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HOUSE BILL NO. 2108

Offered January 9, 2019

Prefiled January 8, 2019

A *BILL to amend and reenact § 63.2-902 of the Code of Virginia, relating to foster care agreements; rights of foster parent; dispute resolution.*

Patrons—Bell, Richard P. and Pogge

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-902 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-902. Agreements with persons taking children.

A. Every local board and licensed child-placing agency shall, with respect to each child placed by it in a foster home or children's residential facility, enter into a written agreement contained in an approved foster care policy with the head of such home or facility, which agreement shall provide that the:

1. The authorized representatives of the local board or agency shall have access at all times to such child and to the home or facility, and that the head of the home or facility will release custody of the child so placed to the authorized representatives of the local board or agency whenever, in the opinion of the local board or agency, or in the opinion of the Commissioner, it is in the best interests of the child;

2. The local board or licensed child-placing agency shall (i) treat the foster parent with trust, respect, and consideration; (ii) allow the foster parent to adhere to his own family values, traditions, and beliefs; (iii) explain to the foster parent the responsibilities and expectations of the foster parent and other members of the foster care team, including representatives of the local board and the child's birth family; (iv) request input from the foster parent concerning the child's needs and consider such input when developing an ongoing service plan for the child; (v) to the extent permitted under federal and state law, allow the foster parent to communicate with professionals who work directly with the foster child, including therapists, physicians, and teachers; (vi) provide the foster parent with a method to contact the local board or licensed child-placing agency for assistance 24 hours a day, seven days a week; (vii) provide pre-service and ongoing training to the foster parent; and (viii) timely provide the foster parent with allowable reimbursements for costs associated with foster care services;

3. The foster parent shall be permitted, without threat of reprisal, to (i) refuse the placement of a child in his home and request, upon reasonable notice to the local board or licensed child-placing agency, the removal of a child from the foster parent's home and (ii) request a period of respite in which no foster children are placed in the home upon reasonable notice to the local board or licensed child-placing agency;

4. The local board or licensed child-placing agency shall provide to the foster parent (i) prior to placing a child in the foster home or, in the case of an emergency placement, as soon as practicable, all reasonably ascertainable background, medical, and psychological records of the child, and (ii) on an ongoing basis, (a) all information relevant to the child's foster care services and (b) copies of all documents in the foster home's record that relate to the foster parent, his family, and services provided in such foster home;

5. The local board or licensed child-placing agency shall provide timely notice to the foster parent of (i) court hearings and other scheduled meetings concerning the child's foster care services, including the date and time of such hearings and meetings and other relevant information; (ii) decisions made by the court, local board, or licensed child-placing agency concerning the child's foster care services; (iii) changes to the child's case plan or termination of the child's placement, along with the reasons for such changes or termination; and (iv) upon request of the foster parent, any information in the local board or licensed child-placing agency's possession regarding the child's progress after leaving foster care, provided that the distribution of such information is in the best interests of the child; and

6. Provided that all options for placement with a relative have been explored, the foster parent of a child shall be considered (i) as a potential adoptive parent for the child upon the child's becoming eligible for such adoption and (ii) as a placement option when a child who was formerly placed with such foster parent reenters foster care.

B. Local boards and licensed child-placing agencies shall implement and publicize a dispute resolution process through which a foster parent may contest an alleged violation by the local board or licensed child-placing agency of any provision set forth in subsection A. Prior to filing a complaint

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59 through such dispute resolution process, the foster parent shall contact the family services specialist
60 assigned to the foster home, provide a detailed description of the conduct constituting the alleged
61 violation of subsection A, and attempt to resolve the dispute. Family services specialists shall respond
62 within five business days and explain any corrective action to be taken in response to the foster parent's
63 complaint. If the foster parent and family services specialist are unable to resolve the complaint
64 informally, the foster parent may file a written complaint through the dispute resolution process with the
65 local board's foster care supervisor or assigned designee. The complaint shall include a detailed
66 description of the conduct constituting the alleged violation of subsection A, along with any other
67 information required by Department regulation. The foster care supervisor or assigned designee shall
68 respond to the complaint in writing within five business days, setting forth all findings regarding the
69 alleged violation and any corrective action to be taken.

70 If the foster parent disagrees with the findings or corrective actions proposed by the foster care
71 supervisor or assigned designee, the foster parent may appeal the decision to the local director by filing
72 a written notice of appeal. The notice of appeal shall include a detailed description of the conduct
73 constituting the alleged violation of subsection A, a copy of the foster care supervisor or assigned
74 designee's findings and recommendations, and any other information required by Department regulation.
75 The local director shall hold a meeting between all parties within seven business days to gather any
76 information necessary to determine the validity of the alleged violation of subsection A and the
77 appropriateness of any recommendations for corrective action made by the family services specialist and
78 foster care supervisor or assigned designee. A summary of the meeting shall be documented in writing
79 by the family services specialist after approval by the foster care supervisor or assigned designee.
80 Following such meeting and documentation, the local director shall issue to all parties written findings
81 and, when applicable, recommendations for corrective action.