



CENTER FOR THE RIGHTS  
OF ABUSED CHILDREN

Dear Colleague:

At the Center for the Rights of Abused Children, we protect the rights of children who are victims of abuse and neglect, and we work to ensure every child has a safe and loving home. To protect children's rights, they must be clear and defensible. We passed state legislation codifying children's rights and ensuring they are enforceable.

We are encouraged by your desire to secure the rights of abused and neglected children. To assist you in strengthening children's rights in your area, we assembled a toolkit that includes:

1. Overview of the Issue
2. Sample Legislation (Arizona SB 1186)
3. One-Pager for Policymakers
4. Sample Legislative Testimony
5. Sample Letter to the Governor
6. Sample Media Campaign Material
  - A. Opinion Editorial
  - B. Press Release
  - C. Social Media Posts

We are passionate about this issue, and we want you to succeed in your advocacy journey. Good luck, and do not hesitate to contact the Center at [hello@thecenterforchildren.org](mailto:hello@thecenterforchildren.org) or 602-710-1135 if we can assist.

Warmly,

A handwritten signature in black ink that reads "Kendall Seal".

Kendall Seal  
VP of Policy





## ENFORCING THE RIGHTS OF CHILDREN IN FOSTER CARE

### INTRODUCTION

Children are born with fundamental rights. These include the rights to family, necessities, freedom from abuse, stability, and education. Fit parents satisfy their duty to provide and protect each child's rights. However, in dependency cases, children's parents or guardians are accused of abusive or neglectful behavior. In other words, the providers and protectors have allegedly violated a child's rights.

Often, the focus of dependency proceedings is on the parents' rights. In some instances, the system can be overly focused on whether the parent will retain or lose custody and control of their children. While the parents' role is a central feature of dependency proceedings, the child's perspective is often either absent or overlooked. Children have the most to lose in dependency proceedings. Yet, states' legal and welfare systems fail to adequately protect children's rights.

In states where children's rights are not recognized, unenumerated, or unenforceable, policy-makers can do more to secure the rights of children. Policymakers can better protect abused and neglected children by doing the following:

- Enumerating and expanding the rights of children in care;
- Outlining a procedure enforcing those rights through judicial redress of violations; and
- Ensuring children are appointed a client-directed lawyer ethically bound to represent the child and protect the child's rights.

### PROBLEM

Children's fundamental life and liberty interests are at stake in dependency proceedings. The child protection system determines where children live, what schools they attend, and when, if ever, they can return home. These decisions have far-reaching consequences, influencing whether a child will see their siblings, remain connected to their community and friends, be adopted, graduate from high school, age out of the child welfare system, obtain higher education, experience incarceration, or even premature death.

Children under the care and custody of the state no longer have the protection of a parent and must be afforded due process and equal protection of the laws to vindicate their inalienable rights.<sup>1</sup> Many states lack constitutionally or statutorily enumerated rights for abused and neglected children. Even in those states where rights are enumerated, state audits found around half of children in foster care are never informed of their rights.<sup>2</sup> Even when states recognize children's rights and inform them of their rights, there must be meaningful enforcement. Without the procedure and power of children to enforce their rights, even enumerated rights are perfunctory and ineffectual – they are rendered into a “bill of thoughts.”



## Arizona Case Study

Under the pretense of guaranteeing the rights of abused children, Arizona lawmakers passed a law in 2009 that enumerated several rights belonging to children in foster care. However, due to a concern that the proposed language failed to adequately “specify that no new legally enforceable right or cause of action is established for a foster child,” the legislature returned the following year to ensure none of the enumerated rights were legally enforceable.<sup>3</sup> So from July 29, 2010, to October 29, 2023, Arizona child welfare law did “not establish any legally enforceable right or cause of action on behalf of any person.”<sup>4</sup>

Today, because of the Center’s work, the law allows children to enforce their rights through an attorney representing them in dependency proceedings. Specifically, the law provides for the opportunity to seek equitable relief but precludes “independent cause[s] of action.”<sup>5</sup> Other states can follow suit by improving the ability of children to enforce their rights as part of their underlying dependency proceedings.

## CURRENT LAW

While many states have a “foster care bill of rights,” not all states provide an effective enforcement mechanism to remedy a violation of a recognized right. Unfortunately, unenforceable rights have little value, providing no substantive protection to children in care. And perhaps equally important --- diminished accountability for the child welfare system.

States vary in the mechanics of enforcement. Remedial mechanisms for violated rights range from formal administrative or judicial processes to informal grievances, silence as to enforcement, or, as was the case in Arizona until 2023, a prohibition on the meaningful enforcement of rights. For example, some states prohibit an independent cause of action for infringed rights but fail to provide an alternative manner of enforcement.<sup>6</sup> Other states allow violations to be brought before an ombudsman agency, providing some measure of potential relief but no direct avenue to the ongoing court case.<sup>7</sup> Still, other states outline a bill of rights with little or no clarification on enforcement.<sup>8</sup>

As previously outlined, Arizona corrected its statutory deficiency and now allows a child to simultaneously pursue an administrative and judicial remedy in pursuit of equitable relief. Clear, enumerated rights coupled with a meaningful procedure can serve as a model for states to better protect children in foster care.

## SOLUTION

### Codify the Rights of a Child in Need of Care

Children’s rights need to be clearly defined and explained to them in a way they can understand. These rights should be uniform and available to every child as they enter care and throughout their case. To accomplish this, states without enumerated rights for abused or neglected children should codify clear and meaningful rights for all children in state custody and care, whether placed with a kinship caregiver or a foster family. States should ensure these rights are provided to the child in writing and explained in a manner that can be understood according to the child’s ability and maturity.



Abused and neglected children have many rights. To illustrate, Arizona law outlines the right of children in foster care to:

- appropriate care and treatment;
- placement in the least restrictive setting available;
- live in a safe, healthy, comfortable home where the child can receive reasonable protection from harm and appropriate privacy for personal needs and where the child is treated with respect;
- be placed with a relative when such placement is in the child's best interest;
- be placed with or close to the child's siblings when possible and visit and have contact with siblings and family members when it is in the child's best interest;
- know why the child is in foster care and what will happen to the child and to the child's family, including siblings, and case plans;
- whenever possible, be placed with a foster family that can accommodate the child's communication needs;
- be disciplined in a manner appropriate to the child's level of maturity and not be subjected to physical discipline methods;
- attend community, school, extracurricular, and religious services and activities;
- go to school and receive an education that fits the child's age and individual needs;
- training in personal care, hygiene, and grooming;
- clothing that fits comfortably and protects the child against natural elements such as rain, snow, wind, cold, and sun;
- have and acquire personal possessions (within reasonable limits);
- personal space in the foster home for storing clothing and belongings;
- healthy foods in healthy portions that are appropriate for the child's age;
- comply with any approved visitation plan, and have any restrictions explained to the child in a manner and level of detail deemed age-appropriate by the foster parent in agreement with the caseworker and documented in the child's record;
- receive contact information for the child's caseworker, attorney, or advocate and speak with them privately if necessary;
- be represented by an attorney in all dependency proceedings;
- participate in service and permanency planning and be given a copy or summary of each service plan and service plan review;
- attend court hearings and speak to the judge;



