

1 HOUSE BILL 383

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Kelly K. Fajardo

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10 AN ACT

11 RELATING TO FAMILIES; ENACTING A NEW SECTION OF THE CHILDREN'S
12 CODE TO ESTABLISH FOSTER PARENT RIGHTS.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. A new section of the Children's Code is
16 enacted to read:

17 "[NEW MATERIAL] FOSTER PARENT RIGHTS.--

18 A. A foster parent has the right to:

19 (1) be treated with dignity, respect and
20 consideration as integral members of a child welfare team whose
21 work concerns a child in the foster parent's care;

22 (2) in a timely manner, be notified of
23 scheduled meetings concerning a child in the foster parent's
24 care in order to actively participate in the case planning and
25 treatment process;

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1 (3) provide input concerning the plan of
2 services for a child in the foster parent's care and to have
3 that input given full consideration, in the same manner as
4 information presented by any other member of the team;

5 (4) communicate with professionals who work
6 with a child in the foster parent's care, including therapists,
7 physicians and school personnel;

8 (5) receive a written copy of the child's
9 treatment plan and any subsequent revisions on a timely basis;

10 (6) receive a completed substitute care
11 placement agreement within twenty-four hours of the time a
12 child is placed in the foster parent's home;

13 (7) be given standardized pre-service training
14 and appropriate ongoing training;

15 (8) be informed of, and have access to, all
16 agency policies and procedures related to the foster parent's
17 role as a foster parent, including notification within twenty-
18 four hours of any change to these policies or procedures and,
19 with the notification, detailed information related to the
20 change;

21 (9) a fair, timely and impartial investigation
22 concerning referrals filed against the foster parent and access
23 to the appeal process, pursuant to department policy and
24 change;

25 (10) be free from acts of harassment and

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1 retaliation by department staff;

2 (11) have emergency access to department staff
3 on a twenty-four-hour, seven-day-a-week basis;

4 (12) report misconduct by department
5 employees, service providers or contractors and to have such
6 reports investigated appropriately;

7 (13) expect and rely upon the fact that the
8 department's decisions regarding the foster parent and the
9 children placed in the foster parent's care will be in
10 compliance with state and federal law;

11 (14) be notified of scheduled substitute care
12 advisory council meetings concerning a child in the foster
13 parent's care;

14 (15) receive adequate prior written notice of
15 and an opportunity to be heard at a court hearing regarding a
16 child in the foster parent's care, as provided by law;

17 (16) submit factually based written statements
18 to the court, as provided by law;

19 (17) be informed of and receive available
20 support services for a child in the foster parent's care, as
21 provided by department rules;

22 (18) be considered as a first placement option
23 when a child formerly in the foster parent's home reenters the
24 foster care system;

25 (19) be given prior written notice of a plan

1 to terminate the placement of the child with the foster family,
2 as provided by law;

3 (20) receive full financial reimbursement, in
4 a timely manner, that is commensurate with the care needs of
5 the child, as provided by department rules;

6 (21) receive assistance from the department in
7 dealing with loss and separation when a foster child leaves the
8 foster parent's home, including referrals to services and
9 assistance in obtaining those services;

10 (22) intervene in abuse and neglect and
11 termination of parental rights proceedings, as provided by law;

12 (23) maintain confidentiality regarding
13 personal issues, as provided by law;

14 (24) receive exit interviews upon
15 relinquishing the foster parent's license;

16 (25) have full disclosure of all medical,
17 psychological and behavioral issues of children in the foster
18 parent's care, as provided by department rules; and

19 (26) receive a traveling file for a child
20 placed in the foster parent's care.

21 B. A foster parent in whose care a child for whom a
22 plan of adoption has been drafted has the right to priority
23 consideration as an adoptive parent of that child, along with a
24 relative of that child.

25 C. In matters concerning licensing, a foster parent

1 has the right to be free from discrimination based on religion,
2 race, color, creed, gender orientation, sexual orientation,
3 national origin, age, marital status or physical disability.

4 D. As used in this section, "traveling file" means
5 a set of documents relating to a child, which set of documents
6 includes the child's placement agreement and medical,
7 educational and mental health records and information."