



2009 BILL

1 **AN ACT** *to create* 48.648 and 48.649 of the statutes; **relating to:** creating
2 expectations for foster children and foster parents and requiring the exercise
3 of rule-making authority.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

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

The bill requires the Department of Children and Families (DCF) to create expectations for foster children and foster parents by rule. Under the bill, a foster child or foster parent must receive a written copy of the applicable expectations in his or her primary language, if possible. The expectations must also be explained orally using language or means that ensure that the child or foster parent understands the meaning of the expectations. For a foster child, the oral explanation must also use language or means that are appropriate to the child's age and developmental level. The copy of the expectations given to a foster child or foster parent or materials accompanying the copy of the expectations must include relevant community-specific contact information and other information.

BILL

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

48.648 Expectations for foster children. (1) The department and all county departments and licensed child welfare agencies shall assure that all foster children have the expectations of receiving basic care, of being free from abuse, of having the opportunity to maintain relationships, of having the opportunity to participate in activities of their choice, and of having the opportunity to advocate for themselves.

(2) The department shall promulgate rules setting forth expectations for foster children. Those expectations may include the expectation of any of the following:

(a) Living in a safe, healthful, and comfortable home where the foster child is treated with respect.

(b) Receiving adequate and healthful food and adequate clothing.

(c) Receiving medical, dental, vision, and mental health services.

(d) Having fair and equal access to all available services, placement, care, treatment, and benefits.

(e) Having storage space for private use.

(f) Being free from physical, sexual, emotional, or other abuse or corporal punishment.

(g) Being free from the administration of medication or chemical substances, unless authorized by a physician.

(h) Not being locked in any room.

(i) Being free from unreasonable searches of personal belongings.

(j) Being free from discrimination or harassment on the basis of the foster child's actual or perceived race, ethnicity, ancestry, national origin, religion, sex,

BILL

1 sexual orientation, mental or physical disability, or human immunodeficiency virus
2 status.

3 (k) Contacting family members, unless prohibited by court order.

4 (L) Visiting and contacting siblings, unless prohibited by court order.

5 (m) Contacting the department, a county department, or a licensed child
6 welfare agency regarding violations of rights or requesting a change in placement,
7 speaking to representatives of those agencies confidentially, and being free from
8 threats or punishments for making complaints.

9 (n) Making and receiving confidential telephone calls and sending and
10 receiving confidential mail and electronic mail, if electronic mail is available at the
11 foster child's placement.

12 (o) Attending court hearings and speaking to the judge.

13 (p) Reviewing the foster child's own permanency plan if the foster child is over
14 12 years of age and receiving information about that permanency plan and any
15 changes to that permanency plan.

16 (q) Attending religious services and activities of the foster child's choice.

17 (r) Managing personal income, consistent with the foster child's age and
18 developmental level, unless prohibited by the foster child's case plan.

19 (s) Attending school and participating in extracurricular, cultural, and
20 personal enrichment activities, consistent with the foster child's age and
21 developmental level.

22 (t) Working, as permitted under state and federal law, and developing job skills
23 at an age-appropriate level.

24 (u) Having social contacts with people outside of the child welfare system, such
25 as teachers, church members, mentors, and friends.

BILL

1 (v) Having access, if the foster child is 14 years of age or over, to information
2 regarding the educational options available, including the prerequisites for
3 vocational and postsecondary education options and information regarding financial
4 aid for postsecondary education.

5 **(3)** When a child is placed in a foster home, the department, county
6 department, or licensed child welfare agency placing the child shall provide the child
7 with a written copy of the expectations for foster children in the child's primary
8 language, if possible, and shall inform the child of the expectations orally using
9 language or means that are appropriate to the child's age and developmental level
10 and that ensure that the child understands the meaning of the expectations. The
11 department, county department, or licensed child welfare agency shall include
12 relevant community-specific contact information and other information in the copy
13 of the expectations or in material accompanying the copy of the expectations.

NOTE: Requires DCF to create expectations for foster children by rule and requires DCF, a county department, or a licensed child welfare agency placing a child in a foster home to provide the child with a written copy of the expectations in the child's primary language, if possible, when the child is placed in the foster home and to inform the child of the expectations orally using language or means that are appropriate to the child's age and developmental level and that ensure that the child understands the meaning of the expectations. The copy of the expectations or material accompanying the copy of the expectations must include relevant community-specific contact information and other information.