- have the child's records and personal information kept private and discussed only when it is about the child's care;
- receive medical, dental, vision, and mental health services and be informed about diagnoses and treatment options as is developmentally appropriate;
- be free of unnecessary or excessive medication;
- receive emotional, mental health, or chemical dependency treatment separately from adults who are receiving services;
- report a violation of personal rights specified in this section without fear of punishment, interference, coercion, or retaliation;
- be informed in writing of the name, address, telephone number, and purpose of the Arizona protection and advocacy system for disability assistance;
- understand and have a copy of their rights; and
- services for transitioning out of foster care and into adulthood, including career and educational training.<sup>9</sup>

### **Make Children's Rights Enforceable**

Enumerated rights are hollow without a meaningful mechanism to remedy violations. To ensure substantive rights, states should grant children in care the ability to petition the court for equitable relief for violated rights. Such relief can include the court ordering an offending party to cease the actions that violate the child's rights or perform some action a party is obligated to perform on behalf of the child.

Providing an effective remedy for children can be accomplished without overburdening court dockets. This is accomplished by foreclosing independent legal actions and allowing for the pursuit of remedies only as part of the existing dependency action. Engaging the law this way would not create a new, independent cause of action, but it would ensure children can remedy violated rights in proceedings to which they are already a party. This is efficient because having a judge already familiar with the case's unique circumstances promotes judicial economy and better decisions.

Key elements to ensure a child's rights are enforceable include:

- Ensuring children are informed of and understand their rights;
- Providing children with information about who to contact and how to contact them about violations of their rights;
- Creating a judicial mechanism for children to receive equitable relief for violations of their rights; and
- Encouraging efficiency by limiting judicial action to requests for relief as part of the dependency proceeding and foreclosing independent civil action for violations.



### **Appoint Client-Directed Attorneys to Represent Children in Dependency Proceedings.**

Because the rights of children are those most impacted by the child protection system, they should have a meaningful opportunity to be heard, have their position represented, and have their rights and liberties protected. This is best accomplished by appointing a client-directed attorney to represent a child involved in the child protection system in a traditional attorney-client relationship.

### **CONCLUSION**

Children have fundamental rights. These rights should be clear and outlined in state law. For the rights of child victims of abuse and neglect to have effect and meaning, the rights must be enforceable. To accomplish this, states should provide children, through their legal representative, the opportunity to seek equitable relief for violations of their rights within the dependency proceeding. Enforceable rights can improve the lives of children and hold the child welfare system more accountable.

<sup>1</sup> Tim Keller, Ctr. for the Rts. of Abused Child., *Asserting, Arguing, and Appealing the Constitutional Rights of Children in Foster Care 7*, (2024), [https://www.thecenterforchildren.org/wp-content/uploads/2024/01/2024\\_Center\\_Practice\\_Manual\\_Digital\\_Final\\_012324.pdf](https://www.thecenterforchildren.org/wp-content/uploads/2024/01/2024_Center_Practice_Manual_Digital_Final_012324.pdf).

<sup>2</sup> Ill. Office of the Auditor Gen., *Performance Audit Department of Children and Family Services LGBTQ Youth in Care*, 17 (Feb. 2021), [https://auditor.illinois.gov/Audit-Reports/Performance-Special-Multi/Performance-Audits/2021\\_Releases/21-DCFS-LGBTQ-Youth-in-Care-Perf-Full.pdf](https://auditor.illinois.gov/Audit-Reports/Performance-Special-Multi/Performance-Audits/2021_Releases/21-DCFS-LGBTQ-Youth-in-Care-Perf-Full.pdf); Jessennya Hernandez, *Foster Youth Perspectives: How Foster Youth Navigate and Mobilize Their Rights within the Foster Care System*, 46(2) *Human. and Soc'y* 249-270 (2022), <https://journals.sagepub.com/doi/abs/10.1177/0160597621991546>.

<sup>3</sup> Ariz. Governor's Message, 7/13/2009.

<sup>4</sup> Child Welfare, 2010 Ariz. Legis. Serv. Ch. 218.

<sup>5</sup> Ariz. Rev. Stat. Ann. § 8-529.

<sup>6</sup> Examples include Texas' Foster Children's Bill of Rights ([TX Fam Code §263.008](#)) and North Carolina's Foster Parents' Bill of Rights ([NC Gen. Stat. §131D-10.9C\(c\)](#)).

<sup>7</sup> West Virginia's Foster Child Bill of Rights ([WV Code §49-2-126\(b\)](#)) and Foster and Kinship Parent Bill of Rights ([WV Code §49-2-127\(b\)](#)) are examples.

<sup>8</sup> New Jersey's "Child's Rights" ([NJ Rev Stat §9:6B-4](#)) provides an example.

<sup>9</sup> Ariz. Rev. Stat. Ann. § 8-529.





House Engrossed Senate Bill  
foster care; children; parents; rights

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

**CHAPTER 157**  
**SENATE BILL 1186**

AN ACT

AMENDING SECTIONS 8-529, 8-530, 8-803 AND 8-809, ARIZONA REVISED STATUTES;  
AMENDING TITLE 8, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 8-809.01; RELATING TO CHILD WELFARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-529, Arizona Revised Statutes, is amended to  
3 read:

4 8-529. Children in foster care and kinship foster care;  
5 rights

6 A. A child in foster CARE AND KINSHIP FOSTER care has the following  
7 rights:

8 1. To appropriate care and treatment in the least restrictive  
9 setting available that can meet the child's needs according to the best  
10 judgment of the foster parent.

11 2. To live in a safe, healthy and comfortable placement where the  
12 child can receive reasonable protection from harm and appropriate privacy  
13 for personal needs and where the child is treated with respect.

14 3. TO BE PLACED WITH A RELATIVE WHEN SUCH PLACEMENT IS IN THE BEST  
15 INTEREST OF THE CHILD.

16 4. TO BE PLACED WITH OR IN CLOSE PROXIMITY TO THE CHILD'S SIBLINGS  
17 WHEN POSSIBLE AND TO VISIT AND HAVE CONTACT WITH SIBLINGS AND FAMILY  
18 MEMBERS WHEN IT IS IN THE BEST INTEREST OF THE CHILD.

19 ~~5.~~ 5. To know why the child is in foster care and what will happen  
20 to the child and to the child's family, including siblings, and case  
21 plans.

22 ~~4.~~ 6. Whenever possible, to be placed with a foster family that can  
23 accommodate the child's communication needs.

24 ~~5.~~ 7. To be disciplined in a manner that is appropriate to the  
25 child's level of maturity AND NOT BE SUBJECTED TO PHYSICAL DISCIPLINE  
26 METHODS.

