

HOUSE BILL No. 2112

By Joint Committee on Corrections and Juvenile Justice Oversight

1-20

1 AN ACT concerning children and minors; relating to the revised Kansas
2 code for care of children; enacting the Representative Gail Finney
3 foster care bill of rights; establishing certain rights for children in need
4 of care and foster parents.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) This section shall be known and may be cited as the
8 Representative Gail Finney foster care bill of rights.

9 (b) Consistent with the policy of the state expressed in K.S.A. 38-
10 2201, and amendments thereto, in order to ensure proper care and
11 protection of a child in need of care in the child welfare system, unless
12 otherwise ordered by the court, such child shall have the right to:

13 (1) Live in a safe, comfortable placement, in accordance with K.S.A.
14 38-2255, and amendments thereto:

15 (A) Where such child lives in the least restrictive environment;

16 (B) where such child shall be treated with respect, have a place to
17 store belongings and receive healthy food, adequate clothing and
18 appropriate personal hygiene products;

19 (C) with siblings when possible; and

20 (D) upon proper investigation and consideration in accordance with
21 K.S.A. 38-2242, and amendments thereto, with a relative or someone from
22 such child's community with similar religious beliefs or ethnic heritage;

23 (2) have visits with family;

24 (3) have as few placements as possible;

25 (4) have and maintain belongings by:

26 (A) Making a list of belongings to have when placed out of home;

27 (B) providing such list of belongings to such child's case manager;

28 (C) bringing such belongings when placed out of home; and

29 (D) if going on a visit or to a new placement, having belongings
30 packed and transportable for the visit or move;

31 (5) have access to all appropriate school supplies, services, tutoring,
32 extra-curricular, cultural and personal enrichment activities;

33 (6) attend school daily in accordance with K.S.A. 38-2218, and
34 amendments thereto;

35 (7) receive a high school diploma if such child has earned the
36 standard credits in accordance with K.S.A. 38-2285, and amendments

1 thereto;

2 (8) be notified of all hearings held pursuant to the revised Kansas
3 code for care of children, when age or developmentally appropriate;

4 (9) attend, in person or virtually, all court hearings held pursuant to
5 the revised Kansas code for care of children, when age or developmentally
6 appropriate;

7 (10) address the court regarding any proposed placement or
8 placement change in accordance with K.S.A. 38-2262, and amendments
9 thereto, when age or developmentally appropriate;

10 (11) have a guardian ad litem represent the best interests of the child,
11 in accordance with K.S.A. 38-2205, and amendments thereto, and contact
12 such child regularly;

13 (12) request an attorney who will represent the position of the child
14 than the determinations of the guardian ad litem, in accordance with
15 K.S.A. 38-2205, and amendments thereto;

16 (13) have privacy to send and receive unopened mail and make and
17 receive phone calls;

18 (14) have regular and private contact with and access to case
19 managers, attorneys and advocates;

20 (15) access accurate and necessary information for such child's well-
21 being from case managers and guardians and any person who is by law
22 liable to maintain, care for or support the child;

23 (16) have as few changes in case managers as possible;

24 (17) contact a case manager's supervisor if there is a conflict that
25 cannot be resolved between such child and such child's case manager; and

26 (18) when transitioning out of the child welfare system:

27 (A) Be an active participant in developing a transition plan, as
28 defined in K.S.A. 38-2202, and amendments thereto;

29 (B) have services and benefits explained;

30 (C) have a checking or savings account;

31 (D) learn to manage money, when age or developmentally
32 appropriate;

33 (E) learn job skills that are age or developmentally appropriate; and

34 (F) be involved in life skills training and activities.

35 (c) In order to ensure active participation of foster parents as an
36 integral, indispensable and vital role in the state's efforts to care for
37 children in the custody of the secretary, unless otherwise ordered by the
38 court, such foster parents shall have the right to:

39 (1) Be treated by the Kansas department for children and families and
40 other child welfare system stakeholders with dignity, respect and trust as a
41 primary provider of care and support and a member of the professional
42 team caring for a child in the custody of the secretary;

43 (2) not be discriminated against on the basis of religion, race, color,

1 creed, gender, marital status, national origin, age or physical handicap in
2 accordance with K.S.A. 44-1001, et seq., and amendments thereto, and
3 federal law;

4 (3) continue with such foster parents' own family values and beliefs
5 with consideration given to the special needs of children who have
6 experienced trauma and separation from their biological families, if the
7 values and beliefs of the child and the biological family are respected and
8 not infringed upon;

9 (4) make decisions concerning the child consistent with the policies,
10 procedures and other directions of the Kansas department for children and
11 families and the department of health and environment and within the
12 limits of state and federal law;

13 (5) receive standardized preservice training by the Kansas department
14 for children and families or the department's designee and at appropriate
15 intervals to meet mutually assessed needs of the child and such foster
16 parents;

17 (6) receive timely financial reimbursement and be notified of any
18 costs or expenses for which such foster parents may be eligible for
19 reimbursement in accordance with K.S.A. 38-2216, and amendments
20 thereto;

21 (7) receive information regarding services and contact the Kansas
22 department for children and families or the department's designee during
23 regular business hours and, in the event of an emergency, by telephone
24 after business hours;

25 (8) receive any information on issues concerning the child and known
26 to the Kansas department for children and families or the department's
27 designee that is relevant to the care of the child or that may jeopardize the
28 health and safety of the foster family or the child or alter the manner in
29 which care and services should be administered prior to the placement of
30 such child;

31 (9) discuss known information regarding the child prior to placement
32 and be provided additional information from the Kansas department for
33 children and families as such information becomes available under state
34 and federal law;

35 (10) refuse placement of a child in such foster parents' home or
36 request the removal of a child from such foster parents' home after
37 providing reasonable notice;

38 (11) receive any available information through the Kansas department
39 for children and families regarding the number of times a child has been
40 placed and the reasons for such placements, and receive the names and
41 phone numbers of any previous placements if such placements have
42 authorized such a release by law;

43 (12) receive information from the Kansas department for children and

1 families that is relevant to the care of a child when the child is placed with
2 such foster parents;

3 (13) provide input and participate in the case planning process for the
4 child and participate in and be informed about the planning of visitation
5 between the child and the child's biological family, recognizing that
6 visitation with the biological family is important, in accordance with
7 K.S.A. 38-2255, and amendments thereto;

8 (14) communicate with the child's child welfare case management
9 provider and share and obtain relevant and appropriate information
10 regarding such child's placement;

11 (15) communicate with members of the child's professional team,
12 including, but not limited to, such child's child welfare management
13 provider, therapists, physicians and teachers as allowed by rules and
14 regulations and state and federal law, for the purpose of participating in
15 such child's case plan;

16 (16) be notified in advance of any court hearing or review where the
17 case plan or permanency of the child is an issue, including periodic
18 reviews held by the court, in accordance with the revised Kansas code for
19 care of children;

20 (17) be considered as a placement option, if a child who was formerly
21 placed with such parents is in the custody of the secretary again;

22 (18) continue contact and communication with a child subsequent to
23 the child's placement from such foster parents' home, subject to the
24 approval of the child and the child's biological parents, if such biological
25 parents' rights have not been terminated;

26 (19) direct questions to the department of health and environment
27 regarding information, concerns, policy violations and a corrective action
28 plan relating to licensure as a family foster home; and

29 (20) have the rights described in this section be given full
30 consideration when the Kansas department for children and families
31 develops and approves policies regarding placement and permanency.

32 (d) This section shall be a part of and supplemental to the revised
33 Kansas code for care of children.

34 Sec. 2. This act shall take effect and be in force from and after its
35 publication in the statute book.