

	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL			
	Chapter:	(14) Resource Development	Effective Date:	March 2015
	Policy Title:	Foster Parent Bill of Rights and Grievance Procedure		
	Policy Number:	14.17	Previous Policy #:	1015.40

CODES/REFERENCES

O.C.G.A. § 49-5-281
O.C.G.A. § 49-5-41(a) (2) (D)

REQUIREMENTS

The Division of Family and Children Services (DFCS) and Child Placing Agencies (CPAs) shall comply with mandates contained in the Foster Parent Bill of Rights and Grievance Procedure. Foster parents have the following rights, which are subject to the grievance procedure outlined in this policy:

1. The right to be treated by DFCS and other partners in the care of abused children with dignity, respect, and trust as a primary provider of foster care and a member of the professional team caring for children in foster care;
2. The right not to be discriminated against on the basis of religion, race, color, creed, gender, marital status, national origin, age, or physical handicap;
3. The right to continue with his/her own family values and beliefs, so long as the values of the child and birth family are not infringed upon and consideration is given to the special needs of children who have experienced trauma and separation from their families. This shall include the right to exercise parental authority within the limits of policies, procedures, and other directions of DFCS and within the limits of the laws of the State of Georgia;
4. The right to receive both standardized pre-service training (including training in DFCS policies and procedures) and appropriate ongoing training (by DFCS or the placing agency) at appropriate intervals to meet mutually assessed needs of the child, to improve foster parents' skills, and to apprise foster parents of any changes in policies and procedures of DFCS and any changes in applicable law;
5. The right to be apprised of information, laws, and guidelines on the obligations, responsibilities and opportunities of foster parenting, and to be kept informed by DFCS of any changes in laws, policies, and procedures regarding foster parenting in a timely manner and at least annually;
6. The right to receive timely financial reimbursement according to the agreement between the foster parents and DFCS from funds appropriated by the General Assembly and to be notified of any costs or expenses for which the foster parent may be eligible for reimbursement. Grievances may include the following:
 - a. The County Department with financial responsibility for the child fails to provide reimbursement for the child in care in accordance with established per diem rates.
 - b. The County Department with financial responsibility for the child fails to provide

- reimbursement for the child in care in accordance with established clothing allowances for initial clothing, annual clothing, and special clothing.
- c. The County Department with financial responsibility for the child fails to provide reimbursement for supplemental supervision (approved child care) for working foster parents in accordance with State rates and policy.
 - d. The County Department with financial responsibility for the child fails to pay concurrent per diem to foster parents when the absence of the child is planned and purposeful [e.g., visits with a parent or relative, pre-placement visits to another home or facility, hospitalization, admission to other institutions for evaluation, camp, respite, Independent Living Program (ILP) activities, and runaway (provided the foster parent is willing to have the child returned)].
7. The right to receive information from DFCS on how to receive services and reach personnel 24 hours per day, seven days per week;
 8. The right, prior to the placement of a child, to be notified of any known issues relative to the child that may jeopardize the health and safety of the foster family or the child or alter the manner in which foster care should be administered;
 9. The right to discuss known information regarding the child prior to placement. DFCS will provide such information as it becomes available as allowable under state and federal laws. Grievance may include if the County Department denies the foster parent reasonable access to non-identifying information from the placement or child protective services record with respect to any child who has been placed in the care of the foster parents or for whom foster care is being sought.
 10. The right to refuse placement of a child in the foster home or to request, upon reasonable notice, the removal of a child from the foster home without fear of reprisal or any adverse effect on being assigned any future foster or adoptive placements;
 11. The right to receive any information through DFCS regarding the number of times a foster child has been moved, and the reasons therefore, and to receive the names and telephone numbers of the previous foster parents, if the previous foster parents authorized such release and as allowable under state and federal law;
 12. The right, at any time during which a child is placed with the foster parent, to receive from DFCS, any and all additional pertinent information relevant to the care of the child;
 13. The right to be provided with a written copy of the individual treatment and service plan concerning the child in the foster parent's home and to discuss such plan with the case manager, as well as reasonable notification of any changes to that plan;
 14. The right to participate in the planning of visitation with the child and the child's biological family, with the foster parents recognizing that visitation with his/her biological family is important to the child;
 15. The right to participate in the case planning and decision-making process with DFCS regarding the child;
 16. The right to provide input concerning the plan of services for the child and to have that input considered by the Department;
 17. The right to communicate for the purpose of participating in the case of the child with other professional team members who work with such child within the context of the professional team, including, but not limited to, therapists, physicians, and teachers, as allowable under state and federal law;
 18. The right to be notified in advance, in writing, by DFCS or the court of any hearing or review where the case plan or permanency of the child is an issue, including periodic

reviews held by the court or by the Judicial Citizen Review panel, hearings following revocation of the license of an agency which has permanent custody of a child, and permanency hearings;