27 ~~6.~~ 8. To attend community, school, EXTRACURRICULAR and religious  
28 services and activities of the child's choice to the extent that it is  
29 appropriate for the child, as planned and discussed with the child's  
30 placement worker and caseworker and based on caregiver ability if  
31 transportation is available through a responsible party.

32 ~~7.~~ 9. To go to school and receive an education that fits the  
33 child's age and individual needs. IF REMAINING IN THE CHILD'S CURRENT  
34 SCHOOL IS NOT IN THE CHILD'S BEST INTEREST, THE CHILD HAS THE RIGHT TO BE  
35 ENROLLED IN THE LEAST RESTRICTIVE SCHOOL AVAILABLE.

36 ~~8.~~ 10. To training in personal care, hygiene and grooming.

37 ~~9.~~ 11. To clothing that fits comfortably and is adequate to protect  
38 the child against natural elements such as rain, snow, wind, cold and sun.

39 ~~10.~~ 12. To have personal possessions at home ~~that are not offensive~~  
40 ~~to the foster family~~ and to acquire additional possessions within  
41 reasonable limits, as planned and discussed with the child's foster  
42 parent, placement worker and caseworker, and based on caregiver ability.

- 1           ~~11:~~ 13. To personal space, ~~in the foster home~~ preferably, in the  
2 child's FOSTER HOME bedroom for storing clothing and belongings.
- 3           ~~12:~~ 14. To healthy foods in healthy portions that are appropriate  
4 for the child's age.
- 5           ~~13:~~ 15. To comply with any approved visitation plan, and to have  
6 any restrictions explained to the child in a manner and level of details  
7 deemed age appropriate by the foster parent in agreement with the  
8 caseworker and documented in the child's record.
- 9           ~~14:~~ 16. If the child is six years of age or older, to receive  
10 contact information for the child's caseworker, attorney or advocate and  
11 to speak with them in private if necessary.
- 12           17. TO BE REPRESENTED BY AN ATTORNEY IN ALL PROCEEDINGS INITIATED  
13 PURSUANT TO THIS TITLE.
- 14           ~~15:~~ 18. To participate in age appropriate child's service planning  
15 and permanency planning meetings and to be given a copy or summary of each  
16 service plan and service plan review. The child may request someone to  
17 participate on the child's behalf or to support the child in this  
18 participation.
- 19           ~~16:~~ 19. To attend the child's court hearing and speak to the judge.
- 20           ~~17:~~ 20. To have the child's records and personal information kept  
21 private and discussed only when it is about the child's care except the  
22 foster parent shall have full access to the records to determine if the  
23 child will be successful in the home. During the foster placement, if the  
24 foster parent requests to view the record ~~upon~~ ON experiencing problems  
25 with the child's adjustment, the full record shall be made available for  
26 viewing by the foster parent.
- 27           21. TO RECEIVE MEDICAL, DENTAL, VISION AND MENTAL HEALTH SERVICES  
28 AND TO BE INFORMED ABOUT DIAGNOSES AND TREATMENT OPTIONS AS IS  
29 DEVELOPMENTALLY APPROPRIATE.
- 30           ~~18:~~ 22. To be free of unnecessary or excessive medication.
- 31           ~~19:~~ 23. To receive emotional, mental health or chemical dependency  
32 treatment separately from adults who are receiving services, as planned  
33 and discussed with the child's placement worker and caseworker, as is  
34 financially reasonable for the foster parent.
- 35           ~~20:~~ 24. To report a violation of personal rights specified in this  
36 section without fear of punishment, interference, coercion or retaliation,  
37 except that an appropriate level of punishment may be applied if the child  
38 is proven to have maliciously or wrongfully accused the foster parent.
- 39           ~~21:~~ 25. To be informed in writing of the name, address, telephone  
40 number and purpose of the Arizona protection and advocacy system for  
41 disability assistance.
- 42           ~~22:~~ 26. To understand and have a copy of the rights listed in this  
43 section.

- 1           B. A child in foster CARE OR KINSHIP FOSTER care who is at least  
2 ~~sixteen~~ FOURTEEN years of age has the following rights:
- 3           1. To attend preparation for adult living classes and activities as  
4 appropriate to the child's case plan, as is financially reasonable for the  
5 foster parent.
- 6           2. To a transition plan that includes career planning and  
7 assistance with enrolling in an educational or vocational job training  
8 program.
- 9           3. To be informed of educational opportunities, ~~before the child~~  
10 ~~leaves foster care~~ INCLUDING INFORMATION REGARDING ASSISTANCE AND FUNDING  
11 FOR POSTSECONDARY AND VOCATIONAL EDUCATION.
- 12           4. To assistance in obtaining an independent residency when the  
13 child is too old to remain in foster care from the child's caseworker,  
14 attorney or advocate.
- 15           5. To request a court hearing for a court to determine if the child  
16 has the capacity to consent to medical care that is directly related to an  
17 illness, disease, deformity or other physical malady.
- 18           6. To receive help with obtaining a driver license, social security  
19 number, birth certificate or state identification card, ~~except that~~ AND  
20 CREDIT REPORTS WITH ASSISTANCE IN INTERPRETING THE REPORTS AND RESOLVING  
21 INACCURACIES IN THE REPORT. The foster parent shall have discretion to  
22 determine if the child is responsible and mature enough to become a  
23 licensed driver.
- 24           7. To receive necessary personal information within thirty days  
25 after leaving foster care, including the child's birth certificate,  
26 immunization records and information contained in the child's education  
27 portfolio and health passport.
- 28           ~~C. This section does not establish any legally enforceable right or~~  
29 ~~cause of action on behalf of any person.~~
- 30           8. TO PARTICIPATE IN OR REENTER EXTENDED FOSTER CARE WHEN THE CHILD  
31 IS AT LEAST EIGHTEEN AND UNDER TWENTY-ONE YEARS OF AGE PURSUANT TO SECTION  
32 8-521.02.
- 33           C. THE DEPARTMENT SHALL PROVIDE INFORMATION REGARDING A CHILD'S  
34 RIGHTS PURSUANT TO THIS SECTION AND ASSISTANCE IN UNDERSTANDING AND  
35 ENFORCING THESE RIGHTS TO EACH CHILD WHO ENTERS FOSTER CARE OR KINSHIP  
36 FOSTER CARE OR WHEN THERE IS A CHANGE IN THE CHILD'S FOSTER CARE PLAN.  
37 THE INFORMATION SHALL ALSO INCLUDE THE TELEPHONE NUMBER AND EMAIL ADDRESS  
38 OF THE DEPARTMENT, THE CHILD'S ASSIGNED CASE MANAGER, THE DEPARTMENT'S  
39 OFFICE OF THE OMBUDSMAN AND THE OMBUDSMAN-CITIZENS AIDE. A COPY OF THESE  
40 RIGHTS SHALL BE POSTED IN A CONSPICUOUS PLACE IN ALL FOSTER CARE AND GROUP  
41 HOMES.
- 42           D. IF A CHILD WHO IS IN FOSTER CARE OR KINSHIP FOSTER CARE BELIEVES  
43 THAT THE CHILD'S RIGHTS UNDER THIS SECTION HAVE BEEN VIOLATED, THE CHILD  
44 OR THE CHILD'S REPRESENTATIVE MAY:

1           1. FILE A COMPLAINT WITH THE DEPARTMENT, THE DEPARTMENT'S OFFICE OF  
2 THE OMBUDSMAN OR THE OMBUDSMAN-CITIZENS AIDE PURSUANT TO SECTION 41-1376.  
3 A FORMAL GRIEVANCE MAY BE INITIATED WITH THE OMBUDSMAN AT ANY TIME.

