



FOSTER YOUTH RIGHTS HANDBOOK

Who Created this Handbook?

This Foster Youth Rights Handbook was made possible through the collaboration of the California Office of the Foster Care Ombudsperson, Los Angeles County Board of Supervisors, Los Angeles County Commission for Children and Families, Los Angeles County Department of Children and Family Services, and many stakeholders across California. We believe that empowering foster youth with information about their rights and services will create safer and more secure futures for foster youth across the state of California.














How To Use This Handbook

In this handbook, we will answer questions about your rights while you are in foster care. The answers to these questions come from a law called the California Foster Youth Bill of Rights and are written in a way that is easy to understand.

EVERYTHING IN THIS HANDBOOK IS THE LAW!

The questions and answers are divided into different sections. At the beginning of each question, you will see symbols to help you know the section. Turn the page to start finding answers to your questions about your rights.

The legal language for your rights begins on page 50.

Personal Rights		Child & Family Team	
Family Connections		Health	
Sexual Orientation & Gender Identity		Sexual & Reproductive Health	
Education		Mental Health	
Who to Call About My Rights		Court	
Preparing for Adulthood & Money Management		Indian Child Welfare Act (ICWA)	
Case Plan			

If you think your rights have been violated, you should contact:

Your social worker/probation officer _____

Your lawyer _____

California Foster Care Ombudsperson: **1-877-846-1602**

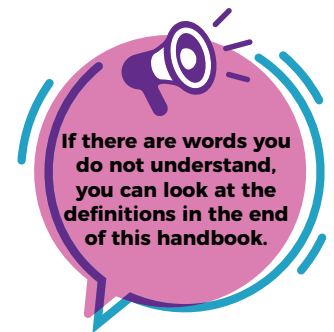


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Why We Created this Handbook

Hello,

As you enter foster care, you might be feeling confused and upset, and maybe nothing makes sense right now. This handbook is meant to help you understand what's happening and to make sure that you know your rights while you are in foster care. If there are words or terms that you don't understand you can look up the definitions at the end of the handbook.

What is the Child Welfare System?

Your county's Child Welfare Department (sometimes called Child Protective Services [CPS] or Department of Children and Family Services [DCFS]) and Probation Department are responsible for ensuring the safety and well-being of youth in foster care in your county. To do so, DCFS investigates reports of child abuse and neglect. If they determine that abuse or neglect has occurred, a social worker will work with the youth and their family to create a case plan, identify the services that are needed to stop the abuse or neglect, and prevent it from happening again. Many times, the youth and their family will receive services while the youth is living at home, but when there are concerns about the youth's safety, they may need to be removed from the home and placed in foster care. If a youth has to be removed from their home, the goal is to help the family "reunify" or get back together as soon as possible.

When a youth is accused of committing a crime, they have contact with the juvenile justice system, which includes the delinquency court and Probation Department. The judge may order the youth into foster care while receiving rehabilitation services (services to improve their behavior). When that happens, the youth's probation officer is responsible for working with the youth and their family to ensure that the youth is placed in a safe and healthy foster home or treatment program and that they receive all the services needed so the family can get back together.

What is Foster Care?

Foster care is where youth live while their parents are working on fixing safety concerns. Youth in foster care have a social worker/probation officer that will help find them a safe home either with a relative, a resource family (foster parent), or, if needed, a Short Term Residential Therapeutic Program (STRTP). Where youth live while in foster care is sometimes called a placement. The people youth live with are responsible for taking care of them and making sure their rights are not violated. Youth in foster care also have a lawyer who is there to tell the judge and others what they want and need to be healthy and safe.





Questions & Answers About My Personal Rights

Are the rights included in this handbook my only rights?



No. Youth in foster care have many more rights than the ones discussed in this handbook. To find out about other rights you may have, please call the Office of the Foster Care Ombudsperson at 1-877-846-1602.

How often will I meet with my social worker/probation officer?



Your social worker/probation officer has to meet with you at least once a month. Meetings with them must be held in private (away from your caregiver), and you can ask to meet away from your foster home sometimes.

How can I contact my social worker/probation officer and lawyer?



Your social worker/probation officer and caregiver have to give you the names and contact information for the following people:

- your social worker/probation officer (PO),
- lawyer (sometimes called attorney),
- service providers,
- foster youth advocates and supporters,
- Court Appointed Special Advocates (CASAs),
- Education Rights Holder,
- Tribe (if you have one), and
- the State Foster Care Ombudsperson.



You have the right to talk to or write to any of them in private and to tell them about any concerns that you have in your placement.

My social worker/PO's name is

and their phone number is

My attorney's name is

and their phone number is

Questions & Answers About My Personal Rights

Where will I live?



You have the right to be placed in the least restrictive (most family-like) home possible regardless of your age, physical health, mental health, sexual orientation, gender identity and expression, court records, or status as a pregnant or parenting youth, unless a judge says that you should live somewhere else.

If you need certain types of help and support to heal, you may live for a short period of time in a Short Term Residential Treatment Program (STRTP). The goal is to get you the help you need to return to living with relatives or in a foster home.

If you are in juvenile hall, your social worker/probation officer has to find a home for you when it is time for you to be released. You cannot be kept in juvenile hall just because they cannot find a place for you to live.

Can I live with my relatives?



Yes. You have the right to live with a relative or nonrelated extended family member, if they are appropriate and able to take care of you.

Where will I live if I am a tribal member or eligible for tribal membership?



If you are a youth that has protections under the Indian Child Welfare Act of 1978 (ICWA), you have the right to live in certain places in the following order or priority:

- in a home with your family or extended family;
- in a foster home that is approved or specified by your tribe;
- in a facility that is approved by your tribe;
- in an Indian Organization that meets your needs

The place you live must reflect the cultural and social values of your Tribe and tribal community, protect your best interests as a member of an Indian tribe, and keep you securely connected to family, social, and political ties.



Questions & Answers About My Personal Rights

How should I be treated where I am living?



You have the right to live in a safe, healthy, and comfortable home where you are treated with respect. This includes having a private and safe space to keep your personal things.

You have the right to live in a home that maintains the social and cultural standards of your Tribe and tribal community, including but not limited to family, social, and political ties.

You have the right to have healthy food and enough clothes that fit and are in good condition. You have the right to have clothes that respect your culture, ethnicity, gender identity, and expression.

You have the right to have grooming and hygiene products (like soap, shampoo, deodorant, feminine products, and lotion) that respect your culture, ethnicity, gender identity, and expression. This means that you are able to have hair and body products that are best for your type of hair and skin. Your caregiver has to make sure you have everything listed above.

What if I get upset in my foster home?



You have the right to have a caregiver that has special training on trauma and ways to help you calm down and express yourself and your emotions when you get upset. It is important to tell your caregiver what helps you calm down. Expressing your feelings in a positive way is healthy. Hitting, cussing, or any type of violence is not positive or healthy. Your caregiver should not call the police or threaten to call the police when you are upset unless you put yourself or another person in serious danger. If you feel like hurting yourself, it may be helpful to call the National Suicide Prevention Lifeline (1-800-273-8255).

