

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 769  
Committee Substitute Favorable 5/11/21

Short Title: Foster Parents' Bill of Rights.

(Public)

Sponsors:

Referred to:

May 4, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE A BILL OF RIGHTS RECOGNIZING THE RIGHTS OF FOSTER  
3 PARENTS IN THE STATE OF NORTH CAROLINA.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 1A of Chapter 131D of the General Statutes is amended by  
6 adding a new section to read:

7 "**§ 131D-10.9C. Foster parents' Bill of Rights.**

8 (a) Findings. – The State recognizes the importance of foster parents in the vital role of  
9 supporting children and families experiencing foster care. When children are placed in the  
10 custody of a county department of social services, families are almost immediately integrated  
11 into a team, including child welfare workers, resource parents, a guardian ad litem, attorneys,  
12 and others who are working together to address the issues leading to the foster care.

13 (b) Rights. – In an effort to ensure that foster parents are treated with dignity, respect, and  
14 trust in their work for the Department of Health and Human Services, Division of Social Services,  
15 with this team, the State recognizes that foster parents have the following rights:

16 (1) To serve as a respected member of the child welfare team. Foster parents will  
17 also honor children placed in their homes.

18 (2) To receive information about the responsibilities of foster parents and access  
19 to support services, including all of the following:

20 a. Required training and resources to ensure preparedness for caring for  
21 children experiencing loss and trauma.

22 b. Access to the Division of Social Services and licensing agency  
23 policies, including traveling with children in- and out-of-state, family  
24 visits and time, supervised and unsupervised, complaint and grievance  
25 policies, and confidentiality.

26 c. Any known information to help better care for children, including  
27 health and behavioral health history, disability, exposure to trauma,  
28 and educational needs.

29 d. To receive, at any time during which a child is placed with the foster  
30 parents, additional or necessary information that the county  
31 department of social services has that may be relevant to the care of  
32 the child.

33 e. Advance notice of scheduled meetings and appointments regarding  
34 case planning and care of the child.

35 f. Active participation in the decision-making process regarding the  
36 child.



- 1 g. Reasonable notice, subject to the circumstances of each particular  
2 case, to a foster parent with regard to the removal of a child from the  
3 foster home.
- 4 h. Participation in transition planning when it is in the best interest of the  
5 child.
- 6 i. 24/7 emergency contact information in the event of crisis or  
7 emergency.
- 8 j. Referral to resources for dealing with loss and separation when  
9 children return home to their parents.
- 10 (3) Be notified of any costs or expenses that may be eligible for reimbursement.
- 11 (4) Have timely allocation of resources, including submission of child care  
12 vouchers and a monthly stipend that meets or exceeds the rate established by  
13 the Division of Social Services.
- 14 (5) Receive notice of hearings regarding the child placed in the foster home and  
15 to be heard in court, either verbally or in writing, as provided for in  
16 G.S. 7B-906.1.
- 17 (6) Receive information regarding the professionals working with the child,  
18 including any physicians, therapists, teachers, and other school personnel.
- 19 (7) Have input in court and be included as a valued member of the child's team,  
20 including the right to be informed by the Clerk of Court of periodic reviews  
21 of the juvenile case of a child in foster care at least 15 days before each review,  
22 and the right to provide input, verbal or written, during periodic reviews of  
23 any information that may be relevant to a child's best interests so that the court  
24 may use that information in forming its opinion on the case.
- 25 (8) Provide input to and seek out support from the Division of Social Services,  
26 including the right to request respite as needed or to request a break between  
27 placements.
- 28 (9) Reasonable opportunities to be consulted with and considered in the  
29 scheduling of home visits, therapies, and other meetings related to the child  
30 that the foster or resource parents are allowed or required to attend.
- 31 (10) Request a change in licensing workers.
- 32 (11) Be considered as prospective adoptive placement after a termination of  
33 parental rights hearing or relinquishment pursuant to G.S. 7B-1112.1.
- 34 (12) Provide or withhold permission from, without prior approval of the county  
35 department of social services, guardian ad litem, or court, the child in the  
36 foster parents' care to participate in normal childhood activities based on a  
37 reasonable and prudent parent standard in accordance with the provisions of  
38 Title IV-E of the Social Security Act. The reasonable and prudent parent  
39 standard is the standard of care used in determining whether a foster parent  
40 can allow a child in the foster parent's care to participate in educational field  
41 trips and extracurricular, enrichment, and social activities. This standard is  
42 characterized by careful and thoughtful parental decision-making that is  
43 intended to maintain a child's health, safety, and best interest while  
44 encouraging the child's social, emotional, and developmental growth.
- 45 (13) Request a shared parenting agreement that includes clear expectations and  
46 appropriate boundaries for all parties.
- 47 (14) To request contact information be kept confidential by the supervising agency  
48 when safety concerns are present.
- 49 (c) A violation of this Bill of Rights shall not be construed to create a cause of action  
50 under this section against the State, the Department of Health and Human Services, private  
51 supervising agencies, local county departments of social services, or an entity providing foster

1 care pursuant to this Article. Nothing in this Bill of Rights shall override existing law or  
2 administrative rule."

3 **SECTION 2.** This act is effective when it becomes law.