4           2. NOTIFY THE JUVENILE COURT IN THE CHILD'S ONGOING DEPENDENCY,  
5 SEVERANCE OR ADOPTION PROCEEDING, EITHER ORALLY OR IN WRITING, THAT THE  
6 CHILD'S RIGHTS ARE BEING VIOLATED AND REQUEST APPROPRIATE EQUITABLE  
7 RELIEF. THE COURT SHALL ACT ON THE NOTIFICATION AS NECESSARY WITHIN ITS  
8 DISCRETION TO PROMOTE THE BEST INTEREST OF THE CHILD.

9           E. THE RIGHTS PROVIDED IN THIS SECTION DO NOT ESTABLISH AN  
10 INDEPENDENT CAUSE OF ACTION.

11           Sec. 2. Section 8-530, Arizona Revised Statutes, is amended to  
12 read:

13           8-530. Foster parents and kinship foster care parents; rights

14           A. A foster PARENT OR KINSHIP FOSTER CARE parent in this state has  
15 the following rights:

16           1. To be treated with consideration and respect for the foster  
17 PARENT OR KINSHIP FOSTER CARE parent's personal dignity and privacy.

18           2. To be included as a valued member of the team that provides  
19 services to the foster child, INCLUDING PARTICIPATION IN MEETINGS THAT  
20 INVOLVE THE CHILD'S SERVICE TEAM.

21           3. To receive support services that assist the foster parent OR  
22 KINSHIP FOSTER CARE PARENT to care for the child in the foster home,  
23 including open and timely responses from agency personnel.

24           4. To be informed of all information regarding the child that will  
25 impact the foster home or family life during the care of the foster child.

26           5. To contribute to the permanency plan for the child in the foster  
27 home.

28           6. To have placement information kept confidential when it is  
29 necessary to protect the foster parent OR KINSHIP FOSTER CARE PARENT and  
30 the members of the foster parent's OR KINSHIP FOSTER CARE PARENT'S  
31 household.

32           7. To be assisted in dealing with family loss and separation when a  
33 child leaves the foster home.

34           8. To be informed of all agency policies and procedures that relate  
35 to the foster parent's OR KINSHIP FOSTER CARE PARENT'S role as a foster  
36 parent OR KINSHIP FOSTER CARE PARENT.

37           9. To receive training that will enhance the foster parent's OR  
38 KINSHIP FOSTER CARE PARENT'S skills and ability to cope as a foster parent  
39 OR KINSHIP FOSTER CARE PARENT.

40           10. TO REPORT A VIOLATION OF THE RIGHTS SPECIFIED IN THIS SECTION  
41 WITHOUT FEAR OF PUNISHMENT, INTERFERENCE, COERCION OR RETALIATION.

42           ~~10.~~ 11. To be able to receive services and reach personnel on a  
43 twenty-four hour, seven days per week basis.

44           ~~11.~~ 12. To be granted a reasonable plan for respite from the role  
45 of foster parent OR KINSHIP FOSTER CARE PARENT.

1 ~~12.~~ 13. To confidentiality regarding issues that arise in the  
2 foster home.

3 ~~13.~~ 14. To not be discriminated against on the basis of religion,  
4 race, color, creed, sex, national origin, age or physical disability.

5 ~~14.~~ 15. To receive an evaluation on the foster parent's OR KINSHIP  
6 FOSTER CARE PARENT'S performance.

7 ~~B. This section does not establish any legally enforceable right or  
8 cause of action on behalf of any person.~~

9 16. TO BE NOTIFIED OF A CHILD RETURNING TO FOSTER CARE PURSUANT TO  
10 SECTION 8-530.01 OR WHEN A CHILD WHO IS CURRENTLY PLACED IN FOSTER CARE OR  
11 KINSHIP FOSTER CARE BECOMES AVAILABLE FOR ADOPTION.

12 B. THE DEPARTMENT SHALL PROVIDE INFORMATION REGARDING A FOSTER  
13 PARENT'S OR KINSHIP FOSTER CARE PARENT'S RIGHTS PURSUANT TO THIS SECTION  
14 AND ASSISTANCE IN UNDERSTANDING AND ENFORCING THESE RIGHTS TO EACH FOSTER  
15 PARENT AND KINSHIP FOSTER CARE PARENT WHEN A CHILD IS PLACED IN A FOSTER  
16 PARENT'S OR KINSHIP FOSTER CARE PARENT'S CARE OR WHEN THERE IS A CHANGE IN  
17 THE CHILD'S FOSTER CARE OR KINSHIP FOSTER CARE PLAN. THE INFORMATION  
18 SHALL INCLUDE THE TELEPHONE NUMBER AND EMAIL ADDRESS OF THE DEPARTMENT,  
19 THE DEPARTMENT'S OFFICE OF THE OMBUDSMAN AND THE OMBUDSMAN-CITIZENS AIDE.

20 C. IF A FOSTER PARENT OR KINSHIP FOSTER CARE PARENT BELIEVES THAT  
21 THE PERSON'S RIGHTS UNDER THIS SECTION HAVE BEEN VIOLATED, THE FOSTER  
22 PARENT OR KINSHIP FOSTER CARE PARENT OR THE FOSTER PARENT'S OR KINSHIP  
23 FOSTER CARE PARENT'S REPRESENTATIVE MAY FILE A COMPLAINT WITH THE  
24 DEPARTMENT, THE DEPARTMENT'S OFFICE OF THE OMBUDSMAN OR THE  
25 OMBUDSMAN-CITIZENS AIDE PURSUANT TO SECTION 41-1376. A FORMAL GRIEVANCE  
26 MAY BE INITIATED WITH THE OMBUDSMAN AT ANY TIME. IF A FOSTER PARENT OR  
27 KINSHIP FOSTER CARE PARENT OR A FOSTER PARENT'S OR KINSHIP FOSTER CARE  
28 PARENT'S REPRESENTATIVE FILES A COMPLAINT PURSUANT TO THIS SUBSECTION, THE  
29 PERSON MAY ALSO NOTIFY THE JUVENILE COURT AND ALL PARTIES TO THE CHILD'S  
30 ONGOING DEPENDENCY, SEVERANCE OR ADOPTION PROCEEDING ORALLY OR IN WRITING  
31 OF THE COMPLAINT.