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

15 **48.649 Expectations for foster parents. (1)** The department and all county
16 departments and licensed child welfare agencies shall assure that all foster parents
17 have the expectation of being treated with dignity, respect, and consideration as a
18 professional member of the child welfare team.

BILL

1 **(2)** The department shall promulgate rules setting forth the expectations for
2 foster parents. Those expectations may include the expectations of any of the
3 following:

4 (a) Being given training prior to receiving children in the home and appropriate
5 ongoing training to the foster parent's needs and improve the foster parent's skills.

6 (b) Being informed of how to contact the appropriate agency in order to receive
7 information on and assistance in accessing supportive services for a child in the
8 foster parent's care.

9 (c) Receiving timely financial reimbursement commensurate with the care
10 needs of a foster child in the foster parent's care as specified in the foster child's
11 permanency plan.

12 (d) Being provided with a clear, written understanding of the permanency plan
13 and case plan of a child who is placed in the foster parent's care to the extent that
14 those plans concern the placement of the child in the foster parent's home.

15 (e) Being provided a fair, timely, and impartial investigation of complaints
16 concerning the foster parent's licensure, being provided with the opportunity to have
17 a person of the foster parent's choosing present during the investigation, and being
18 provided due process during the investigation.

19 (f) Receiving information that is necessary and relevant to the care of a foster
20 child who is placed in the foster parent's care at any time during which the foster
21 child is placed with the foster parent.

22 (g) Being notified of scheduled meetings, and being provided with information,
23 relating to the case management of a foster child who is placed in the foster parent's
24 care in order to actively participate in the case planning and decision-making
25 process regarding the foster child.

BILL

1 (h) Being informed of decisions regarding a foster child who is placed in the
2 foster parent's care made by the court or by the agency responsible for the care and
3 placement of the foster child.

4 (i) Providing input concerning the case plan of a foster child who is placed in
5 the foster parent's care and having that input given full consideration in the same
6 manner as information presented by any other professional member of the child
7 welfare team and communicating with other professionals who work with the foster
8 child within the context of the child welfare team, including therapists, physicians,
9 and teachers.

10 (j) Being given, in a timely and consistent manner, any information a case
11 worker has regarding a foster child who is placed in the foster parent's care and the
12 foster child's family that is pertinent to the care and needs of the foster child and to
13 the making of a case plan for the foster child.

14 (k) Being given clear instruction on the disclosure of information concerning
15 a foster child who is placed in the foster parent's care and the foster child's family.

16 (L) Being given reasonable written notice of any changes to the permanency
17 plan of a foster child who is placed in the foster parent's care, any plans to remove
18 a foster child from the foster parent's home, and the reasons for removing the foster
19 child from the foster parent's home, except under circumstances when the foster
20 child is in imminent risk of harm.

21 (m) Being notified in a timely and complete manner of all court hearings
22 concerning a foster child who is placed in the foster parent's home and of the rights
23 of the foster parent at those hearings.

BILL

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

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

7 (p) Requesting reasonable periods of respite care.

8 **(3)** When the department, a county department, or a licensed child welfare
9 agency issues a license to operate a foster home to a foster parent, the department,
10 county department, or licensed child welfare agency shall provide the foster parent
11 with a written copy of the expectations for foster parents in his or her primary
12 language, if possible, and shall inform the foster parent of the expectations orally
13 using language or means that ensure that the foster parent understands the
14 meaning of the expectations. The department, county department, or licensed child
15 welfare agency shall include relevant community-specific contact information and
16 other information in the copy of the expectations or in material accompanying the
17 copy of the expectations. The expectations may also be provided to prospective foster
18 parents during training or otherwise.

NOTE: Requires DCF to create expectations for foster parents by rule and requires DCF, a county department, or a licensed child welfare agency that licenses a foster parent to operate a foster home to provide the foster parent with a written copy of the expectations in the foster parent's primary language, if possible, when DCF, the county department, or licensed child welfare agency issues the license and to inform the foster parent orally of the expectations using language and means that ensure that the foster parent understands the meaning of the expectations. The copy of the expectations or material accompanying the copy of the expectations must include relevant community-specific contact information and other information. The expectations may also be provided to prospective foster parents during training or otherwise.

19 **SECTION 3. Nonstatutory provisions.**

BILL

(1) The department of children and families shall submit in proposed form the rules required under sections 48.648 and 48.649 of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 6th month beginning after the effective date of this subsection.

(END)