

Legislative Changes Focus on Foster Parents

During the 2021 Legislative session, there have been numerous and significant amendments made to the laws addressing child welfare, most of which are in G.S. Chapter 7B (the Juvenile Code) and became effective October 1st. This is my third post explaining those legislative changes. Today's post focuses exclusively on legislative changes that relate to foster parents. The issues addressed include the consideration of foster parents for placement at nonsecure custody, their participation in permanency planning hearings, required training, and the creation of a Foster parents' Bill of Rights.

My earlier blog posts are [here](#) (summarizing [S.L. 2021-100](#) (H132)) and [here](#) (summarizing [S.L. 2021-132](#) (S693)). As the 2021 Legislative Session continues, more changes may be made, and if that happens, I will post about them as well.

Person Providing Care to the Juvenile at Review and Permanency Planning

Hearings: Section 1.(h) of S.L. 2021-132 amends G.S. 7B-906.1(c) by requiring the court to give any person the child is placed with the opportunity to address the court regarding the child's well-being. This section became effective on October 1st. Before this amendment, the statute allowed (and still allows) for the court to consider information from the person providing care to the juvenile, but this new provision gives the person providing care the opportunity to be heard. The person providing care to the juvenile will have notice of the review or permanency planning hearing pursuant to G.S. 7B-906.1(b), which was not amended. That subsection requires the clerk to give the person who provides care to the juvenile at least 15 days' notice of a review or permanency planning hearing. (Note, under the new legislation discussed in my earlier post, there should not be a review hearing if the child is placed in foster care; instead, the court should be scheduling permanency planning hearings). DSS must give the clerk the name and address of the person providing care to the juvenile, or DSS must send the notice of the hearing to that person and file with the clerk written documentation that the notice was sent. The language of G.S. 7B-906.1(b) and (c) does not apply solely to foster parents but is broad – "any person providing care," which for example, includes relative caretakers.

Nonsecure Custody Placement Considerations: Section 1.(d) of S.L. 2021-132 amends G.S. 7B-505(c), which addresses the placement of a juvenile in nonsecure custody, and is effective October 1st. For out-of-home placements, relatives must be given priority. When relative placement is not available or appropriate, the court has the discretion to consider placement with nonrelative kin, other persons with legal custody of the juvenile's sibling, and now an "appropriate former foster parent." This language appears to contemplate situations where a juvenile has exited foster care and re-enters foster care after a new petition alleging abuse, neglect, or dependency has been filed and nonsecure custody has been granted. The language does not limit the court to those situations but applies to any nonsecure custody order. Among the categories of individuals – nonrelative kin, other persons with legal custody of the juvenile's sibling, and an appropriate former foster parent – there is no priority preference. The placement preference applies to

relatives.

Training for Foster Parents: Section 1.(i) amends G.S. 131D-10.6A(a), which addresses the number of training hours a foster parent must complete to become licensed and to maintain their license and is effective October 1st. The amendment requires the NC Department of Health and Human Services (DHHS), Division of Social Service to create a training module that addresses the roles and obligations of a foster parent in abuse, neglect, dependency, or termination of parental rights judicial proceedings.

Foster parents' Bill of Rights: Effective September 10, 2021, [S.L. 2021-144](#) (H769) enacts G.S. 131D-10.9C, *The Foster parent's Bill of Rights*. The law recognizes the importance of foster parents and their role in providing support to children and families. A violation of the Foster parent's Bill of Rights does not create a cause of action against the State, DHHS, private supervising agencies, local county departments of social services, or an entity that provides foster care. The Foster parents' Bill of Rights also does not override existing law or rules.

There are fourteen provisions identified in the Foster parent's Bill of Rights that the General Assembly supports and promotes. Foster parents

- serve as respected child welfare team members and honor children who are placed with them in accordance with the Foster Care Children's Bill of Rights (see G.S. 131D-10.1);
- receive information about their responsibilities and have access to support services, including nine specified criteria addressing training, policies, information about the children in their care, advance notice of meetings, a child's removal, and emergency contact information;
- be notified of costs or expenses that may be reimbursed;
- have timely allocation of resources (e.g., child care vouchers and monthly stipends);
- receive notice of hearings and be heard in court;
- receive timely information relevant to the child's daily educational and health needs;
- have input in court, be included as a valued team member, and receive notice of the court hearings;
- provide information to, advocate for, and seek support (including respite) from the supervising agency without fear of reprisal;
- be consulted with regarding scheduling home visits, therapies, and meetings for the child or when the foster parents are permitted or required to attend;
- request a change in licensing workers;
- are considered as a prospective adoptive placement if the parents' rights have been terminated or the parents have executed relinquishments;
- use the reasonable and prudent parent standard (see G.S. 131D-10.2A);
- request a shared parenting agreement that has clear expectation and appropriate boundaries for all the parties;
- request their contact information be kept confidential by the supervising agency when there

are safety concerns.