19. The right to be considered, where appropriate, as a preferential placement option when a child who was formerly placed with the foster parents has reentered the foster care system;
20. The right to be considered, where appropriate, as the first choice as a permanent parent or parents for a child who, after 12 months of placement in the foster home, is released for adoption or permanent foster care;
21. The right to be provided a fair and timely investigation of complaints concerning the operation of a foster home;
22. The right to an explanation of a corrective action plan or policy violation relating to foster parents; and
23. The right, to the extent allowed under state and federal law, to have an advocate present at all portions of investigations of abuse and neglect at which an accused foster parent is present. Child abuse and neglect investigations shall be investigated pursuant to DFCS policies and procedures, and any removal of a foster child shall be conducted pursuant to those policies and procedures. DFCS will permit volunteers with the Adoptive and Foster Parent Association of Georgia (AFPAG) to be educated concerning the procedures relevant to investigations of alleged abuse and neglect and the rights of accused foster parents. After such training, a volunteer will be permitted to serve as an advocate for an accused foster parent. All communication received by the advocate in this capacity shall be strictly confidential.

DFCS shall also consider the following issues as grievable:

1. The local DFCS fails to provide face-to-face contact with the foster parent(s) to discuss the reasons for the involuntary closure of their foster home and to offer support to the foster family as children are placed with other resources.
2. The local DFCS fails to send a letter describing the reasons the home is being closed and notification of the closing date within 10 business days of the face-to-face contact.
3. The local DFCS denies the foster parent assistance with preparing a written request for access to a child's record and a response to the written request within a 14-calendar-day timeframe as specified in the law, O.C.G.A. § 49-5-41(D).

PROCEDURES

To file a grievance, a DFCS foster parent will:

1. **Step One Grievance:** Submit a written complaint to the local DFCS County Director via *Foster Parent Grievance Notification: County Director*.
2. **Step Two Grievance:** If the complaint is not satisfactorily resolved within 15 business days from the date the complaint was received by the local DFCS, submit a written complaint to the State DFCS Division Director via *Foster Parent Grievance Notification: State Division Director* along with a copy of *Foster Parent Grievance Notification: County Director*, the local DFCS response, and any other pertinent documentation to the State DFCS Division Director or his/her Designee for resolution at:

Division of Family and Children Services
Division Director
2 Peachtree Street N.W. Suite 19.490

Atlanta, GA 30303

3. Step Three Grievance: If the complaint is not satisfactorily resolved within 15 business days from the date the complaint was received by the State DFCS Division Director, submit a written complaint to the State Mediation Committee (SMC) via *Foster Parent Grievance Notification: State Mediation Committee* along with the entire complaint packet, including responses from the local DFCS and State Division Director to:

State Mediation Committee
Office of the Child Advocate
State of Georgia
7 Martin Luther King Jr. Drive, Suite 347
Atlanta, GA 30334

NOTE: If the Step Three Grievance is not filed within 10 business days of the Step Two (DFCS Division Director Response), the grievance is considered closed and no mediation will occur.

4. Confirm acceptance of the review/staffing appointment from the SMC via telephone, facsimile, or letter before the complaint will be placed on the SMC's calendar.
5. Comply with any requests from the SMC for additional information within three business days of receipt.
6. Accept the outcome from the mediation as final and determinative of all issues.

NOTE: The mediation will result in a written agreement signed at the mediation or an impasse. Either way, it is the end of the grievance process.

County DFCS will:

1. Provide foster parents access to the Foster Parent Bill of Rights and the formal grievance procedure.
2. Avoid moving children out of their current foster home placement during the grievance process if there are no concerns for the children's safety or well-being.
3. Inform foster parents of their right to have an advocate during child protective services investigations and when going through the grievance process. Provide the contact information for the Adoption and Foster Parent Association of Georgia: <http://afpag.net/> and/or 1-877-804-6610.
4. Acknowledge receipt of a Step One grievance via *Notification of Receipt: Step One Grievance*.
5. Investigate the grievance (i.e., staff with all pertinent individuals) and try to resolve it during Step One of the grievance process.
6. Send a written response indicating the resolution or decision reached within 10 business days of receiving the complaint.
7. Comply with any requests from the State Mediation Committee (SMC)/Office of the Child Advocate (OCA) for additional information within three business days of receipt.
8. Accept the outcome from the SMC as final and determinative of all issues.

The DFCS Division Director's Office will:

1. Acknowledge receipt of a Step Two grievance via *Notification of Receipt: Step Two Grievance*.
2. Investigate the grievance and try to resolve it during Step Two of the grievance process.

3. Send a written response indicating the resolution or decision reached within 15 business days of receiving the complaint.

