

Section I: The Representative Gail Finney Memorial Foster Care Bill of Rights Part of and supplemental to K.S.A. 38-2201 et seq

Purpose:

The purpose of the Gail Finney Memorial Foster Care Bill of Rights is, consistent with the policy expressed in and pursuant to KSA 38-2201, in order to ensure the proper care and protection of a child in need of care in the child welfare system, unless otherwise ordered by the court, a **child shall have the following right to:**

- (1) Live in a safe, comfortable placement, in accordance with KSA 38-2255
 - a. Where the child lives in the least restrictive environment
 - b. where the child shall be treated with respect, have a place to store belongings and receive healthy food, adequate clothing, and appropriate personal hygiene products
 - c. with siblings when possible; and
 - d. upon proper investigation and consideration in accordance with 38-2242, and amendments thereto, with a relative, kinship care placement or someone from such child's community with similar religious beliefs or ethnic heritage;
- (2) have visits with family;
- (3) have as few placements as possible;
- (4) have and maintain belongings by:
 - (a) making a list of belongings to have when placed out of home
 - (b) providing such list of belongings to such child's case manager
 - (c) bringing such belongings when placed out of home and
 - (d) if going on a visit or to a new placement, having belongings packed and transportable for the visit or move
- (5) have access to all appropriate school supplies, services, tutoring, extra-curricular and personal enrichment activities;
- (6) attend school daily in accordance with K.S.A. 38-2218, and amendments thereto
- (7) receive a HS diploma if such child has earned the standard credits in accord with KSA 38-2285
- (8) be notified of all hearings held pursuant to the revised Kansas code for care of children when age or developmentally appropriate
- (9) attend in person or virtually, all court hearings held pursuant to the Kansas code for care of children when age or developmentally appropriate;
- (10) address the court regarding any proposed placement or placement change in accord with KSA 38-2262, and amendments thereto, when age or developmentally appropriate
- (11) have a guardian ad litem represent best interests of the child in accordance with KSA 38-2205, and amendments thereto, and contact child regularly;
- (12) request an attorney who will represent the position of the child, if they are different than the determinations of the guardians ad litem, in accordance with K.S.A. 38-2205 and amendments thereto;
- (13) have privacy to send and receive unopened mail and make and receive phone calls;
- (14) have regular and private contact with and access to case managers, attorneys, and advocates;
- (15) access accurate and necessary information for such child's well-being from case managers, guardians and any person who is by law liable to maintain, care for or support the child;
- (16) have as few case managers as possible;

- (17) contact a case manager's supervisor if there is a conflict that cannot be resolved between such child and such child's case manager;
- (18) report a violation of this section without fear of punishment, interference, coercion, or retaliation; and
- (19) when transitioning out of the child welfare system:
 - (a) be an active participant in developing a transition plan, as defined in KSA 38-2202, and amendments thereto;
 - (b) have services and benefits explained;
 - (c) have a checking or savings account;
 - (d) learn to manage money, when age or developmentally appropriate;
 - (e) learn job skills that are age or developmentally appropriate;
 - (f) be involved in life skills training and activities.

(c) Consistent with the policy of the state expressed in K.S.A. 38-2201 et seq., and amendments thereto, in order to ensure active participation of foster parents and kinship caregivers as an integral, indispensable and vital role in the state's efforts to care for children in the custody of the secretary, unless otherwise ordered by the court, **foster parents and kinship caregivers shall have the right to:**

- (1) Be treated by the Kansas department for children and families and other child welfare system stakeholders with dignity, respect, and trust as a primary provider of care and support and a member of the professional team caring for a child in the custody of the secretary;
- (2) not be discriminated in accordance with the Kansas act against discrimination, K.S.A. 44-1001, et seq., and amendments thereto, and federal law;
- (3) continue with such foster parents' and kinship caregivers' own family values and beliefs with consideration given to the special needs of children who have experienced trauma and separation from their biological families, if the values and beliefs of the child and the biological family are respected and not infringed upon;
- (4) make decisions concerning the child consistent with the policies, procedures and other directions of the Kansas department for children and families and within the limits of state and federal law;
- (5) receive standardized preservice training by the Kansas department for children and families or the department's designee and at appropriate intervals to meet mutually assessed needs of the child, such foster parents and kinship caregivers;
- (6) receive timely financial reimbursement and be notified of any costs or expenses for which such foster parents and kinship caregivers may be eligible for reimbursement in accordance with K.S.A. 38-2216, and amendments thereto;
- (7) receive information regarding services and contact the Kansas department for children and families or the department's designee during regular business hours and, in the event of an emergency, by telephone after business hours;
- (8) receive any information on issues concerning the child and known to the Kansas department for children and families or the department's designee that is relevant to the care of the child or that may jeopardize the health and safety of the foster family, the kinship care placement or the child or alter the manner in which care and services should be administered prior to the placement of such child;
- (9) discuss known information regarding the child prior to placement and be provided additional information from the Kansas department for children and families or the department's designee as such information becomes available under state and federal law;
- (10) refuse placement of a child in such foster parents' and kinship caregivers' home or request the removal of a child from such foster parents' and kinship caregivers' home after providing reasonable notice;

