parent orally of the rights set forth in the bill of rights using language and means that ensure that the foster parent understands the meaning of the bill of rights. The copy of the bill of rights or material accompanying the bill of rights must include relevant community-specific contact and other information.

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

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**(END)**