The State Mediation Committee (SMC)/Office of the Child Advocate (OCA) will:

1. Officially log each complaint and schedule mediation to hear the matter within 10 business days of receiving a Step Three grievance.
2. Ensure the following parties are notified of the date, time, and location of the mediation:
 - a. State DFCS representative;
 - b. Local DFCS representative;
 - c. Foster parent(s) filing the complaint; and
 - d. Foster parent agency representative.
3. Ensure a DFCS designee with the authority to make decisions for the Agency is present during the mediation meeting.
4. Request additional information as needed.
5. Depending on the nature of the complaint, recommend certain preliminary steps be taken, including, but not limited to:
 - a. Emergency steps to ensure safety of the child (e.g., suspension of visitation, change in visitation location, temporary suspension of placement, etc.);
 - b. Local Quality Assurance committee review of the case record;
 - c. Preliminary internal staffing and interviews with DFCS staff, foster parents, etc.;
 - d. A review of the case by appointed investigators, including interviews with parties to the case to gain additional information;
 - e. Requesting assistance from other county offices to assist in evaluating the complaint; and
 - f. Requesting psychological evaluations.
6. Review pertinent documents such as the following:
 - a. Grievances filed by other foster parents who within the past year alleged that their home was closed in retaliation actions such as speaking out at meetings, taking a stand against a position of the agency on behalf of a child, and providing information to third party caregivers; and
 - b. Statistical information regarding the number of foster homes closing by a county during a particular time period.
7. Formally conclude the grievance process via a signed written agreement at the mediation or an impasse.

To file a grievance, a foster parent serving with a licensed CPA will:

1. Step One: Informal Level: Try to communicate directly with the agency staff person involved in the situation in an attempt to resolve the matter. This should occur within a reasonable amount of time.
2. Step Two: Supervisory Level: If Step One does not resolve the situation, bring the matter to the attention of the staff person's immediate supervisor who will get involved to try to resolve the matter. This should occur within a reasonable amount of time.
3. Step Three: Executive Director/CEO Level: If Step Two does not resolve the situation, present the problem in writing to the Licensed CPA's Executive Director /CEO explaining: (a) the issue/problem; (b) a summary of the efforts that have been taken to resolve the problem; and (c) why those efforts have not been sufficient to satisfactorily

resolve the situation. The Executive Director/CEO will then attempt to resolve the situation. This should occur within a reasonable amount of time.

4. Step Four: Board of Director Level: If Step Three does not resolve the situation, present the problem in writing to the Board Chairperson with a copy given to the Executive Director/CEO explaining (a) the issue/problem; (b) a summary of the efforts that have been taken to resolve the problem; and (c) why those efforts have not been sufficient to satisfactorily resolve the situation. The Executive Director/CEO will then attempt to resolve the situation. The Board Chairperson will address the issue with the Board to provide the Board's resolution of the situation.
5. Accept the decision of the Licensed Child Placing Agency's Board of Directors as final and determinative on all issues in regards to any grievance.

The CPA will:

1. Provide foster and adoptive parents access to the Foster Parent Bill of Rights and the formal grievance procedure.
2. Report any grievance reaching Step Four (Board of Directors Level) to the state DFCS Division Director within a reasonable amount of time. The report shall:
 - a. Provide a summary of the process, including what occurred at each step; and
 - b. Include a summary written by the foster parents providing a perspective of why they are not satisfied with the decision of the Board.

PRACTICE GUIDANCE

The Foster Parent Bill of Rights became law on July 1, 2004 and outlines 23 rights for DFCS foster parents. The law covers issues such as non-discrimination, distribution and disclosure of information, financial reimbursement, and the right to have input into case planning for children. It includes a provision for advocates who can provide support to foster parents during child protective services investigations or through the grievance process. The Bill of Rights also allows for foster parents to file grievances when they believe that any of these rights have been violated. Care should always be taken to mention only case situations, not case names. The Foster Parent Bill of Rights may be viewed at the Adoptive and Foster Parent Association of Georgia (AFPAG) website.

Besides partnering with DFCS and Foster Care Team members, there are two major organizations that provide support to Foster and Adoptive parents in the state of Georgia. The Adoptive and Foster Parent Association of Georgia (AFPAG) and the Georgia Center for Resources and Support provide ongoing training and advocacy to foster and adoptive parents. Their websites provide contact information and a wealth of resources for foster and adoptive parents.

FORMS AND TOOLS

- [Adoptive and Foster Parent Association of Georgia](#)
- [Georgia Center for Resources and Support](#)
- [Georgia Association of Homes and Services for Children](#)
- [Foster Parent Grievance Notification: County Director](#)
- [Notification of Receipt: Step One Grievance](#)
- [Foster Parent Grievance Notification: State Division Director](#)
- [Notification of Receipt: Step Two Grievance](#)

Foster Parent Grievance Notification: State Mediation Committee