

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

**CHAPTER 159**  
**SENATE BILL 1209**

AN ACT

AMENDING TITLE 8, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-528; RELATING TO CHILD WELFARE AND PLACEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 8, chapter 5, article 1, Arizona Revised Statutes, is  
3 amended by adding section 8-528, to read:

4 8-528. Children in foster care; rights

5 A. A CHILD IN FOSTER CARE HAS THE FOLLOWING RIGHTS:

6 1. TO APPROPRIATE CARE AND TREATMENT IN THE LEAST RESTRICTIVE SETTING  
7 AVAILABLE THAT CAN MEET THE CHILD'S NEEDS ACCORDING TO THE BEST JUDGMENT OF  
8 THE FOSTER PARENT.

9 2. TO LIVE IN A SAFE, HEALTHY AND COMFORTABLE PLACEMENT WHERE THE  
10 CHILD CAN RECEIVE REASONABLE PROTECTION FROM HARM AND APPROPRIATE PRIVACY FOR  
11 PERSONAL NEEDS AND WHERE THE CHILD IS TREATED WITH RESPECT.

12 3. TO KNOW WHY THE CHILD IS IN FOSTER CARE AND WHAT WILL HAPPEN TO THE  
13 CHILD AND TO THE CHILD'S FAMILY, INCLUDING SIBLINGS, AND CASE PLANS.

14 4. WHENEVER POSSIBLE, THE CHILD SHOULD BE PLACED WITH A FOSTER FAMILY  
15 THAT CAN ACCOMMODATE THE CHILD'S COMMUNICATION NEEDS.

16 5. TO BE DISCIPLINED IN A MANNER THAT IS APPROPRIATE TO THE CHILD'S  
17 LEVEL OF MATURITY.

18 6. TO ATTEND COMMUNITY, SCHOOL AND RELIGIOUS SERVICES AND ACTIVITIES  
19 OF THE CHILD'S CHOICE TO THE EXTENT THAT IT IS APPROPRIATE FOR THE CHILD, AS  
20 PLANNED AND DISCUSSED WITH THE CHILD'S PLACEMENT WORKER AND CASEWORKER AND  
21 BASED ON CAREGIVER ABILITY IF TRANSPORTATION IS AVAILABLE THROUGH A  
22 RESPONSIBLE PARTY.

23 7. TO GO TO SCHOOL AND RECEIVE AN EDUCATION THAT FITS THE CHILD'S AGE  
24 AND INDIVIDUAL NEEDS.

25 8. TO TRAINING IN PERSONAL CARE, HYGIENE AND GROOMING.

26 9. TO CLOTHING THAT FITS COMFORTABLY AND IS ADEQUATE TO PROTECT THE  
27 CHILD AGAINST NATURAL ELEMENTS SUCH AS RAIN, SNOW, WIND, COLD AND SUN.

28 10. TO HAVE PERSONAL POSSESSIONS AT HOME THAT ARE NOT OFFENSIVE TO THE  
29 FOSTER FAMILY AND TO ACQUIRE ADDITIONAL POSSESSIONS WITHIN REASONABLE LIMITS,  
30 AS PLANNED AND DISCUSSED WITH THE CHILD'S FOSTER PARENT, PLACEMENT WORKER AND  
31 CASEWORKER, AND BASED ON CAREGIVER ABILITY.

32 11. TO PERSONAL SPACE, IN THE FOSTER HOME PREFERABLY, IN THE CHILD'S  
33 BEDROOM FOR STORING CLOTHING AND BELONGINGS.

34 12. TO HEALTHY FOODS IN HEALTHY PORTIONS THAT ARE APPROPRIATE FOR THE  
35 CHILD'S AGE.

36 13. TO COMPLY WITH ANY APPROVED VISITATION PLAN, AND TO HAVE ANY  
37 RESTRICTIONS EXPLAINED TO THE CHILD IN A MANNER AND LEVEL OF DETAILS DEEMED  
38 AGE APPROPRIATE BY THE FOSTER PARENT IN AGREEMENT WITH THE CASEWORKER AND  
39 DOCUMENTED IN THE CHILD'S RECORD.

40 14. IF THE CHILD IS SIX YEARS OF AGE OR OLDER, TO RECEIVE CONTACT  
41 INFORMATION FOR THE CHILD'S CASEWORKER, ATTORNEY OR ADVOCATE AND TO SPEAK  
42 WITH THEM IN PRIVATE IF NECESSARY.

43 15. TO PARTICIPATE IN AGE APPROPRIATE CHILD'S SERVICE PLANNING AND  
44 PERMANENCY PLANNING MEETINGS AND TO BE GIVEN A COPY OR SUMMARY OF EACH  
45 SERVICE PLAN AND SERVICE PLAN REVIEW. THE CHILD MAY REQUEST SOMEONE TO

1 PARTICIPATE ON THE CHILD'S BEHALF OR TO SUPPORT THE CHILD IN THIS  
2 PARTICIPATION.

3 16. TO ATTEND THE CHILD'S COURT HEARING AND SPEAK TO THE JUDGE.

