

**ASSEMBLY BILL**

**No. 2194**

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**Introduced by Assembly Member Bass**

February 22, 2006

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An act relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 2194, as introduced, Bass. Resource Family Care Act.

Existing law governs the placement of children in foster care with foster and relative caregivers.

This bill would express the intent of the Legislature to enact legislation that would be known as the Resource Family Care Act and would set forth a foster and relative caregivers bill of rights, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares that  
2 caregivers providing foster care are responsible for educating and  
3 advocating on behalf of foster children to ensure they receive  
4 adequate medical and mental health services, due to their loss of  
5 family, and for providing temporary or permanent homes if the  
6 children cannot be returned home safely to a loving and nurturing  
7 environment. It is, therefore, in the best interests of the State of  
8 California that foster caregivers providing care to children in  
9 their homes are well prepared and highly valued for their  
10 contributions.

1 (b) It is the intent of the Legislature to enact legislation that  
2 would be known as the Resource Family Care Act. Under the act,  
3 foster and relative caregivers would have all of the following  
4 rights:

5 (1) The right to have an ombudsman appointed by the  
6 Legislature or the Governor who has the authority to direct the  
7 Department of Social Services to take corrective action when that  
8 agency has not followed state laws or agency policies or  
9 regulations.

10 (2) The right to have the caregiver leadership involved from  
11 the beginning of any new program, including education that  
12 affects the caregiver, and in all phases of planning and their  
13 approval of any plan should be required prior to the adoption of  
14 that plan.

15 (3) The right to be reimbursed by the state or the county for  
16 any property damage caused by the foster children placed in their  
17 care if the caregiver is held financially responsible for that  
18 damage.

19 (4) The right to receive compensation for any medical  
20 treatment provided to the caregiver to treat injuries sustained by  
21 the caregiver as a result of the “willful misconduct” of foster  
22 children placed in their homes.

23 (5) The right to receive up-to-date information on changes in  
24 the laws, rules, regulations, and policies relating to foster care.

25 (6) The right to receive up-to-date information on changes in  
26 agency structure, programs and policy relating to foster care.

27 (7) The right to receive adequate and appropriate foster care  
28 training using available funding for all caregivers.

29 (8) The right to receive an identification card identifying the  
30 individual as a foster parent.

31 (9) The right to have all of the rights described in paragraphs  
32 (1) to (9), inclusive, enforced by the imposition of fines or  
33 penalties.

34 (c) Foster and relative caregivers shall have all of the  
35 following rights with respect to foster care placements:

36 (1) The right to obtain prior placement information and the  
37 right to say “NO” without threat of reprisal. This would include  
38 the right to obtain the names and telephone numbers of previous  
39 caregivers, allowing these previous caregivers to share

1 information about the child with the new caregiver, and the right  
2 to conduct an “in-home” interview with the child.

3 (2) The right to have the maximum placement rate firmly  
4 established and to have that rate remain in effect when the child  
5 is moved to a different home. This would also include the right to  
6 receive retroactive payments for the failure of any state or county  
7 agency to provide appropriate or adequate funding for the care of  
8 children they place in the homes of foster and relative caregivers.

9 (3) The right to develop a mutually convenient and safe  
10 visitation plan with the child’s birth family.

11 (4) The right to participate fully in all court proceedings, in  
12 accordance with federal law.

13 (5) The right to receive a copy of the court’s plan for the child,  
14 which includes a copy of the social worker’s report, at least five  
15 days prior to the court hearing.

16 (6) The right to be free of coercion, discrimination, and  
17 reprisal in serving foster children, including the right to voice  
18 grievances about the treatment furnished or not furnished to the  
19 foster child.

20 (7) The right to communicate directly with and receive reports  
21 from professionals working with the child, including therapists,  
22 teachers, physicians, and other health care personnel.

23 (8) The right to receive supportive services in a timely  
24 manner, including, but not limited to, mental health intervention  
25 and services, medical and dental.

26 (9) The right to be involved in all aspects of the case and  
27 receive all pertinent information.

28 (10) The right for foster and relative caregiver homes to be  
29 treated as “private residences” pursuant to Section 1530.5 of the  
30 Welfare and Institutions Code. This includes the right to receive  
31 prior notice of any home visit by all duly authorized state or local  
32 agency representative, except in the case of inspection, allegation  
33 or complaint.

34 (11) The right to use the “prudent parent standard” without  
35 prior authorization from a community care licensing or local  
36 agency.

37 (12) The right to receive retroactive payments for failure of the  
38 state or local agency to provide the appropriate level of funding  
39 for children at the time of placement.

- 1 (d) Foster and relative caregivers shall have all of the
- 2 following administrative rights:
- 3 (1) The right to have all county and state officials follow state
- 4 and federal guidelines when investigating an allegation. These
- 5 include, but are not limited to, the following:
- 6 (A) The right to be provided a fair, timely, and impartial
- 7 investigation of all allegations or licensure issues, which include,
- 8 but are not limited to the following:
- 9 (i) A written copy of the allegations.
- 10 (ii) A person of foster parent’s choosing present during the
- 11 investigation or hearing.
- 12 (B) The right to due process during the investigation.
- 13 (C) The right to request and receive mediation or review of
- 14 decisions.
- 15 (D) The right to have a decision in writing concerning
- 16 allegations and findings consistent with local law.
- 17 (E) The right to freedom from retaliation when exercising the
- 18 right to appeal.
- 19 (F) The right to have records and documentation of false
- 20 allegations removed immediately from the National Registry and
- 21 state records.
- 22 (2) The right to have all allegations that have been investigated
- 23 and found to be “unfounded allegations” destroyed immediately,
- 24 except as otherwise provided by law.
- 25 (3) The right to have all allegations that have been investigated
- 26 and found to be “unsubstantiated allegations” destroyed after one
- 27 year, except as otherwise provided by law.
- 28 (4) The right to receive paid liability insurance protection and
- 29 legal representation from the state or county against any civil law
- 30 suits filed against foster parents arising out of all duties
- 31 performed as a foster parent for the “willful misconduct” of
- 32 foster children.