



A Legislative Success: How Georgia Foster Parents Secured Their Bill of Rights

by **Johanna Hartwig**

On May 5, Georgia enacted a Foster Parents Bill of Rights,¹ culminating a legislative campaign by the Adoptive and Foster Parent Association of Georgia (AFPAG), with legal and legislative support from the Barton Child Law & Policy Clinic at Emory University Law School in Atlanta.²

The legislative effort sprang from AFPAG's frustration with caregivers' lack of access to important background information on the children in their care, and a lack of information on services available to foster children.

The statute includes 23 individual rights for caregivers, and is similar to laws in Alabama, Oklahoma, and Tennessee. The Georgia bill enjoyed a smooth legislative passage. No state agencies opposed the bill, had little opposition in committee and floor discussions, and sailed through the legislature with overwhelming support.

Beth Locker, a lawyer at the Barton Clinic, highlighted several reasons why she believes the bill was successful. She said the bill's promoters took advantage of a political climate that was supportive of foster care reform, and successfully recruited bipartisan sponsors. This cooperation was facilitated by the backing of

Georgia Gov. Sonny Perdue – the state's first Republican governor in many years – and his wife, Mary Perdue. The Perdues are former foster parents, and Mrs. Perdue has chosen foster care as her primary focus as first lady. She sponsored a First Lady's Children's Summit, at which members of AFPAG approached a Republican state legislator who agreed to introduce and shepherd the bill.

At AFPAG's request, the Barton Clinic analyzed a draft of the bill, and provided research and legal commentary to create as strong a bill as possible. Locker emphasized the importance of the relationship between the Barton Clinic, the state legislature, and state administering agencies. Locker said the Barton Clinic has established trust with the legislature through its many years of doing quality work on children's issues.

AFPAG and the Barton Clinic are careful to nurture those positive relationships. For example, the two groups attend all children and youth committee meetings in both the House and Senate. Before submitting the bill to the legislature, they circulated the bill with key constituencies in state government, such as the Division of Family and Children Services, the Council of Juvenile Court Judges, and the Office of the Child Advocate.

Locker said that while foster parent associations do not necessarily need to partner with an organization that has as close a relationship with the state legislature as the Barton Clinic, it is valuable to have respected legal counsel supporting a bill during the legislative process.

Locker said that a key to gaining support for a foster parents' bill of rights is to emphasize that foster children are the ultimate beneficiaries of such a bill. With greater protections and information available to foster parents, the children in their care will have better, safer foster homes.

Locker said it is also important to stress the tremendous service foster parents voluntarily make to the state, and that a bill of rights would not allow foster parents to sue the state. The Georgia bill does, however, include a grievance procedure for foster parents who believe their rights are being violated.

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¹ Foster Parents Bill of Rights, 2004 Ga. Laws 1580.

² Information about the passage of Georgia's bill provided in telephone interview with Beth Locker, Post-Graduate Law Fellow, Barton Child Law & Policy Clinic, Emory University Law School (May 26, 2004).