4 17. TO HAVE THE CHILD'S RECORDS AND PERSONAL INFORMATION KEPT PRIVATE  
5 AND DISCUSSED ONLY WHEN IT IS ABOUT THE CHILD'S CARE EXCEPT THE FOSTER PARENT  
6 SHALL HAVE FULL ACCESS TO THE RECORDS TO DETERMINE IF THE CHILD WILL BE  
7 SUCCESSFUL IN THE HOME. DURING THE FOSTER PLACEMENT, IF THE FOSTER PARENT  
8 REQUESTS TO VIEW THE RECORD UPON EXPERIENCING PROBLEMS WITH THE CHILD'S  
9 ADJUSTMENT, THE FULL RECORD SHALL BE MADE AVAILABLE FOR VIEWING BY THE FOSTER  
10 PARENT.

11 18. TO BE FREE OF UNNECESSARY OR EXCESSIVE MEDICATION.

12 19. TO RECEIVE EMOTIONAL, MENTAL HEALTH OR CHEMICAL DEPENDENCY  
13 TREATMENT SEPARATELY FROM ADULTS WHO ARE RECEIVING SERVICES, AS PLANNED AND  
14 DISCUSSED WITH THE CHILD'S PLACEMENT WORKER AND CASEWORKER, AS IS FINANCIALLY  
15 REASONABLE FOR THE FOSTER PARENT.

16 20. TO REPORT A VIOLATION OF PERSONAL RIGHTS SPECIFIED IN THIS SECTION  
17 WITHOUT FEAR OF PUNISHMENT, INTERFERENCE, COERCION OR RETALIATION, EXCEPT  
18 THAT AN APPROPRIATE LEVEL OF PUNISHMENT MAY BE APPLIED IF THE CHILD IS PROVEN  
19 TO HAVE MALICIOUSLY OR WRONGFULLY ACCUSED THE FOSTER PARENT.

20 21. THE CHILD HAS THE RIGHT TO BE INFORMED IN WRITING OF THE NAME,  
21 ADDRESS, TELEPHONE NUMBER AND PURPOSE OF THE ARIZONA PROTECTION AND ADVOCACY  
22 SYSTEM FOR DISABILITY ASSISTANCE.

23 22. TO UNDERSTAND AND HAVE A COPY OF THE RIGHTS LISTED IN THIS SECTION.

24 B. A CHILD IN FOSTER CARE WHO IS AT LEAST SIXTEEN YEARS OF AGE HAS THE  
25 FOLLOWING RIGHTS:

26 1. TO ATTEND PREPARATION FOR ADULT LIVING CLASSES AND ACTIVITIES AS  
27 APPROPRIATE TO THE CHILD'S CASE PLAN, AS IS FINANCIALLY REASONABLE FOR THE  
28 FOSTER PARENT.

29 2. TO A TRANSITION PLAN THAT INCLUDES CAREER PLANNING AND ASSISTANCE  
30 WITH ENROLLING IN AN EDUCATIONAL OR VOCATIONAL JOB TRAINING PROGRAM.

31 3. TO BE INFORMED OF EDUCATIONAL OPPORTUNITIES BEFORE THE CHILD LEAVES  
32 FOSTER CARE.

33 4. TO ASSISTANCE IN OBTAINING AN INDEPENDENT RESIDENCY WHEN THE CHILD  
34 IS TOO OLD TO REMAIN IN FOSTER CARE FROM THE CHILD'S CASEWORKER, ATTORNEY OR  
35 ADVOCATE.

36 5. TO REQUEST A COURT HEARING FOR A COURT TO DETERMINE IF THE CHILD  
37 HAS THE CAPACITY TO CONSENT TO MEDICAL CARE THAT IS DIRECTLY RELATED TO AN  
38 ILLNESS, DISEASE, DEFORMITY OR OTHER PHYSICAL MALADY.

39 6. TO RECEIVE HELP WITH OBTAINING A DRIVER LICENSE, SOCIAL SECURITY  
40 NUMBER, BIRTH CERTIFICATE OR STATE IDENTIFICATION CARD, EXCEPT THAT THE  
41 FOSTER PARENT SHALL HAVE DISCRETION TO DETERMINE IF THE CHILD IS RESPONSIBLE  
42 AND MATURE ENOUGH TO BECOME A LICENSED DRIVER.

1           7. TO RECEIVE NECESSARY PERSONAL INFORMATION WITHIN THIRTY DAYS AFTER  
2 LEAVING FOSTER CARE, INCLUDING THE CHILD'S BIRTH CERTIFICATE, IMMUNIZATION  
3 RECORDS AND INFORMATION CONTAINED IN THE CHILD'S EDUCATION PORTFOLIO AND  
4 HEALTH PASSPORT.

5           C. THIS SECTION DOES NOT ESTABLISH ANY CAUSE OF ACTION ON BEHALF OF  
6 ANY PERSON.

7           Sec. 2. Short title

8           This act may be cited as the "Bill of Rights for Children and Youth in  
9 Foster Care Act".

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.