Tips for Calming Yourself

1. Take 10 deep breaths
2. Admit to yourself that you're feeling angry/anxious (that can help you feel better)
3. Do something physical (walking, running, jumping jacks)
4. Think it through and ask yourself: Is this really important? Will I care about it next week?
5. Listen to music, color, or draw
6. Write it down--it can help you get the thoughts out of your head
7. Talk to a trusted friend
8. Get some fresh air
9. Change your focus--leave the situation, walk out of the room
10. Take 10 more deep breaths and imagine yourself calm

Questions & Answers About My Personal Rights

Can my caregiver search my room or my belongings?



Your caregiver can only do a search if they have a reasonable and legal reason to believe that you have something that puts your safety or the safety of others at serious risk.

What if my caregiver abuses or neglects me?



No one has the right to abuse you. This includes physical, sexual, emotional, or any other abuse, and no one can exploit you. You should tell your social worker/probation officer, attorney, or a trusted adult if you feel that you are being abused or neglected. You should also contact the Child Abuse Hotline if you feel that you are being abused. You can also call the Office of the Foster Care Ombudsperson at 1-877-846-1602.

Can my caregiver lock me in a room?



No. No one can lock you in a room, building, or any other part of where you live, unless you are in a Community Treatment Facility, like Starview, or a juvenile hall.

Can my caregiver hurt me?



No. No one can use physical discipline with you while you are in foster care. That means your caregiver should never spank, hit, pinch, pull your hair, or do anything that hurts you. You should tell your social worker/probation officer, attorney, or a trusted adult if you are being hurt in your home. You can also call the Office of the Foster Care Ombudsperson at 1-877-846-1602. You should also contact the Child Abuse Hotline if your caregiver is hurting you.

What if I feel I am being treated unfairly because of something about me?



You should not be treated unfairly because of your race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity and expression, mental or physical disability, or HIV status. You have the right to have fair and equal access to all available services, placement, care, treatment, and benefits related to being in foster care.



Questions & Answers About My Personal Rights

Do I get an allowance while in foster care?



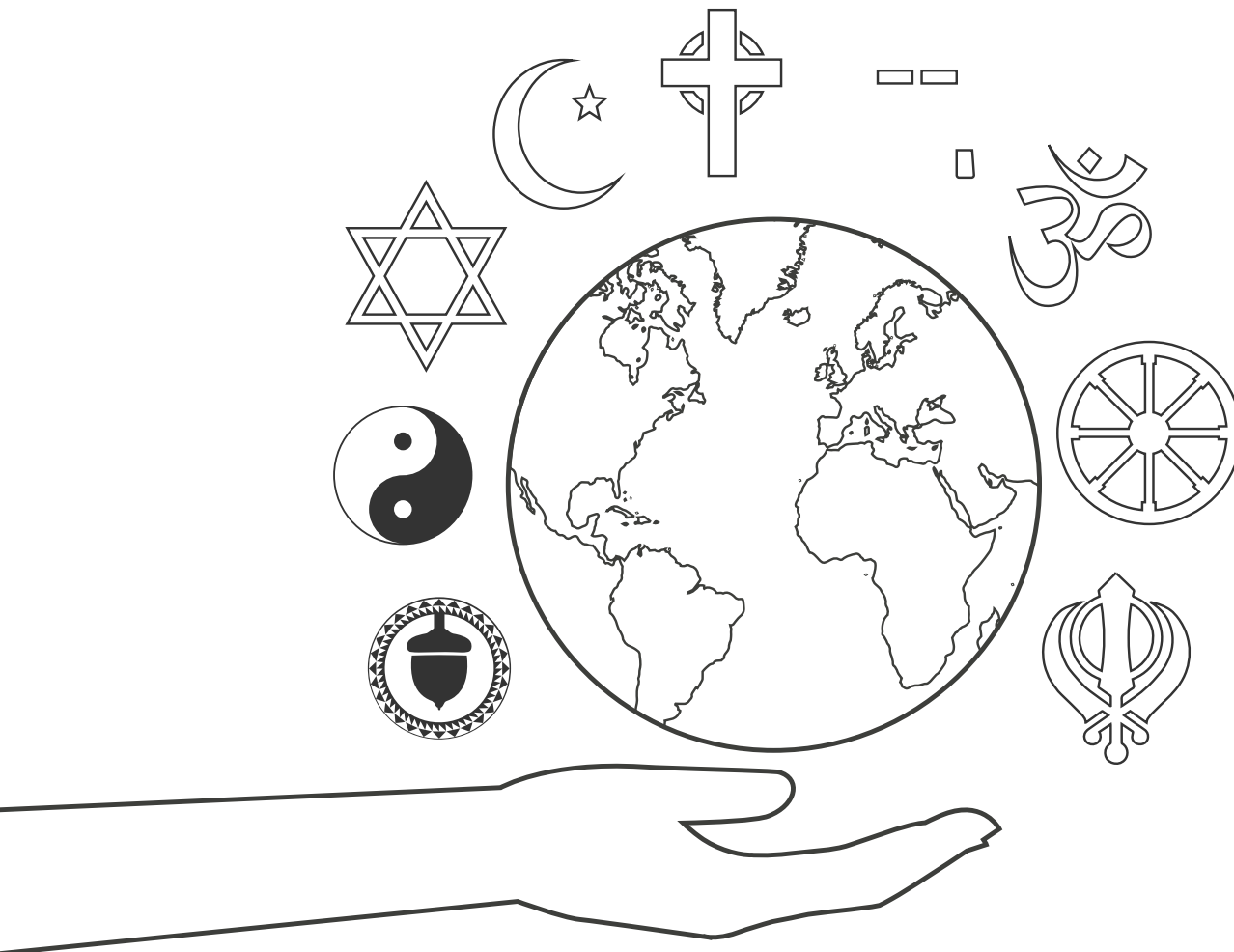
Yes. You have the right to receive an allowance while in foster care. Your caregiver has to give you an allowance that is appropriate for your age.

Can I attend religious services and activities?



Yes. You have the right to attend religious services and activities of your choice. This includes, but is not limited to, participating in traditional Native American religious practices. Your caregiver and social worker must arrange for you to get to and from your place of worship.

No one can force or require you to attend any religious service/activity that you do not wish to, and you cannot be punished for not wanting to go.



Questions & Answers About My Personal Rights

Can I participate in extracurricular or social activities?



Yes. You have the right to participate in extracurricular, cultural, racial, ethnic, personal enrichment, and social activities that are appropriate for your age, maturity, sexual orientation, and gender identity and expression. Some examples of these kinds of activities are sports, dance classes, or other fun things other youth are doing.

Can I use computers and the Internet?



Yes. You have the right to use a computer or tablet and the internet in a way that is appropriate for your age and maturity, including activities that support your sexual orientation, gender identity and expression. Your caregiver can put reasonable restrictions (limits) on your use.

List or draw clubs or groups you are in or want to be in:



Questions & Answers about My Indian Child Welfare Act (ICWA) Rights

What is the Indian and Child Welfare Act (ICWA)?



The Indian Child Welfare Act (ICWA) was created in 1978 to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families. ICWA sets federal requirements that apply to state child custody proceedings involving an Indian child who is a member of or eligible for membership in a federally recognized tribe.

What rights do I have under ICWA?