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- (11) receive any available information through the Kansas department for children and families regarding the number of times a child has been placed and the reasons for such placements, and receive the names and phone numbers of any previous placements if such placements have authorized such a release by law;
- (12) receive information from the Kansas department for children and families that is relevant to the care of a child when the child is placed with such foster parents and kinship caregivers;
- (13) provide input and participate in the case planning process for the child and participate in and be informed about the planning of visitation between the child and the child's biological family, recognizing that visitation with the child's biological family is important, in accordance with K.S.A. 38-2255, and amendments thereto;
- (14) communicate with the child's child welfare case management provider and share and obtain relevant and appropriate information regarding such child's placement;
- (15) communicate with members of the child's professional team, including, but not limited to, such child's child welfare management provider, therapists, physicians and teachers as allowed by rules and regulations and state and federal law, for the purpose of participating in such child's case plan;
- (16) be notified in advance of any court hearing or review where the case plan or permanency of the child is an issue, including periodic reviews held by the court, in accordance with the revised Kansas code for care of children;
- (17) be considered as a placement option, if a child who was formerly placed with such parents or kinship caregivers is in the custody of the secretary again;
- (18) continue contact and communication with a child subsequent to the child's placement from such foster parents' and kinship caregivers' home, subject to the approval of the child and the child's biological parents, if such biological parents' rights have not been terminated;
- (19) direct questions to the Kansas department for children and families regarding information, concerns, policy violations and a corrective action plan relating to licensure as a family foster home;
- (20) have the rights described in this section be given full consideration when the Kansas department for children and families develops and approves policies regarding placement and permanency;
- (21) submit a report to the court pursuant to K.S.A. 38-2261, and amendments thereto; and
- (22) request a court hearing regarding a change of placement notice pursuant to K.S.A. 38-2258, and amendments thereto, if a child has been placed with the same foster parents for six months or longer.

(d)

- (1) The secretary shall provide written and oral notification to foster youth, foster parents and kinship caregivers of the rights created under this section and information for filing complaints.
- (2) The secretary shall make a list of the rights created under this section digitally available on the secretary's website.
- (3) Each child welfare management provider shall make available physical and digital copies of a list of the rights created under this section.

(e) This section shall not be construed to create a private right of action independent of the revised Kansas code for care of children, but may be enforced through equitable relief as a part of the corresponding case under the revised Kansas code for care of children.

Section II: Online Access to the Foster Care Bill of Rights

The Foster Care Bill of Rights is located on the Kansas Department for Children and Families website at <https://www.dcf.ks.gov/Pages/FosterYouthBoR.aspx> and <https://www.dcf.ks.gov/Pages/FosterParentBoR.aspx>

Section III: Kansas Department for Children and Family Services Office of Client Service

The Kansas Department for Children and Families' Office of Client Services seeks to provide excellent customer service. They are here to listen to what you may need.

- They address requests as simple as needing a local office phone number or office location and hours or more complex issues.
- All concerns will be addressed and forwarded to appropriate agency staff who have the knowledge and experience to help.

Office of Client Services can be reached at 1-833-765-2003 or emailed at DCF.CustomerService@ks.gov.

When calling or emailing, please have pertinent information available, including full name, date of birth, case number, city and state, cell phone number, home phone number, email address, and your issue or concern.

Section IV: Kansas Office of Public Advocates, Division of the Child Advocate

The mission of the Kansas Division of the Child Advocate (KDCA) is to safeguard the right that all Kansas children have be cherished, the opportunity to thrive, and are safe from abuse, neglect, and harm.

KDCA carries out this mission by providing independent oversight and increased accountability of our state child welfare services, improving delivery and deepening confidence in the child welfare system. KDCA completes an impartial, independent review of Kansas child welfare policies, procedures, and practices, including an independent investigation and evaluation of concerns voiced by children, families, and other individuals.

Who can file a complaint?

- The child or youth
- A biological parent of the child
- A foster parent of the child
- An adoptive or prospective parent of the child
- A legally appointed guardian or permanent custodian of the child
- The Guardian ad Litem (GAL) of the child
- An adult relative to the child
- An attorney for any party or interested party

- A Legislator
- A mandated reporter
- School personnel
- Mental health provider
- Any concerned citizen
- Employee of state agency or grantee

Phone

Toll Free: 1-844-KS-CHILD
(1-844-572-4453)
In Topeka: 785-296-8642

Address

Landon State Office Building
900 SW Jackson St
Suite 1041
Topeka KS 66612
Monday - Friday 8:30 am - 4:30 pm
Closed from 12 - 1 pm\

E-Mail

ChildAdvocate@ks.gov

Section V: Acknowledgment

- I acknowledge I have been provided a copy of the PPS- 5138 Foster Care Bill of Rights and explained and made aware of the online link where the bill is posted in its entirety. ____ Recipient Initials

- I acknowledge I have been provided information on how to contact the Kansas Department for Children and Families Office of Client Services and the Kansas Office of Public Advocates, Division of Child Advocate for assistance. ____ Recipient Initials

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VI: Signature- I have received and read and/or had explained to me the PPS 5138 Foster Care Bill of Right and sign it of my own free will.

X

Child / Youth, Ages 10 or Older

or *Authorized Individual's Signature- If the child is under the age of 10, the parent/foster parent/relative/kinship caregiver shall be provided a copy of the PPS 5138 Foster Care Bill of Rights and sign in lieu of the child / youth.

X

Date

X

Parent/FP/Relative/Kinship Caregiver Signat...

X

Date

X

Case Manager Signature

X

Date

NOTE: The child or youth and parent / foster parent / relative/ kinship caregiver shall be provided a copy of this completed form.