32 D. THE RIGHTS PROVIDED IN THIS SECTION DO NOT ESTABLISH AN  
33 INDEPENDENT CAUSE OF ACTION.

34 Sec. 3. Section 8-803, Arizona Revised Statutes, is amended to  
35 read:

36 8-803. Limitation of authority; duty to inform

37 A. On initial contact with a parent, guardian or custodian under  
38 investigation pursuant to this article, a child safety worker shall:

39 1. Inform the family, both verbally and in writing, making  
40 reasonable efforts to receive written acknowledgement from the parent,  
41 guardian, or custodian, of receipt of all of the following information:

42 ~~1.~~ (a) That the family is under investigation by the department.

43 ~~2.~~ (b) The specific complaint or allegation made against that  
44 person.

1           ~~3.~~ (c) That the worker has no legal authority to compel the family  
2 to cooperate with the investigation or to receive child safety services  
3 offered pursuant to the investigation.

4           (d) THAT ABSENT A COURT ORDER, THE FAMILY MAY DENY THE WORKER ENTRY  
5 INTO THE FAMILY'S HOME.

6           (e) THAT THE FAMILY HAS THE RIGHT TO SEEK THE ADVICE OF AN ATTORNEY  
7 AND TO HAVE AN ATTORNEY PRESENT WHEN QUESTIONED BY A WORKER.

8           (f) THAT ANYTHING THE PERSON SAYS OR WRITES MAY BE USED IN A COURT  
9 PROCEEDING.

10          (g) THAT THE FAMILY MAY REFUSE TO DO ANY OF THE FOLLOWING:

11          (i) SIGN A RELEASE OF INFORMATION DOCUMENT.

12          (ii) CONSENT TO TAKE A DRUG OR ALCOHOL TEST.

13          (iii) SUBMIT TO A MENTAL HEALTH EVALUATION.

14          ~~4.~~ (h) The worker's authority to petition the juvenile court for a  
15 determination that a child is dependent.

16          ~~5.~~ (i) The person's right to file a complaint with the  
17 ombudsman-citizens aide pursuant to section 41-1376. The worker shall  
18 provide the telephone number AND EMAIL ADDRESS of the ombudsman-citizens  
19 aide.

20          ~~6.~~ (j) The person's right to appeal determinations made by the  
21 department.

22          ~~7.~~ (k) Information outlining parental rights under the laws of the  
23 state.

24          2. PROVIDE INFORMATION TO THE FAMILY ABOUT THE INVESTIGATION AND  
25 CHILD SAFETY DECISION-MAKING PROCESS, DOCUMENT THAT THIS INFORMATION HAS  
26 BEEN PROVIDED AND MAKE REASONABLE EFFORTS TO RECEIVE WRITTEN  
27 ACKNOWLEDGEMENT OF RECEIPT OF THIS INFORMATION. IF THE WORKER'S  
28 REASONABLE EFFORTS TO OBTAIN WRITTEN ACKNOWLEDGEMENT OF RECEIPT OF THE  
29 INFORMATION ARE UNSUCCESSFUL, THE WORKER SHALL DOCUMENT THE REASON WHY  
30 EFFORTS TO OBTAIN WRITTEN ACKNOWLEDGEMENT WERE UNSUCCESSFUL.

31          B. The child safety worker shall also inform the person about whom  
32 the report was made about that person's right to respond to the  
33 allegations either verbally or in writing, including any documentation,  
34 and to have this information considered in determining if the child is in  
35 need of child safety services. The worker shall tell the person that  
36 anything the person says or writes can be used in a court proceeding. If  
37 the person makes a verbal response, the worker shall include the response  
38 in the written report of the investigation. If the person makes a written  
39 response, including any documentation, the worker shall include this  
40 response and the documentation in the case file. Information provided in  
41 response to the allegations shall be considered during the investigation  
42 by the worker. The worker shall maintain the response and documentation  
43 in the case file and provide this information to the court before a  
44 hearing or trial relating to the dependency petition.

1 C. If the family declines to cooperate with the investigation or to  
2 accept or to participate in the offered services, or if the worker  
3 otherwise believes that the child should be adjudicated dependent, the  
4 worker may file with the juvenile court a petition requesting that the  
5 child in need of child safety services be adjudicated dependent.

6 D. Refusal to cooperate in the investigation or to participate in  
7 the offered services does not constitute grounds for temporary custody of  
8 a child except if there is a clear necessity for temporary custody as  
9 provided in section 8-821.

10 Sec. 4. Section 8-809, Arizona Revised Statutes, is amended to  
11 read:

12 8-809. Parents' rights; information on website; rule changes

13 A. The department shall provide on its website information on  
14 parents' rights PURSUANT TO SECTION 8-809.01 and other information to  
15 assist parents and guardians in understanding the process of removal of a  
16 child from the home.

17 B. The department shall provide on its home page a conspicuous link  
18 to the information prescribed in subsection A of this section.

19 C. The department shall publish on its website any final rule  
20 within ten days after the department files the final rule with the  
21 secretary of state.

22 Sec. 5. Title 8, chapter 4, article 8, Arizona Revised Statutes, is  
23 amended by adding section 8-809.01, to read:

24 8-809.01. Parent, guardian or custodian; rights

25 A. ON INITIAL CONTACT WITH A CHILD SAFETY WORKER, A PARENT,  
26 GUARDIAN OR CUSTODIAN UNDER INVESTIGATION FOR AN ALLEGATION OF ABUSE OR  
27 NEGLECT HAS THE FOLLOWING RIGHTS:

28 1. TO BE INFORMED OF THE SPECIFIC COMPLAINT OR ALLEGATION AGAINST  
29 THAT PERSON AND THAT ANY RESPONSES TO THE COMPLAINT OR ALLEGATION MAY BE  
30 USED IN A SUBSEQUENT COURT PROCEEDING.

31 2. TO REFUSE TO COOPERATE WITH THE INVESTIGATION OR RECEIVE CHILD  
32 SAFETY SERVICES OFFERED PURSUANT TO THE INVESTIGATION. A CHILD MAY NOT BE  
33 TEMPORARILY REMOVED BASED SOLELY ON A PARENT'S, GUARDIAN'S OR CUSTODIAN'S  
34 REFUSAL TO COOPERATE WITH THE INVESTIGATION.

35 3. UNLESS OTHERWISE ORDERED BY THE COURT, TO DENY THE WORKER ENTRY  
36 INTO THE PARENT'S, GUARDIAN'S OR CUSTODIAN'S HOME.

37 4. TO RESPOND TO ALLEGATIONS EITHER VERBALLY OR IN WRITING AND TO  
38 HAVE THIS INFORMATION CONSIDERED IN DETERMINING IF THE CHILD REQUIRES  
39 CHILD SAFETY SERVICES.