You have the right to:

- live in a home or STRTP that maintains the social and cultural standards of your Tribe and tribal community
- live in a home of your relatives or extended family or a home that is licensed, approved, or specified by your Tribe
- live in an Indian foster home that is licensed or approved, or a facility that is approved by your Tribe or an Indian organization that meets your needs
- live in a place that reflects and keeps you connected to the cultural and social standards of your Tribe and/or tribal community
- contact your ICWA advocate and have them attend court
- contact your Tribe, tribal members, and Indian community
- have a social worker/probation officer, and lawyer who is trained in ICWA
- participate in traditional Native American religious practices
- get help becoming a member of an Indian tribe or Alaskan village
- get all the benefits that come from being a member of an Indian tribe or Alaskan village
- be free from discrimination and be recognized for your relationship with an Indian Tribe or Alaskan village
- have protections for your tribal relationship in your case plan

Questions & Answers about My Indian Child Welfare Act (ICWA) Rights

Who can I contact if I have questions about ICWA?



You have the right to contact your ICWA advocate and have them attend court and the right to contact your Tribe, tribal members, and Indian community. You also have the right to have a social worker/probation officer, and lawyer who is trained in ICWA. You can contact your ICWA advocate, your Tribe, your social worker/probation officer, and lawyer if you have questions about ICWA. You can also call the Office of the Foster Care Ombudsperson at 1-877-846-1602.

Do I have all the other rights in this handbook?



Yes. All the rights in this handbook apply to you.

You can learn more about your rights as a member of a federally recognized Indian tribe by finding the acorn symbol throughout this handbook.

My Tribe

I am a member of this tribe:

I have cultural and/or ceremonial connections to this/these tribes:

My ICWA Advocate

My ICWA advocate's name is...

and I can contact them by:

Phone:

Email:

Address:



Questions & Answers About Connections with My Family & Friends

Can I visit my parents, grandparents, and other relatives when I am in foster care?



Yes. You have the right to visit and contact family members and relatives, unless the judge says you cannot. Your social worker/probation officer must include a plan for visiting your family in your case plan.

What if I want to see my family more often or change the visitation plan?



You should talk to your social worker/probation officer and your attorney. You can also tell the judge at your next court hearing. Depending on how well your parents are doing and what your needs are, you might be able to see them more often.

Can I visit with my siblings if we're not living together?



Yes. You have the right to visit and have contact with your siblings, including any who are in foster care but are not living with you, unless the judge says you cannot. Your social worker/probation officer must include in your case plan the visitation plan for you and your siblings. You have the right to ask the judge to set up a visitation schedule with your siblings.

Family Members I would like to visit and contact are:

Questions & Answers About Connections with My Family & Friends

Can I contact or visit my friends or other people who are not in foster care?



Yes. You have the right to contact people who are not in foster care, like friends, mentors, teachers, religious members and others, if they are safe and appropriate. If you have people who are important to you, you should tell your caregiver, social worker/probation officer, and lawyer that you would like to see them.

Can I have contact with my tribe and tribal members?



Yes, you have the right to have contact with members of your tribe and tribal community that match your tribe's social and cultural customs and way of life.

Can I make phone calls or have other people call me?



Yes. You have the right to get and make private calls from anyone you want, unless a judge says there are limits on who you can talk to. Your social worker/probation officer must tell your caregiver in writing if the judge says there are people you cannot talk to. Your caregiver can temporarily take away your right to make or get some phone calls as a consequence.

No one can ever stop you from calling your lawyer, social worker/probation officer, CASA, the Foster Care Ombudsperson, and Community Care Licensing.



Questions & Answers About Connections with My Family & Friends

My Important Connections

Write the names of all the people who are important to you.



Questions & Answers About Connections with My Family & Friends

Can my caregiver listen to my phone calls?



No. You have the right to make and get confidential (private) calls and to talk in a place where you have privacy and no one else is listening to your conversation. Your caregiver can only listen to your calls if there is a court order from the judge.

Can I have my own cell phone?



Yes. You do have a right to own a cell phone unless the judge says you cannot. Your caregiver does NOT have to pay for your cell phone and can have reasonable rules for when you use or don't use your cell phone.

Am I allowed to email, text, or use social media?

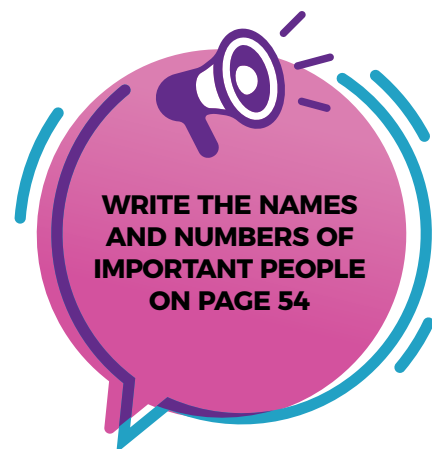


Yes. You have the right to privately use email, text messages, or other electronic communication unless the judge says you cannot. Your caregiver can temporarily take away this right as a consequence or if there is a safety risk.

Can I write letters to anyone?



Yes. You have the right to send and receive unopened mail unless the judge says you cannot.





Questions & Answers About Connections with My Family & Friends

Word Search

Find the words in the puzzle and circle them.

PRIVACY

CALL

MAIL

RIGHTS

FAMILY

FRIEND

TRIBE

CONNECT

SCHOOL

SOCIAL

B	F	D	G	A	R	K	T	M	G
D	P	N	C	R	G	E	R	G	R
S	R	E	O	I	V	U	I	S	K
J	I	I	N	G	X	K	B	F	U
L	V	R	N	H	M	H	E	A	F
A	A	F	E	T	G	A	S	C	A
I	C	I	C	S	J	F	I	G	M
C	Y	A	T	Y	K	Y	U	L	I
O	H	V	L	S	C	H	O	O	L
S	M	R	W	L	M	J	K	N	Y



Do my caregivers, social worker/probation officer, and attorney have to get special training to understand my sexual orientation, gender identity, and expression?



Yes. You have the right to have caregivers, social workers/probation officers, and attorneys that have been trained to understand, respect, support, and be sensitive to sexual orientation, gender identity and expression, and the best ways to give quality care to lesbian, gay, bisexual, and transgender (LGBTQ+) youth in foster care. You may request a new caregiver, social worker/probation officer, or attorney if they are not meeting your needs.

Can I be treated differently because of my sexual orientation, gender identity, and/or expression?



No. You have the right to be treated fairly and with respect. You have the right to get the same services, care, treatment, and benefits as all foster youth. No one can harass you, hurt you, or discriminate against you based on your actual or what someone thinks is your sexual orientation, gender identity, or expression while you are in foster care. If other youth are harassing you or threatening you, your caregiver and social worker/probation officer must do something to stop it. No one has the right to force you to change your sexual orientation or gender identity.

Can I dress, style my hair, and use products that match my gender identity and expression?



Yes. You have the right to have clothes and dress in a way that matches your gender identity and expression. You have the right to cut and style your hair and have grooming and hygiene products (like soap, shampoo, deodorant, and lotion) that respect your gender identity and expression. Your caregiver must make sure you have the things listed above.



Questions & Answers About My Sexual Orientation, Gender Identity & Expression

Can I participate in extracurricular, enrichment, spiritual, and social activities for LGBTQ+ youth?



Yes. You have the right to participate in activities for LGBTQ+ youth, like LGBTQ+ sports, Gay Prom, and LGBTQ+ youth clubs or support groups.

Can I have LGBTQ+ friends and mentors?



Yes. You have the right to see and have friends and mentors outside of foster care that are LGBTQ+.

