

HB571 INTRODUCED



1 HB571
2 U9UE6GX-1
3 By Representative Mooney
4 RFD: Judiciary
5 First Read: 05-Mar-26



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SYNOPSIS:

Under existing law, the State Department of Human Resources must ensure that foster parents have certain rights.

This bill would provide that foster parents have a right to be heard at any hearings concerning the foster child and the right to submit a written report to the court on the status and welfare of the foster child.

This bill would provide that foster parents of foster children who have been in the care of the department for at least 15 months may intervene as a matter of right in any proceeding relating to the foster child.

This bill would also provide that the court may deny the motion to intervene only if the court issues findings articulating why the intervention would be a detriment to the best interests of the child and would interfere with the child's right to a timely and permanent resolution of his or her case.

A BILL
TO BE ENTITLED
AN ACT



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29
30 Relating to foster parents; to amend Section 38-12A-2,
31 Code of Alabama 1975; to further provide for the rights of
32 foster parents; and to provide certain parents with the right
33 of intervention.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

35 Section 1. Section 38-12A-2, Code of Alabama 1975, is
36 amended to read as follows:

37 "§38-12A-2

38 The Department of Human Resources shall ensure that
39 each foster parent ~~shall have~~ has all of the following rights:

40 (1) The right to be treated with dignity, respect,
41 trust, value, and consideration as a primary provider of
42 foster care and a member of the professional team caring for
43 foster children.

44 (2) The right to receive information concerning the
45 rights enumerated in this section.

46 (3) The right to a concise written explanation of their
47 role as foster parents in partnership with children and their
48 families, the department, and other providers⁷; the role of
49 the department⁷; and the rights and role of the members of the
50 birth family of a child in foster care.

51 (4) The right to training and support for the purpose
52 of improving skills in providing daily care and meeting the
53 needs of the child in foster care.

54 (5) The right to training, consultation, and assistance
55 in evaluating, identifying, and accessing services to meet
56 their needs related to their role as foster care providers.



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57 This includes, but is not limited to, all foster care ~~policies~~
58 policies, the Foster Parent Handbook, Foster Family Homes
59 Minimum Standards, the Therapeutic Foster Care Manual, and a
60 mediation process.

61 (6) The right to provide input to the department in
62 identifying the types of resources and services that would
63 meet the needs of children currently in their care and of
64 their families, and advocate for the same without threat of
65 reprisal.

66 (7) The right to information concerning behavioral
67 problems, health history, educational status, cultural and
68 family background, and other issues relative to the child
69 which are known to the department at the time the child is
70 placed in foster care prior to the child's placement with a
71 foster parent or parents. When the department knows such
72 information after placement, the department shall make that
73 information available to the foster parent as soon as
74 practicable.

75 (8) The right to a written explanation of the plan
76 concerning the placement of a child in the foster parent's
77 home. For emergency placements where time does not allow prior
78 preparation of the explanation, the department shall provide
79 such explanation within 72 hours. Prior to placement, the
80 department shall allow the foster parent to review a written
81 summary of information concerning the child, including, but
82 not limited to, assessments, evaluations, and case plans, and
83 allow the foster parent to assist in determining if the child
84 would be a proper placement for the prospective foster family.



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85 For emergency placements where time does not allow prior
86 review of the information, the department shall provide the
87 information within 72 hours of placement. Confidential
88 information shall be kept confidential by the foster parents,
89 except as determined through the individualized service plan
90 (ISP) process to promote the health and welfare of the child.

91 (9) The right to a staff person representing the
92 department on call 24 hours a day, seven days a week, for the
93 purpose of aiding the foster parent in receiving departmental
94 assistance.

95 (10) The right to fair and equitable board payments
96 based on a system of daily board rates and other financial
97 reimbursement as specified in a plan adopted by the department
98 after consultation with foster parents, subject to the
99 availability of funds.

100 (11) The right to accept or refuse placement within
101 their home, or to request, upon reasonable notice to the
102 department, the removal of a child from their home for good
103 cause without threat of reprisal for acting on such good
104 cause.