40 5. TO REPORT A VIOLATION OF THE RIGHTS SPECIFIED IN THIS SECTION  
41 WITHOUT FEAR OF PUNISHMENT, INTERFERENCE, COERCION OR RETALIATION.

42 6. TO APPEAL DETERMINATIONS MADE BY THE DEPARTMENT.

43 7. TO SEEK THE ADVICE OF AN ATTORNEY AND TO HAVE AN ATTORNEY  
44 PRESENT WHEN QUESTIONED BY A WORKER.



1 8. UNLESS OTHERWISE ORDERED BY THE COURT, TO REFUSE TO DO ANY OF  
2 THE FOLLOWING:

- 3 (a) SIGN A RELEASE OF INFORMATION DOCUMENT.
- 4 (b) CONSENT TO TAKE A DRUG OR ALCOHOL TEST.
- 5 (c) SUBMIT TO A MENTAL HEALTH EVALUATION.

6 9. TO RECEIVE INFORMATION ABOUT THE INVESTIGATION AND THE  
7 DEPARTMENT'S DECISION-MAKING PROCESS.

8 10. TO BE INFORMED BOTH VERBALLY AND IN WRITING OF THESE RIGHTS AND  
9 ANY PARENTAL RIGHTS UNDER STATE LAW AND TO PROVIDE WRITTEN ACKNOWLEDGEMENT  
10 OF RECEIPT OF THESE RIGHTS.

11 B. IF A CHILD SAFETY WORKER HAS PROBABLE CAUSE TO BELIEVE THAT  
12 EXIGENT CIRCUMSTANCES EXIST THAT PRESENT AN IMMINENT DANGER TO THE CHILD,  
13 THE WORKER SHALL TAKE ALL LAWFUL MEASURES TO PROTECT THE CHILD PURSUANT TO  
14 SECTIONS 8-821 AND 8-822 BEFORE PROVIDING THE NOTICE OF RIGHTS PURSUANT TO  
15 SUBSECTION A OF THIS SECTION.

16 C. UNLESS PARENTAL RIGHTS HAVE BEEN TERMINATED, EXIGENT  
17 CIRCUMSTANCES EXIST OR AS OTHERWISE ORDERED BY THE COURT, A PARENT,  
18 GUARDIAN OR CUSTODIAN WHOSE CHILD IS PLACED IN THE DEPARTMENT'S CUSTODY  
19 HAS THE FOLLOWING RIGHTS:

20 1. TO NOT HAVE THE CHILD TAKEN INTO DEPARTMENT CUSTODY WITHOUT THE  
21 DEPARTMENT PROVIDING THE REASONS FOR REMOVAL AND INFORMATION SUPPORTING  
22 THE REMOVAL.

23 2. TO THE EXTENT PRACTICABLE, BE IMMEDIATELY NOTIFIED VERBALLY OR  
24 IN WRITING THAT THE CHILD WAS TAKEN INTO CUSTODY.

25 3. TO RECEIVE INFORMATION ON THE SERVICES AVAILABLE TO THE CHILD,  
26 PARENT, GUARDIAN OR CUSTODIAN AND THE DEPENDENCY PROCESS AND TIMELINES.

27 4. TO HAVE AN ATTORNEY PRESENT OR AN ATTORNEY APPOINTED BY THE  
28 COURT AT ALL COURT PROCEEDINGS.

29 5. TO BE TIMELY NOTIFIED OF THE DATE, TIME AND LOCATION OF ALL  
30 HEARINGS AND TO PARTICIPATE IN ALL HEARINGS.

31 6. WHENEVER POSSIBLE, TO PARTICIPATE IN THE DEVELOPMENT OF A CASE  
32 PLAN.

33 7. TO RECEIVE SERVICES IF THE CHILD HAS BEEN REMOVED FROM THE HOME,  
34 INCLUDING SERVICES THAT FACILITATE REUNIFICATION OF THE FAMILY.

35 8. TO MAINTAIN CONTACT WITH THE CHILD UNLESS IT IS DETERMINED BY  
36 THE DEPARTMENT OR COURT TO BE HARMFUL TO THE CHILD'S SAFETY OR WELL-BEING.

37 9. TO BE CONSULTED ABOUT THE CHILD'S MEDICAL CARE, EDUCATION AND  
38 GROOMING.

39 10. TO REQUEST THAT THE CHILD BE RETURNED IF THE COURT FINDS BY A  
40 PREPONDERANCE OF THE EVIDENCE THAT THE RETURN OF THE CHILD WOULD NOT  
41 CREATE A SUBSTANTIAL RISK OF HARM TO THE CHILD'S PHYSICAL, MENTAL OR  
42 EMOTIONAL HEALTH OR SAFETY.

43 D. THE DEPARTMENT SHALL PROVIDE INFORMATION REGARDING A PARENT'S,  
44 GUARDIAN'S OR CUSTODIAN'S RIGHTS PURSUANT TO THIS SECTION AND ASSISTANCE  
45 IN UNDERSTANDING AND ENFORCING THESE RIGHTS TO EACH PARENT, GUARDIAN AND

1 CUSTODIAN ON INITIAL CONTACT WITH A CHILD SAFETY WORKER OR WHEN THERE IS A  
2 CHANGE IN THE CHILD'S CASE PLAN. THE INFORMATION SHALL INCLUDE THE  
3 TELEPHONE NUMBER AND EMAIL ADDRESS OF THE DEPARTMENT, THE DEPARTMENT'S  
4 OFFICE OF THE OMBUDSMAN AND THE OMBUDSMAN-CITIZEN AIDE.

5 E. IF A PARENT, GUARDIAN OR CUSTODIAN BELIEVES THAT THE PERSON'S  
6 RIGHTS UNDER THIS SECTION HAVE BEEN VIOLATED, THE PARENT, GUARDIAN OR  
7 CUSTODIAN OR THE PERSON'S REPRESENTATIVE MAY:

8 1. FILE A COMPLAINT WITH THE DEPARTMENT, THE DEPARTMENT'S OFFICE OF  
9 THE OMBUDSMAN OR THE OMBUDSMAN-CITIZENS AIDE PURSUANT TO SECTION 41-1376.  
10 A FORMAL GRIEVANCE MAY BE INITIATED WITH THE OMBUDSMAN AT ANY TIME.

11 2. NOTIFY THE JUVENILE COURT IN THE CHILD'S ONGOING DEPENDENCY OR  
12 SEVERANCE PROCEEDING, EITHER ORALLY OR IN WRITING, THAT THE PARENT'S,  
13 GUARDIAN'S OR CUSTODIAN'S RIGHTS ARE BEING VIOLATED AND REQUEST  
14 APPROPRIATE EQUITABLE RELIEF. THE COURT SHALL ACT ON THE NOTIFICATION AS  
15 NECESSARY WITHIN ITS DISCRETION TO PROMOTE THE BEST INTEREST OF THE CHILD.