Do I have the right to live in a home that respects my sexual orientation, gender identity, and expression?



Yes. You have the right to live in a home or STRTP that accepts your gender identity and gender expression regardless of what any records say about your sex at birth. If your caregivers do not accept your gender identity, gender expression, or sexual orientation and you feel unsafe, you have the right to move to a different place. You also have the right to use a safe bathroom where you are not harassed. You can't be forced to use a bathroom that doesn't match your gender identity. You should tell your attorney and social worker if you do not feel safe where you live.

Can I request that my caregiver, social worker/probation officer, and other people in my home call me by my preferred name and gender pronoun?



Yes. You have the right to be called by the name and gender pronoun you choose regardless of what any records say. Your caregiver and social worker/probation officer must respect your chosen name and pronouns. Gender pronouns are words like she/her, he/him, or gender-neutral pronouns like they/them.

Questions & Answers About My Sexual Orientation, Gender Identity & Expression

Can I keep information about my sexual orientation and gender identity and expression private?



Yes. You have the right to keep information about your sexual orientation, gender identity, and expression private unless you allow the information to be shared. This information may also be shared if sharing it will protect your health and safety or if the judge orders it to be shared.

Do I have the right to see a doctor or counselor that supports and understands my sexual orientation, gender identity, and expression?



Yes. You have the right to get gender affirming health care and mental health care. You have the right to see doctors and counselors that are specially trained to serve transgender and gender diverse youth. Gender affirming health care might include, but is not limited to, prescribed medications that stop puberty, hormone treatments, or surgery to make your body's appearance match your gender identity. Gender affirming mental health care means seeing a counselor that has special training to work with transgender or gender diverse youth. Gender affirming surgery would require parental consent or a court order for minors, and non-minor dependents can consent for themselves. Gender diverse means people of all different genders including those outside of male and female.

Do I get to help create my case plan and can it include things to support my sexual orientation, gender identity and expression?



Yes. You have the right to help your social worker/probation officer create your case plan, including decisions about where you will live, what the long-term plan will be if you cannot return home, your needs, and any services related to your sexual orientation, gender identity and expression, gender affirming health, and mental health care.



General Health Rights

Do I have a right to see a doctor, dentist, and counselor?



Yes. You have a right to timely health care, including medical, dental, vision, mental health services, reproductive and sexual health care, and drug treatment. You can talk to your caregiver and social worker/probation officer if you need to see a doctor. Your caregiver and social worker/probation officer have to make sure you can get the care you need when you need it.

Can I choose my doctor/dentist/counselor?



Yes. If you are 12 or older, you can choose your own doctor, as long as it is covered by your insurance.

Can I talk to my doctor about my treatment?



Yes. You can talk with your doctor about your treatment and any questions you have. You may also speak to your doctors privately.

How will I get to my doctor appointments?



Your caregiver has to make sure you have transportation to and from your medical appointments.

Who can I talk to about any medical diagnosis and the treatment, medicine, or services that I need?



Your doctor, pharmacist, or social worker/probation officer can give you information about your health condition, treatment, and services, and they must explain it to you in a way that you understand.

Questions & Answers About My Health

Fill out the information for your health needs/concerns

Write in pencil so you can update when necessary

Medical Conditions

Medical Allergies

Medications (names and amounts and what they are treating)

Family Medical History



Can I have a say in making decisions about my medical treatment and services?



Yes. You have the right to be part of decision-making about your medical treatment and services.

Can I refuse to take medications?



Yes. You can refuse any medication, vitamin, or herbs. No one can give you consequences or punish you for refusing. It is important to talk to your doctor about the health risks of not taking your medicine (meds).

If I need major treatment, like surgery, can I ask another doctor for their opinion?



Yes. Before any major medical, dental, or psychiatric treatment you can ask for a second opinion.

Do I have the right to get health care that supports my gender identity?



Yes. You have the right to get gender affirming medical and mental health care.

Can I keep my medical and mental health records private?



Yes. You can keep these records, including your HIV status, drug use history and treatment, and sexual and reproductive care private. There may be some exceptions to this.

Can I still get Medi-Cal (insurance) if I leave foster care when I turn 18?



Yes. If you leave foster care on or after your 18th birthday, you can continue to receive Medi-Cal until you turn 26.

Mental Health Rights

Do I have to get permission if I want to get treatment for a drug or alcohol problem?

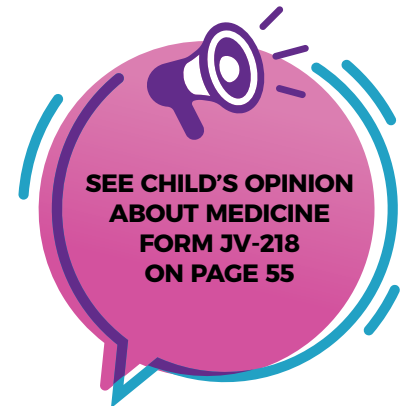


No. You can get help with a drug or alcohol problem without permission. You may want to talk with the important adults in your life about this so they can support you, but you can look for help on your own.

What do I do if I do not like the way a medication is making me feel?



You have the right to be told about how medicine prescribed for you will help you and any side effects of the medicine. If the side effects are bothering you or you don't want to take the medicine, you can tell your caregiver and your doctor. You can also tell your social worker/probation officer, lawyer, and the judge how the medicine makes you feel.



What if I do not want to take psychotropic medications?



Psychotropic medications are medicines (meds or drugs) used to help with mental health conditions. You should always talk with your doctor about your concerns and the risks of not taking a medication. If you want to stop taking a medication you are already on, you should work with your doctor to do this in a safe way. You can also tell your lawyer and the judge how you feel about the medications you are taking, any side effects, or other concerns you might have about these medications.

A judge has to approve any psychotropic medications a doctor prescribes. You can tell the judge how these medicines make you feel by asking for and filling out the JV-218 form. You can see a copy of this form on p. 55.

You have the right to refuse psychotropic medication, and no one can give you consequences or punish you for refusing.

What if I want to stop taking psychotropic drugs?



You have the right to work with your doctor to safely stop taking psychotropic drugs.



My Psychotropic Medications

Name of medication	Why I'm taking it	How often I take it	Dosage (How much I take)	Doctor who prescribed it

Name of Medication

How it makes me feel/side effects

1. _____

Very Good Good Okay Not So Good Very Bad

2. _____

Very Good Good Okay Not So Good Very Bad

3. _____

Very Good Good Okay Not So Good Very Bad

Sexual & Reproductive Health Rights

Can I get information about sexual and reproductive health care?



Yes. You have the right to get age appropriate, factual, and understandable medical information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of Sexually Transmitted Infections (STIs).

Can I get tested or treated for a sexually transmitted infection without permission?



Yes. If you are 12 or older, you can get (or refuse) testing, care, or prevention for sexually transmitted infections. You do not need permission. You should talk to your doctor about why it's important to get tested for STIs.

Can I get medical treatment to prevent, or treat sexually transmitted infections (STIs) or HIV?



Yes. If you are 12 or older, you have the right to make your own decisions about preventing, testing, or treating sexually transmitted infections and HIV. You do NOT need permission from your parent, caregiver, social worker/probation officer, or any other adult.

Can I get birth control or other types of protection?



Yes. At any age, you have the right to make your own decisions about birth control. You have the right to get or refuse, keep, and use birth control or protection of your choice including, condoms; birth control patch, pill, or shot; diaphragm; spermicide; dental dam; emergency contraception (Plan B/Morning-After Pill); and medications to prevent STIs.