105 (12) The right to information of scheduled meetings and
106 appointments concerning the foster child and permission for
107 the foster parent to actively participate in and provide input
108 to be used by the ISP team in the case planning and
109 decision-making process regarding the child in foster care,
110 including, but not limited to, individual service planning
111 meetings, foster care reviews, individual educational planning
112 meetings, and medical appointments.



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113 (13) The right to request that a person or persons
114 serve as a volunteer advocate and to be present at all
115 meetings with the department, including, but not limited to,
116 individualized service planning, administrative hearings, the
117 grievance/mediation process, the adoption process, and the
118 allegation process where the foster parent is present. All
119 communications received by the volunteer advocate shall be in
120 strict confidence.

121 (14) a. The right to timely notice of information
122 concerning all hearings and ~~an opportunity~~ the right to be
123 heard, ~~including timely information concerning all court~~
124 ~~hearings. This notification~~ The notice may include, but is not
125 limited to, ~~notice of~~ the date and time of the court hearing,
126 the name of the judge or hearing officer assigned to the case,
127 the guardian ad litem, the location of the hearing, and the
128 court docket number. The ~~notification~~ notice shall be made
129 upon receipt of this information by the department.

130 b. Although not a party to the case, the foster ~~parent~~
131 parents, even if a motion to intervene has not been granted,
132 may attend court hearings and be heard for purposes of
133 submitting their report ~~at the discretion of the judge.~~

134 (15) The right to communication with professionals who
135 work with the foster child, including, but not limited to,
136 therapists, physicians, and teachers who work directly with
137 the child.

138 (16) The right to communicate with the child's birth
139 family, other foster parents of the child, and prospective and
140 finalized adoptive parents of the child with ISP team approval



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141 and without the threat of reprisal.

142 (17) The right to necessary information on an ongoing
143 basis which is relevant to the care of the child, including
144 timely information on changes in the case plan or termination
145 of the placement and reasons for the changes or termination of
146 placement to the foster parent, except in the instances of
147 immediate response of child protective service.

148 (18) The right to first consideration as the resource
149 for a child in a foster parent's home who becomes free for
150 adoption or another planned permanent living arrangement.

151 (19) The right to a period of respite upon the request
152 of a foster parent. The foster parent shall provide reasonable
153 notice of a request for respite.

154 (20) The right to information, in person and in
155 writing, of any allegations of maltreatment of children in the
156 home of the foster parent alleged to have been perpetrated by
157 a member of the foster parent's household, the process for
158 disposition of these allegations, and any review process for
159 reports of indicated child abuse and neglect upon receipt of
160 the allegations. A written notification of any report in which
161 a finding is not indicated on the county level shall be
162 provided to a foster parent within five days of the findings.

163 (21) The right to copies of all information relative to
164 their family and services contained in the personal foster
165 home record.

166 (22) The right to mediation procedures that may be
167 developed and adopted by the department and the Alabama Foster
168 and Adoptive Parent Association Board. The foster parent may



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169 request mediation in accordance with any mediation policy
170 adopted by the department and the Alabama Foster and Adoptive
171 Parent Association Board without threat of reprisal.

172 (23) The right to appeal the closing of a foster family
173 home by the department in accordance with any appeal procedure
174 adopted by the department and the Alabama Foster and Adoptive
175 Parent Association Board without threat of reprisal.

176 (24) The right to submit a written report to the court
177 about the status and welfare of the foster child in their
178 care, as an exercise of their right to be heard.

179 (25) For foster parents who have fostered a foster
180 child who has been in the custody of the department for at
181 least 15 months, the right to file to intervene as a party as
182 a matter of right in any legal proceeding involving the foster
183 child. The court shall grant a motion to intervene under this
184 subdivision, except for good cause shown. The court may deny
185 the motion to intervene if the court issues a timely written
186 order articulating findings that granting the foster parent's
187 motion to intervene would be detrimental to the child's best
188 interests and would interfere with the foster child's right to
189 a timely and permanent resolution to the case. Foster parents
190 with the right to intervene under this subdivision do not need
191 the consent of the Department of Human Resources in order to
192 file a motion to intervene, and shall be entitled to file such
193 a motion without threat of reprisal for acting on good cause.
194 This subdivision does not entitle a foster parent to
195 court-appointed counsel."

196 Section 2. This act shall become effective on October



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197 1, 2026.