



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBs0248/1
EAW:all

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 402**

January 18, 2022 - Offered by Senator JACQUE.

1 **AN ACT** *to create* 48.649 of the statutes; **relating to:** creating a foster care bill
2 of rights.

Analysis by the Legislative Reference Bureau

This bill creates a foster care bill of rights enumerating certain rights for a foster parent, which under the bill includes an out-of-home care provider who is a relative of the child, and for a child who is in the custody of the Department of Children and Families, a county department of social services or human services, or an out-of-home care provider. The bill requires a licensing agency to provide a copy of the foster care bill of rights to a foster parent when the foster parent is licensed or when a child is placed with an out-of-home care provider who is a relative and requires the department, county department, or child welfare agency to provide a copy of the foster care bill of rights to a child when that entity takes custody of the child or when the child is placed in out-of-home care. The bill specifies that the foster care bill of rights does not apply in a proceeding that is subject to the state or federal Indian Child Welfare Act.

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

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

1 **48.649 Foster care bill of rights. (1)** In this section, “foster parent” means
2 a person who is licensed under s. 48.62 as a foster parent or a person who is an
3 out-of-home care provider who is a relative of the child.

4 **(2)** All foster parents shall have the following rights:

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

7 (b) To be notified of and be given appropriate education and continuing
8 education and training to develop and enhance foster-parenting skills.

9 (c) To be informed of how to contact the appropriate agency in order to receive
10 information on and assistance in accessing supportive services for any child in the
11 foster parent’s care.

12 (d) To receive payments for the care and maintenance provided for a child as
13 required by and in the time frames established under s. 48.57 (3m) or (3n) or s. 48.62
14 (4) and (8).

15 (e) To be provided notice of the time, place, and purpose of a permanency plan
16 hearing or review for a child placed with the foster parent, the issues to be
17 determined as part of the hearing or review, and the right to be heard at the hearing
18 or review, as provided in s. 48.38 (5) (b) or (5m) (b) or 938.38 (5) (b) or (5m) (b), and
19 to be provided a written summary of the determinations made by the court or panel
20 as part of the review, as required by s. 48.38 (5) (e) or (5m) (e) or 938.38 (5) (e) or (5m)
21 (e).

22 (f) To receive information that is necessary and relevant to the care of a child
23 placed in the foster parent’s care at any time during the placement, as required by
24 s. 48.371 or 938.371 or rules promulgated by the department.

1 (g) To be notified of scheduled review meetings, permanency-planning
2 meetings, and special staffing concerning the child in order to actively participate in
3 the permanency planning and decision-making process regarding the child, to the
4 extent that it is appropriate.

5 (h) To provide input concerning the permanency plan of a child placed in the
6 foster parent's care, as provided in s. 48.38 (5) (bm) or (5m) (c) or 938.38 (5) (bm) or
7 (5m) (c), and to communicate with other professionals who work with the child within
8 the context of the child welfare team, as provided by law.

9 (i) To be given, in a timely and consistent manner, information, as provided by
10 law, regarding the child and the child's family that is pertinent to the care and needs
11 of the child and to the development of a permanency plan for the child.

12 (j) To be given reasonable notice of any change in, or addition to, the services
13 provided to the child pursuant to the child's individual permanency plan, as required
14 by law.

15 (k) To be given written notice, except in emergency circumstances, of plans to
16 change or terminate the placement of the child with the foster parent and the reasons
17 for the change or termination of the placement, as required by law.

18 (L) To be notified in a timely and complete manner of all court hearings and of
19 the rights of the foster parent at the hearing, as required by law.

20 (m) To be considered as a placement option if a child who was formerly placed
21 with the foster parent is to reenter out-of-home care and if that placement is
22 consistent with the best interest of the child and any other children in the home. The
23 wishes of the child shall be considered in determining the best interest of the child.

24 (n) To be provided a fair, timely, and impartial investigation of complaints
25 concerning the licensing of the foster parent as required by law.

1 (o) To be provided the opportunity to request and receive a fair and impartial
2 hearing regarding licensure decisions, as required by law.

3 (p) To allow a child in the foster parent's care to participate in normal childhood
4 activities, in accordance with the reasonable and prudent parent standard under s.
5 48.383 and part E of title IV of the federal Social Security Act.

6 (q) To have timely access to any administrative or judicial appeals process, as
7 required by law.

8 **(3)** All children in custody of a county department or the department or placed
9 with an out-of-home care provider under this chapter shall have the following rights
10 in accordance with the child's age and developmental level, unless prohibited by
11 court order:

12 (a) To be informed of the reason the child has been placed in custody.

13 (b) To receive water, food, shelter, and clothing that is necessary and
14 appropriate for the child's age and individual needs.

15 (c) To be free from abuse or neglect.

16 (d) To have assistance in obtaining medical, vision, and dental treatment that
17 is necessary and appropriate for the child's age and individual needs and to have
18 assistance in obtaining necessary and appropriate mental health and substance
19 abuse treatment.

20 (e) To receive appropriate placement services.

21 (f) To contact and visit with the child's parents, siblings, children, and other
22 individuals, including siblings or children who are in custody of the county
23 department or the department or placed with another out-of-home care provider.
24 If such contact or visitation is inappropriate, the child has the right to be notified of
25 the reason for that decision.

1 (g) To have assistance in obtaining an education, at the child's school of origin
2 when feasible, with minimal disruption to the child's education when the child is
3 placed in custody.

4 (h) To participate in the formation and maintenance of the child's out-of-home
5 care service, independent living, and transition plans, if applicable.

6 (i) To have regular and meaningful access to and have confidential contact with
7 the child's caseworker, attorney, and court-appointed special advocate.

8 (j) To be notified of, attend, and participate in court hearings and to speak to
9 the judge regarding any decision that may have an impact on the child's life.

10 (k) To have the child's confidentiality protected as required by state and federal
11 laws.

12 (L) To receive independent living services and supports beginning at age 16 if
13 eligible and if resources are available.

14 (m) To report any violation of the child's rights or the violation of the rights of
15 others without being punished or retaliated against for such reporting.

16 (4) The department, county department, or licensed child welfare agency shall
17 provide a foster parent with a written copy of the foster care bill of rights under subs.
18 (2) and (3) in his or her primary language, if possible, when the department, county
19 department, or licensed child welfare agency issues or renews a foster care license
20 or, for an out-of-home placement with a relative, when the child is placed with the
21 relative. The department, county department, or licensed child welfare agency shall
22 provide a child with a written copy of the foster care bill of rights under subs. (2) and
23 (3) in his or her primary language, if possible, when the department, county
24 department, or licensed child welfare agency obtains custody of the child or places
25 the child with an out-of-home care provider.