You have the right to keep your birth control in your own private storage space. Condoms or birth control cannot be taken away as a punishment or due to your caregiver's religious beliefs or personal feelings.



Can I keep my sexual and reproductive health records private?



Yes. When you get sexual or reproductive health care or ask your doctor questions about sex, your doctor cannot share that information with your parents, caregivers, STRTP staff, or social worker/probation officer without your written consent. There are a few exceptions.

You also have the right to ask your doctor to explain privacy to you and who can and cannot get your medical information before you get any health care.

Can I choose where I go to get sexual and reproductive health care?



Yes. You have the right to choose your own health care provider (doctor, nurse, etc.) for sexual and reproductive health care, as long as they take Medi-Cal or another approved insurance.

Your caregiver, social worker/probation officer, or STRTP staff must help you get transportation to get reproductive and sexual health care services in a timely manner.

What if I am pregnant? What are my options?



If you are pregnant while in foster care, you can decide what you want to do. You can keep the baby, place the baby for adoption, or have an abortion. You do not need to get permission to get prenatal care or have an abortion. If both parents are known, they both have to agree to place the baby for adoption. You can also safely leave your baby at any hospital or fire station in California with no questions asked. For more information call 1-877-222-9723.

What are my rights regarding services if I am sexually assaulted?



At any age, you have the right to get or refuse any services because of a rape or sexual assault. You do not have to get the permission of any adult, but you can talk to someone you trust about what to do.

Questions & Answers About My Health

Medical Provider List

Medical

Provider Name: _____

Phone Number: _____

Location: _____

Upcoming Appt Date

Transportation
Secured?

Upcoming Appt Time

yes no

Dental

Provider Name: _____

Phone Number: _____

Location: _____

Upcoming Appt Date

Transportation
Secured?

Upcoming Appt Time

yes no

Vision

Provider Name: _____

Phone Number: _____

Location: _____

Upcoming Appt Date

Transportation
Secured?

Upcoming Appt Time

yes no

Mental Health

Provider Name: _____

Phone Number: _____

Location: _____

Upcoming Appt Date

Transportation
Secured?

Upcoming Appt Time

yes no

Substance Use Disorder Treatment

Provider Name: _____

Phone Number: _____

Location: _____

Upcoming Appt Date

Transportation
Secured?

Upcoming Appt Time

yes no

Sexual and Reproductive Health

Provider Name: _____

Phone Number: _____

Location: _____

Upcoming Appt Date

Transportation
Secured?

Upcoming Appt Time

yes no



Do I have a right to go to school?



Yes. You have the right and responsibility to go to school every day, get help when you need it, have access to school supplies, and other resources that you need to do well and succeed in school. You have the right to the same school resources, services, and activities as all other students in your school.

Who can make educational decisions for me?



You have the right to have an “education rights holder.” An education rights holder is an adult who understands your educational needs and makes decisions about your education. This may be your parent or another person approved by the judge, like a relative, foster parent, or CASA. Your education rights holder cannot be your social worker/probation officer, lawyer, STRTP staff, or school staff.

Do I have to change schools if my placement changes?



No. You have the right to stay in your “school of origin” if it is best for you to stay in that school. Your school of origin is the school you attended when you entered foster care, or before the placement change, or another school you have had a connection to within the past 15 months. You have the right to get transportation to your school of origin. If there is disagreement about which school you will attend, you should tell your lawyer immediately. You have the right to stay in your same school until the disagreement is resolved.

What happens if I have to change schools?



If you and your education rights holder agree that you need to move schools, you have the right to immediately enroll in the new school and begin classes. You cannot be turned away because you don’t have the right paperwork (like your birth certificate, transcripts, or immunization records) or owe fees or items to another school.

Career Goal

My future career goal is...

I am choosing this career because...

The skills and training that I need for this career are...

Some things I can do now to prepare for this career are...



Questions & Answers About My Education

If I change schools during the school year, what happens to the credits I earned from my last school?



If you change schools during the school year, you have a right to receive partial (some) credits in all classes that you were passing when you left your school even if you did not finish the entire class.

What if I need help with school?



You have the right to get help with school if you need it. This help can include tutoring, mentoring, counseling, and a referral for special education services. Your social worker/probation officer, caregiver, education rights holder, school foster youth liaison, or school counselor can help you get the services you need.

Do I have priority enrollment in school because I am in foster care?



Yes. You have the right to priority enrollment in preschool, for after school programs, at California State Universities, and in community colleges.

What are my options for education after high school?



You have the right to get accurate information and help from your social worker/probation officer on how to apply for college and financial aid. You also have the right to get accurate information about other options you may have, including career education programs, such as cosmetology, nursing, construction, and/or automotive programs. You also must be told about special programs for foster youth at the University of California schools, California State University schools, and the California Community Colleges.

Additional Information on Services and Supports for College

Foster Youth Success Initiative

<http://www.cacollegepathways.org/find-campus-support-programs/foster-youth-success-initiative-fysi/>

California Chafee Grant Program

<https://www.chafee.csac.ca.gov/StudentApplication.aspx>

California State University Resources for Foster Youth

<https://www2.calstate.edu/attend/student-services/foster-youth>

JBAY Youth Resources

<https://www.jbaforyouth.org/youth-resources/>

What happens if I turn 18 in foster care?



Some young people between the ages of 18 and 21 are able to stay in foster care and continue receiving services and support, including financial and housing assistance. This is called Extended Foster Care/AB12. As part of Extended Foster Care/AB 12, some young adult former foster children may be eligible to go back into foster care if they left.

If you want to learn more about Extended Foster Care/AB12, ask your social worker/probation officer, call your county's Child Protection Hotline, or contact the California Foster Care Ombudsperson at (877)-846-1602.

What is the Independent Living Program (ILP), and can I participate?



You have the right to participate in the Independent Living Program (ILP) if you are in foster care at age 16 and can participate until your 21st birthday. ILP teaches life skills to get you ready for adulthood. You will learn about housing, college or other school options, finding and keeping a job, getting a driver's license, money management, and skills to take care of yourself. Your social worker/probation officer will work with you to create a plan for ILP called a Transition to Independent Living Plan (TILP) to help you set goals and prepare for adulthood.

Your caregiver cannot stop you from going to ILP activities (classes and events) as a consequence or punishment.

Can I get a job?



Yes. You can have a job beginning at age 14, if you get a work permit. Your school and your social worker/probation officer can help you get a work permit.

Can I open a bank account?



Yes. You have the right to have a bank account and to budget, save, and spend your money unless the judge and your case plan says you cannot.



Questions & Answers About Preparing for Adulthood & Money Management

What is a credit score?



A credit score is like a report card that tells you about your spending, paying bills on time, and how much money you owe. Your credit report has a score, and that number is very important because when you are an adult, it is used when you want to look for a place to live, if you want to buy a car or home, and if you want to get credit cards or loans. If you have a high score, it's like getting an A on your report card, and the lower your score, the worse your grade.

If you are age 14-17, your social worker/probation officer must get a copy of your credit report from the three major credit agencies (Experian, Equifax, and Trans Union). They must give you these reports each year and help you understand them and fix any problems, like someone else getting credit cards or other accounts in your name and not paying the bills.