16 F. THE RIGHTS PROVIDED IN THIS SECTION DO NOT ESTABLISH AN  
17 INDEPENDENT CAUSE OF ACTION.

APPROVED BY THE GOVERNOR MAY 19, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2023.





## MAKING RIGHTS MEANINGFUL IN FOSTER CARE CASES

Arizona’s current “bills of rights” for foster children and licensed foster parents lack important protections and are explicitly unenforceable—barring young people and caregivers from holding the system accountable when their rights are violated or ignored. Further, non-licensed kinship placements lack an equivalent bill of rights and biological parents need additional due process protections.

Arizona needs a holistic solution to protect the rights of all participants in child welfare cases. Senate Bill 1186 enhances the rights of foster children, foster parents, kinship placements, and biological parents by expanding existing bills of rights and making those rights enforceable.

### KEY FACTS

State audits and surveys find that more than half of children in foster care are never informed of their rights, let alone know how to exercise them.<sup>1</sup>

Biological parents are frequently unaware of their legal protections both at the start of a child welfare investigation and throughout the case, contributing to unnecessary family separation. Research shows that consistent legal support for families drastically reduces entry into foster care and quickens permanency for those who enter care.<sup>2</sup>

### SENATE BIIL 1186

Bolsters rights for children in foster care—including educational stability, remaining connected to siblings, and accessing services after turning eighteen.

Strengthens notification provisions so children and caregivers alike can access and understand their rights and how to respond when those rights are overlooked or violated.

Allows parents, children, and caregivers to request equitable relief from the court when rights have been overlooked or violated.

Expands caregiver rights to non-licensed kinship care placements—relatives, friends, or others with significant relationships to children in foster care.

Protects biological parents’ rights by requiring they be continually notified of their rights, such as their right to attorney representation and participation in services and case planning.

<sup>1</sup> “[Performance Audit Department of Children and Family Services](#),” Illinois Office of the Auditor General, 2021; Jessenya Hernandez, “[Foster Youth Perspectives: How Foster Youth Navigate and Mobilize Their Rights within the Foster Care System](#),” Humanity and Society, 2022.

<sup>2</sup> “[How Can Pre-petition Legal Representation Help Strengthen Families and Keep Them Together?](#)” Casey Family Programs, 2020.



Chair Concannon, Vice Chair Johnson, and members of the House Committee on Child Welfare and Foster Care:

Significant rights are at stake when children and families become involved in the child welfare system. Tragically, state audits and surveys find more than half of children in foster care are never informed of their rights, let alone how to exercise them.<sup>1</sup>

The Center for the Rights of Abused Children (Center) strongly supports enacting an enforceable bill of rights for parties to child in need of care (CINC) proceeding, particularly for children. House Bill 2194 (HB2194) will help children and foster parents know and protect their rights in abuse and neglect proceedings. We urge support for HB2194.

While the Center supports HB2194, based on our experience, we recommend expanding the scope of the enumerated rights and providing a mechanism for enforcing them within CINC proceedings. In addition to those rights already listed in the proposed legislation, the legislature should:

- Ensure the rights enumerated in the rights are enforceable by granting a child or legal guardian the ability to petition the court in the CINC proceeding for equitable relief. This approach would not create an independent cause of action, rather it would ensure children can remedy violated rights.

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<sup>1</sup> ["Performance Audit Department of Children and Family Services,"](#) Illinois Office of the Auditor General, 2021; Jessennya Hernandez, ["Foster Youth Perspectives: How Foster Youth Navigate and Mobilize Their Rights within the Foster Care System,"](#) Humanity and Society, 2022.



## THE CENTER

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- Ensure the placement of a child is not only safe and comfortable but that it is also in a healthy environment that can meet the child's unique needs.
- If siblings cannot be placed in the same home, establish a right to reside nearby and maintain meaningful contact.
- Ensure family visitation is in the best interest of the child.
- Ensure that property acquired after entering care is correctly accounted for and transferred with the child.
- Expand the educational rights of a child in need of care to include the following:
  - Immediate or timely screening for special education services;
  - Immediate best-interest determination for educational placement;
  - The right to receive transfer credit for coursework completed, including partial credit.
- Establish a right to an attorney who will zealously represent the child's position. Separate legislation would be required to automatically appoint of an attorney for every child in CINC proceedings and convert the appointment of guardians ad litem to optional appointments.
- Create a right to report a violation of the enumerated rights without fear of punishment, interference, coercion, or retaliation.
- Establish a right to have free assistance in acquiring personal identifying documents, including, but not limited to: birth certificate, social security number, photo identification, and driver's license.;

The Center recommends expanding HB2194 to:

- Clarify foster parents' rights apply to kinship caregivers and legal guardians.
- Include the right to receive advance notice from a child's case manager regarding a home visit and appointments with the child and reasonable accommodation of the foster family's schedules.

Finally, children, foster parents, kinship caregivers, and legal guardians should be provided written and verbal notification of and assistance in understanding these rights and be informed on how to file complaints and grievances for violations of their rights.

In conclusion, we applaud the efforts of the Kansas legislature to codify the rights of children and caregivers and encourage passage of the Representative Gail Finney Foster Care Bill of Rights.







CENTER FOR THE RIGHTS  
OF ABUSED CHILDREN

May 6, 2023

Governor Katie Hobbs  
1700 W. Washington St.  
Phoenix, AZ 85007

**RE: Support for Senate Bill 1186**

Honorable Governor Hobbs:

Thank you for your work on behalf of Arizona's children.

I am writing today to ask for your support and signature on Senate Bill 1186, a common sense reform that will help ensure the rights of Arizona children in foster care, as well as those of their caregivers, are known and protected.

For more than a decade, Arizona has statutorily affirmed the rights of foster children and caregivers. The state recognizes that foster children are some of the most vulnerable of the state's residents. In the effort to improve the child welfare system and better protect children, this reform strengthens Arizona's law by:

- Clarifying enumerated rights apply to all children in care whether they are placed with foster parents or kin;
- Creating parity between the rights of foster parents and kinship caregivers;
- Expanding the enumerated rights to include important additions like the right to being placed with a relative and with, or near, siblings when such placements are in the best interest of the child; and
- Ensuring rights can be enforced through equitable relief as part of the underlying proceeding.

With your signature, you will help ensure abused and neglected children and their care givers know their rights. Thank you for your consideration of this bill and for your service to Arizona.

Sincerely,

Darcy Olsen  
CEO





CENTER FOR THE RIGHTS  
OF ABUSED CHILDREN

## **Promise Kept: Give Our Children a Fighting Chance**

By Darcy Olsen

For five long years, Sienna lived in a group home. As she approached adulthood, Arizona's Department of Child Safety (DCS) failed to keep its promise and enroll her in transitional services. As a result, Sienna became one of 19,000 children in foster care in America who age out of the system each year.

After aging out, Sienna went unhoused and faced an unsafe environment. Little did Sienna know she had a legal right to assistance before aging out of the system, which likely would have prevented her from being unhoused and facing an unsafe environment.