Can I get a drivers license?



Yes. You have the right to get a drivers license. Your social worker/probation officer can sign your application without taking personal responsibility.

You can also have your application signed by a grandparent, sibling over the age of 18, aunt, uncle, or the foster parent you are living with. However, if any of these people sign, you will both be held responsible if you get in an accident.

Ask your caregiver and social worker/probation officer or your ILP program if they can help pay for driver's education and driver's training.



What happens at court?

At each court hearing, the judge learns about how you and your family are doing and makes decisions about your case. You will have a court hearing at least every 6 months while you are in foster care, and sometimes more often depending on what is happening with your case and what your needs are.

Can I talk to the judge at court?

Yes. You have the right to talk to the judge about anything that is important to you while you are at court. You should let your lawyer know that you want to speak to the judge, it is a good idea to prepare what you want to say before you get in the courtroom.

How do I know when there is a court hearing, and can I go to court?

You have the right to be told about court hearings and to go to court. Your social worker/probation officer must tell you about your court hearings in writing at least 15 days before your hearing, but no more than 30 days before. Your social worker /probation officer and caregiver must arrange transportation for you to and from court.

Can I decide who goes to my court hearings?

You have the right to ask for certain people to attend your court hearing. You also have the right to say that you do not want certain people to attend your court hearing, but the judge can still let them stay if they think there is a good reason for them to be there.

Can someone from my tribe be at court?

Yes. You have the right to have a person that your Tribe chooses be at court.



Questions & Answers About Court

What is a court report, and can I get a copy of it?



A court report is a report to the judge that your social worker writes to tell them details about your case and how you and your family are doing. Your court report includes information about where you live; your health and education; visitation with parents and siblings; your needs, including services; and your case plan.

If you do not agree with something in your court report, you should tell your lawyer right away.

Yes. You have the right to get a copy of your court report.

Can anyone else see my court paperwork?



You have the right to keep your court paperwork private, but there may be exceptions if the judge has a legal reason to let someone else see it. Some people, such as your parents, legal guardians, or siblings, may be able to see your court reports if there is a legal reason for them to see it.

Do I have the right to get court or foster care records about me?



Yes. You have the right to see and get a copy of your court reports, child welfare records (though some information that is confidential may be taken out), and education records. You have a right to get copies of these records for free until your 26th birthday.

Do I have the right to a lawyer?



Yes. You have the right to have a lawyer represent you in court. Your lawyer has to tell the judge what you want to happen and to make sure that you are safe and have the services and support that you need. Your lawyer can help answer questions you have about court, the foster care system, and other laws that impact you.

Your lawyer has to have special training on the Indian Child Welfare Act, sexual orientation, gender identity, and expression.

What does my lawyer do?



Your lawyer is sometimes called an attorney and their job is to look out for your legal interests and what is best for you.

This means that they are responsible for:

- making sure that all laws and court orders are followed;
- asking for any court orders that may be needed; and
- making sure that your social worker/probation officer provide you with a safe and stable place to live and all the services you need to be safe, healthy, and do well at school.
- telling the judge what you want them to know.
- protecting your legal interests even if they are not about foster care. This part of their job means making sure someone is helping you with things like immigration, money from an inheritance, or a lawsuit if you are injured.

You should talk to your lawyer about everything that is important to you. You have the right to talk to your lawyer about anything related to foster care and any other issues you have that are not about foster care. Your lawyer must look into your concerns.

Can my lawyer tell others what I tell them?



You have the right to speak to your lawyer in private, and everything that you tell them should stay between the two of you. This is called confidentiality. The only reason your lawyer can tell others what you talk about in private is if you give them permission or if your lawyer has a good reason to believe that you are about to commit a crime that will cause death or serious physical harm to others.

What if I don't think my lawyer is doing their job to represent me?



You have the right to ask the judge to appoint a new lawyer if you do not think that your lawyer is doing their job of telling the court what you want and what is in your best interest. It is important to know that the judge could say no to your request for a new lawyer.



Interview with a Lawyer

What are some of the most important things that a lawyer can do for foster youth?

Your lawyer will fight for you at court. They are there to make sure you are heard and taken seriously by the judge. Your lawyer will work hard to understand your needs and to argue for things that you need. For example, your lawyer will talk with you about your safety, your living situation, visitation with parents and siblings, what is likely to happen in court, and what you can expect in your family's court case. The court process can be overwhelming and complicated - your attorney is there to help you understand what is going on and what is expected to happen in the upcoming weeks and months.

What are some other ways that lawyers can support foster youth?

In addition to representing you in court, your lawyer can help you solve other problems you may be experiencing with things, such as where you are going to school, your progress in school, anything about your health that you may be concerned about, help getting therapy, or other services. Your lawyer can also connect you to services that will help you, including services related to mental health, immigration, juvenile justice, child custody, sexual and reproductive health, and extended foster care if you are 18 or older.

What is one thing that you wish more foster youth knew about using their lawyer?

Foster youth should know that their relationship with their lawyer is confidential; that means that anything you tell your lawyer must be kept private and not shared without your permission unless telling someone will prevent death or serious harm to the youth or others or to prevent a crime. This is different than when a foster youth speaks with a social worker or other adult service provider. Your lawyer is the one person in the courtroom who is there just to fight for what you want and what you need. Youth should always reach out to their lawyer with questions or just to talk.

What happens at court can be confusing and a lot to deal with. Lawyers will talk to foster youth about what's happening when they come to court. They will explain the reason that they are in court, what will happen during the court hearing, and what is expected to happen in the next few weeks and months in a way that the youth understands.



What is a case plan?



It is the plan that describes what will happen in your case. It includes the services that you and your family need. A case plan must say what your needs are and how they will be met; what is in your best interest; and the services you are getting while in foster care. You have the right to have a case plan created within 60 days of coming into foster care and updated at least every six months. The case plan is part of the court record and is included at each court hearing.

Case plan must include information about:

- health;
- education;
- visitation;
- services you need to be safe and healthy;
- long-term plan for where you will live if you are not able to go home;
- where you are living and if that is the best place for you; and
- if you are 16 or older, your Transition to Independent Living Plan (TILP)

Do I get to help create my case plan?



Yes. You have the right to help create your case plan, including making decisions about where you will live and what the long-term plan will be if you cannot return home.

If it applies to you, your case plan must include a plan to make sure you have access to gender affirming health care that is consistent with your gender identity.

Do I get a copy of my case plan?



Beginning at age 10, you have the right to read, sign, and get a copy of your case plan.

What if changes are made to my case plan?



You have the right to be told of any changes to your case plan.



Questions & Answers About My Case Plan

What is my Tribe's role in my case plan?



Your social worker/probation officer must work with your tribe in all case planning decisions, including where you will live. Case plan decisions must reflect the social and cultural values, conditions, and way of life of your Indian community or tribe.

Your case plan must involve your family members, the tribe, tribal and other Indian social service agencies, and Indian caregivers. Your social worker/probation officer has to make sure you get to go to Indian programs, services, and events and include these in your case plan. Your social worker should work with your tribe and other tribal/Native American resources to make sure you can participate in tribal programs, services, and events.

Your case plan must say who is going to ask your tribe to enroll you if you are not already a member.

If I am an Indian youth, are my tribal relations protected in my case plan?



Yes. Your case plan has to include protection of important tribal relations by helping you to form and continue political, cultural, and social relationships with your tribe and Indian community.



What is my Child & Family Team?



You have the right to a Child and Family Team (CFT). The CFT is a group of people, including you, who come together to help make the best plans for your safety, well being, and future.

Who is part of my Child & Family Team?



You have the right to have both formal support (such as your social worker/probation officer or counselor) and informal support people (such as family members, caregivers, advocates, or teachers) be a part of your Child & Family Team (CFT) and attend CFT meetings. You and your family have a voice (say) in deciding who should or shouldn't be included in your CFT.

When do Child & Family Team (CFT) meetings happen?



You have the right to have a CFT meeting:

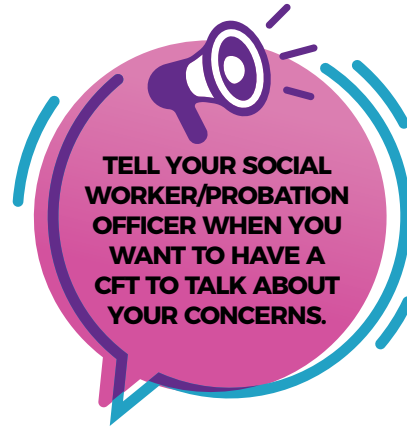
- within 60 days of entering foster care;
- at least every six months;
- before creating or making any changes to your case plan;
- for decisions about where you will live, each time and before you move to any other place, and to help resolve conflicts in the home to allow you to continue living there;
- to talk about your needs and strengths, and coordinate any services that might be helpful to you;
- to talk about visits with your siblings;
- when you are preparing to leave foster care;
- at least every 90 days if you are in an STRTP or in a therapeutic foster home; and
- at least every 90 days if you are getting certain types of services, such as intensive home-based services or intensive case coordination



Can I ask for a Child & Family Team meeting?



Yes. You have the right to request more CFT meetings to talk about your concerns, such as changes in where you live, changes in your service needs, and sibling or family visits.



What should I do at my CFT meetings?



It is important for you to say what you are feeling and what you need and want. You will be helping your team to make the best decisions about your life.

Write down what you want to discuss at your CFT meeting below.



Who is responsible for talking to me about my rights?



You have the right to have your social worker/probation officer review your rights with you in a way that you understand. You must be given a copy of your rights at the time you come into foster care, at every placement change, and at least once every six months during a regular visit with your social worker/probation officer.

If you think your rights have been violated...

1 Try to remember the event.

Writing it down can help.

- What happened?
- Where did it happen?
- When did it happen?
- Who was involved?
- What rights were violated?

2 If you feel safe, try to resolve it with the people who were involved.

3 If you feel safe, talk to your caregiver or staff member.

4 Call the Office of the Foster Care Ombudsperson at 1-877-846-1602.

Who can I contact if I think my rights are being violated?



- You have the right to be given the contact information for the Community Care Licensing Division (CCL), the tribal authority approving a tribally approved home, and the State Foster Care Ombudsperson at the time you enter foster care and each placement change.
- You have the right to contact any or all of these offices or those listed on the next page, immediately when you ask, if you think your rights are being violated.
- You have a right to speak to these offices confidentially, and you cannot be threatened, punished, or retaliated against for making complaints.

Remember, you should also tell your social worker/probation officer, lawyer, and judge if you think your rights are being violated.



Who to Call About My Rights

The Office of the Foster Care Ombudsman is an independent office that investigates complaints and works to resolve concerns about foster youth rights, the care youth get, where they live, or the services they need or receive. If you have a complaint, call, email, or visit on the web:



California Foster Care Ombudsman

Phone: 1-877-846-1602

Email: Fosteryouthhelp@dss.ca.gov

Website: www.fosteryouthhelp.ca.gov

Community Care Licensing Division

This is the division of the State Department of Social Services that licenses and oversees foster family agencies, daycares, group homes, short-term therapeutic residential facilities, foster homes, and residential care for children (and adults) throughout California.

Phone: 1-844-538-8766

Email: letusknow@dss.ca.gov

Definitions

TERM

DEFINITION

AB 12

Assembly Bill (AB) 12, also called Extended Foster Care, is the law that allows young people between the ages of 18 and 21 to stay in foster care and continue receiving services and support, including financial and housing assistance. Youth interested in AB 12/Extended Foster Care or returning to Extended Foster Care should call the DCFS Child Protection Hotline or contact the California Foster Care Ombudsperson at (877)-846-1602.

Foster Youth Services Liaison (Sometimes called AB 490 Counselor)

A person appointed by the school district to help foster youth with (1) ensuring proper educational placement, school enrollment, and “checkout” (withdrawal) from school, and (2) transfer of grades, credits, and records when there is a school change.

Caregiver

Sometimes called a resource family or foster parent, a person who has been approved to provide a home for and take care of youth who are in foster care. Caregivers are responsible for making sure that youth are healthy, safe, and have what they need. STRTP staff are also caregivers.

Case Plan

A written document prepared by a social worker/probation officer that describes the care and services to be provided to a youth who has been placed in foster care. It must include a description of the placement; a plan for providing the youth with safe and proper care; a plan for services that will be provided, along with a timeline; and other issues relating to health, safety, and well-being.

Chemical Substances

Chemical Substances are sometimes called medicine, psychotropic meds, or drugs. They include medicines that a doctor has given you or those that you can buy at a store. Illegal drugs are also called chemical substances.

Child and Family Team (CFT)

A group of people, which may include extended family members and members of the youth’s community and/or tribe and other people identified by the youth, who come together to talk and make decisions about case planning and placement that will best support success of the family and positive outcome for the youth’s safety, permanence, and well-being.

Definitions

TERM

DEFINITION

Child Welfare System

The group of government agencies and juvenile courts that (1) take and investigate reports of possible child abuse and neglect; (2) provide services to ensure safety and care of youth and to support their families; (3) arrange for youth to live with relatives, non-relative extended family members, or foster families when they are not safe at home; and (4) arrange for reunification, adoption, or other permanent connections for children leaving foster care. Your county's child welfare system also includes non-government agencies that provide services to youth and their families.

Community Care Licensing Division (CCL)

A state agency that gives licenses to people and facilities/organizations to provide homes and ongoing care to foster youth. CCL is responsible for investigating complaints about the care or conditions where foster children live.

Community Treatment Facilities (CTF)

A locked facility where youth live when they need specialized mental health services to keep them safe.

Contraception

Options to prevent pregnancy and some sexually transmitted infections, such as condoms and birth control pills, patches, or shots.

Court Appointed Special Advocate (CASA)

Volunteers appointed by the judge to meet regularly with a youth who is in foster care and to advocate for their wishes and what is best for a youth. A CASA can (1) advocate or speak up for the youth, (2) investigate or look into problems that the youth is having, (3) report or speak to the judge for the youth, and (4) recommend or ask the judge to make orders that will help the youth.

Delinquency Court

A youth that is in this court is sometimes called a 602, named for the section of law about juvenile delinquency.

Dependency Court

Dependency court focuses on children who have been abused or neglected by a parent, legal guardian, or Indian custodian. A youth that is in this court is sometimes called a 300, named after the section of law that is about juvenile dependency (foster care).

Definitions

TERM

DEFINITION

Dependent

A legal word used to describe an abused or neglected youth who is supervised by dependency court.