In many ways, her story is the classic "child who falls through the cracks" of the very system charged with protecting her. This is because our foster care system ignores children's rights and gives our state's children no meaningful way to enforce them.

While it's true there exists a "bill of rights" for children in foster care in Arizona, nothing in this "bill of rights" is enforceable.

Here are just a few examples of what that means:

- Children cannot enforce their right to communicate with their siblings;



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OF ABUSED CHILDREN**

- Children cannot necessarily stay in their school of origin; and
- Children cannot get help obtaining housing, scholarships, and other basic needs before they age out of the system.

This leaves our state's most vulnerable children with no safety net. And to make matters worse, the rights of relatives and friends—who make up half of Arizona foster homes—are not clearly mentioned, leaving them and the children in their care more vulnerable.

Arizona Senate Bill 1186, sponsored by Sen. Ken Bennett, is desperately needed and has attracted bipartisan support. This law would expand the rights of children in the foster system and their caregivers, and it would make their rights legally enforceable. Notably, it mandates Arizona's Department of Child Safety (DCS) affirmatively notify children and their caregivers of these important rights, including how to file complaints.

Further, the bill adds additional due process protections for parents as they interact with DCS and the courts by ordering DCS to proactively inform parents about their basic legal rights at the start of an investigation. This includes crucial information typically missing from what caseworkers currently disclose, such as explaining that parents can have legal representation and demand a court order before state officials enter their homes.



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For example, when children and parents are aware of their right to legal counsel and assert it, research shows fewer children are placed in foster care. And what's even more striking is that even when children must enter the foster care system, they reach permanency more quickly when parents and children are represented.

In short, awareness of legal rights and enforcing those rights matters.

With passage of Senate Bill 1186, Arizonans will help these children hold government accountable by establishing protections that empower families and ensure child safety.

Join us by encouraging your elected officials to support children like Sienna by passing this much-needed reform.





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OF ABUSED CHILDREN

**FOR IMMEDIATE RELEASE**  
**May 22, 2023**

## **Arizona Governor Hobbs signs Foster Care Bill of Rights protecting more than 11,500 children in foster care system and their caregivers**

**Phoenix, Ariz. - (May 22, 2023)** - Today, **Arizona Governor Hobbs** signed Senate Bill 1186, proposed by the Center for the Rights of Abused Children, to protect the rights of approximately 11,500 children living in the foster care system and their caregivers, including approximately 2,900 licensed foster homes and thousands of unlicensed kinship caregivers caring for more than 5,300 children.

SB 1186 will enhance the rights of foster care children, foster parents, kinship placements, and biological parents by expanding an existing bill of rights and making those rights enforceable. Empowering parents, children, and foster caregivers to exercise their rights goes a long way to preserving families and ensuring children and caregivers' rights are protected.

SB 1186 accomplishes this goal by:

- -Bolstering rights for children in foster care - including educational stability, remaining connected to siblings, and accessing services after turning eighteen.
- -Strengthens notification provisions so children and caregivers alike can access and understand their rights and how to respond when those rights are overlooked or violated.
- -Allows parents, children and caregivers to request equitable relief from the court when rights have been overlooked or violated.
- -Expands caregiver rights to non-licensed kinship care placements - relatives, friends, or others with significant relationships to children in foster care.
- -Protects biological parents' rights by requiring they be continually notified of their rights, such as their rights to attorney representation and participation in services and case planning.

"Up until today, the rights of parents, children, and caregivers were limited and expressly unenforceable," said Darcy Olsen, CEO of the Center for the Rights of Abused Children. "Children suffering neglect and abuse were left without a meaningful way to assert their rights within a system that determines their families, their safety, and



their futures. Now, there will be an enforceable and meaningful bill of rights for children and caregivers to ensure the safety and future of Arizona's children."

Biological parents are frequently unaware of their legal rights both at the start of a child welfare investigation and throughout the case, contributing to unnecessary family separation.

Olsen added, "Research finds that when parents and children have sufficient protections, children in foster care more quickly reach permanency. And more than half of children in foster care are never informed of their basic rights, let alone how to exercise them."

The basic rights of abused and neglected children are simply ignored or blatantly violated on a regular basis in the child welfare system. In one of the Center's recent cases, a young woman was thrust out of foster care at age 18 to face the world alone. Only after discharge, she learned she was never provided transitional resources – resources that would have prevented her from facing homelessness and incarceration. Desperate, she once again sought aid from the agency that let her down. They ignored her, and they had no obligation to help. Only with the aid of our lawyers could she be heard and set back on a promising path.

No child should be denied basic human rights. And no child should lack the tools to hold the system charged with their care accountable.

###

**About the Center for The Rights of Abused Children:** Our mission is to protect children, change laws, and inspire people - to ensure every abused child has a bright future. Join our life-saving work to end violence against children at [www.thecenterforchildren.org](http://www.thecenterforchildren.org)

**Contact:** Aimee Jolley at (602) 689-4052 or [aimee@thecenterforchildren.org](mailto:aimee@thecenterforchildren.org) or Lindsay Hansen at (480) 205-6195 or [lindsay@ldhconsulting.net](mailto:lindsay@ldhconsulting.net).



Another  
**law** has  
been  
passed!



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OF ABUSED CHILDREN

Gov Hobbs  
signed **SB1186**  
expanding and  
enforcing the  
rights of foster  
children  
significantly.



Center for the Rights of Abused Children

850 followers

5mo · 🌐



👤 A Big Win for Abused Children! 👤

Huge thanks to Governor Katie Hobbs for signing into law another bill from the Center for the Rights of Abused Children. Here's the story behind it:

#### 🔴 Problem 🔴

Over a decade ago, Arizona affirmed the rights of abused children in foster care and their caregivers. But, in a surprising move, the legislature later made these rights unenforceable, leaving abused children and their caregivers without the means to enforce their rights. It felt like a 'bill of thoughts,' and there was a disparity in rights between foster and kinship-foster placements.

#### 💡 Solution 💡

Enter SB1186. Abused children and families involved in Arizona's foster care system now have clear, enforceable rights. Children have the right to be placed with siblings, to keep their possessions, and to attorneys. Parents under investigation also have critical safeguards including the right to deny social workers entry into the home absent a court order and the right to have an attorney present. These and many more safeguards for everyone involved make this foster care bill of rights the most comprehensive in the country.

#### ✅ Impact ✅

The impact? Children in foster care (approx. 11,500 children), foster families (around 2,900 homes), and over 5,300 children cared for by relatives and kin now have clear rights and protections.

Read the law: <https://bit.ly/46chLw>

Join us in celebrating this momentous step forward for #fostercare, #fosteryouth, and #childrensrights. 🎉

@govhobbs @childcrisisaz @aaskarizona @childhelp @christianfamilycare\_az @fosterarizona

#ChildrensRights #ChildWelfare #MakingADifference"