Discrimination

Discrimination is unfairly treating a person or group of people differently from other people, often because of age, race, sex, nationality, sexual orientation, gender identity, gender expression, religion, or disability.

Foster Youth Verification Letter

Written verification of a youth's time spent in foster care. This used to be called the Ward of the Court letter.

Gender

Gender is what society expects and stereotypes about what it means to be male or female. People can identify as male or female or as moving between genders, no gender, or as another gender. Gender is fluid and can change.

Gender Expression

The way a person expresses their gender identity, such as through how they dress or behave.

Gender Identity

How a person thinks of their own gender. It might be different from what is on their birth certificate or child welfare records.

Gender Pronoun

A word used to refer to people, such as she/her/hers, he/him/his, or gender neutral pronouns such as they/them/theirs or ze/hir/hirs.

Harassment

Harassment can be words, behaviors, or actions that cause the person it is directed at to feel scared, annoyed, or emotionally upset and should be reported to a trusted adult.

Definitions

TERM

DEFINITION

Independent Living Program (ILP)

The ILP provides training, services, and programs that help current and former foster youth to prepare for adulthood before and after leaving the foster care system. Youth are eligible for ILP services up to the day before their 21st birthday if they meet one of the following conditions:

(1) They were or are in foster care at any time from their 16th to their 19th birthday, or

(2) They were or are between the ages of 16 and 18 years of age and participating in the Kinship Guardianship Assistance Payment Program (Kin-GAP).

Some of the ILP services are: daily living skills, money management, decision making, building self-esteem, financial assistance with college or vocational schools, educational resources, housing (transitional housing), and employment.

The Indian Child Welfare Act (ICWA)

A federal law that passed in 1978 to protect the best interest of Indian children and to promote the stability and security of federally recognized Indian tribes and families.

The ICWA created laws that require recognition of tribal laws, customs, and cultural values when removing Indian children from their families and placing them outside of the family home. Because tribes are governments separate from a state or county, the ICWA requires state and county authorities to work with the tribes where Indian children may be placed in foster care or for adoption.

Juvenile Detention

Juvenile detention centers and juvenile halls (“juvie”) are secure residential facilities for young people who are accused of violating the law, who have been found to have violated the law, or are awaiting a court hearing.

Lawyer/Attorney

A person who is licensed to practice law. The court will appoint a lawyer to represent (speak for) youth in dependency and delinquency courts.

Mental Health

Mental health is emotional or psychological well-being. It includes feeling able to enjoy life, engage in work or school, and be in healthy relationships with others. It includes feeling able to recover from difficult experiences and being able to cope with the normal stresses of life.

Medication

Medications, sometimes called drugs or meds, are substances used to treat a physical medical condition or mental health condition. Medications may be prescribed by a doctor or bought “over-the-counter” without a prescription from a doctor.

Definitions

TERM

DEFINITION

Nonminor Dependent (NMD)

Under AB 12, foster youth who meet certain conditions and choose to remain in foster care past age 18 and up to age 21 are referred to as nonminor dependents. (Also see AB-12 definition)

Non-Relative Extended Family Member (NREFM)

An adult who has a supportive relationship with a youth and is important to the youth but not a blood relative. A NREFM is also an adult who has a strong relationship with one of the youth's relatives.

Ombudsperson

An ombudsperson is a person whose job is to receive, investigate, and resolve complaints about rights violations or other concerns.

Permanent Placement

A living arrangement that is meant to be the permanent home or permanent living arrangement for a youth until they leave the child welfare system.

Placement

Where a youth lives while they are in foster care.

Probation Officer

Probation officers are responsible for supervision of some youth (juveniles) on probation. They are required to make regular home visits to ensure that that youth are healthy and safe and that delinquency court orders are being followed. They also meet with youth and their families to help with rehabilitation.

Psychotropic Medication (also called drugs)

Psychotropic medications are prescription meds used in the treatment of various psychiatric or mental health conditions, like anxiety, Bi-polar Disorder, or ADHD. Examples of psychotropic medications are meds like Adderal and Lithium.

Reproductive Health

Reproductive health is the complete physical, mental, and social well-being in all matters relating to the reproductive system.

Definitions

TERM

DEFINITION

School of Origin

The school a youth attended when they entered foster care before their placement change or another school they have had a connection to within the past 15 months.

Sexual Orientation

Who you're attracted to and want to have sexual or romantic relationships with. Sexual orientations include, but are not limited to, gay, lesbian, straight, bisexual, and asexual.

Short-Term Residential Treatment Program (STRTP)

A residential facility that provides specialized and intensive services and supports to youth placed in foster care that need extra support or treatment so that they can heal and return to living in a home environment. Placement in an STRTP should be limited to six months unless a youth's needs justify a longer stay.

Social Worker

Also called Children's Social Workers or CSWs, they are responsible for supervision of youth who have DCFS cases. They make regular home visits to ensure that that youth are healthy and safe, have what they need, and that dependency court orders are being followed. They also meet with youth and their families to help the family get back together when possible.

Tribal Customary Adoption (TCA)

An adoption for Indian children who are dependents that allows them to be adopted through customs and laws of the child's tribe without terminating their parent's rights.

Written Consent

A written agreement, approval, or permission for something to happen.

Visitation Schedule

A regular time and date for families to visit one another and be together.

WIC 16001.9 - Legal Language About Your Rights

California Welfare and Institutions Code (WIC) 16001.9

(a) All children placed in foster care, either voluntarily or after being adjudged a ward or dependent of the juvenile court pursuant to Section 300, 601, or 602, shall have the rights specified in this section. These rights also apply to nonminor dependents in foster care, except when they conflict with nonminor dependents' retention of all their legal decision making authority as an adult. The rights are as follows:

-
- 1 To live in a safe, healthy, and comfortable home where they are treated with respect. If the child is an Indian child, to live in a home that upholds the prevailing social and cultural standards of the child's Indian community, including, but not limited to, family, social, and political ties.

 - 2 To be free from physical, sexual, emotional, or other abuse, corporal punishment, and exploitation.

 - 3 To receive adequate and healthy food, adequate clothing, grooming and hygiene products, and an age-appropriate allowance. Clothing and grooming and hygiene products shall respect the child's culture, ethnicity, and gender identity and expression.

 - 4 To be placed in the least restrictive setting possible, regardless of age, physical health, mental health, sexual orientation, and gender identity and expression, juvenile court record, or status as a pregnant or parenting youth, unless a court orders otherwise.

 - 5 To be placed with a relative or nonrelative extended family member if an appropriate and willing individual is available.

 - 6 To not be locked in any portion of their foster care placement, unless placed in a community treatment facility.

 - 7 To have a placement that utilizes trauma-informed and evidence-based deescalation and intervention techniques, to have law enforcement intervention requested only when there is an imminent threat to the life or safety of a child or another person or as a last resort after other diversion and deescalation techniques have been utilized, and to not have law enforcement intervention used as a threat or in retaliation against the child.

WIC 16001.9 – Legal Language About Your Rights

- 8** To not be detained in a juvenile detention facility based on their status as a dependent of the juvenile court or the child welfare services department's inability to provide a foster care placement. If they are detained, to have all the rights afforded under the United States Constitution, the California Constitution, and all applicable state and federal laws.
-
- 9** To have storage space for private use.
-
- 10** To be free from unreasonable searches of personal belongings.
-
- 11** To be provided the names and contact information for social workers, probation officers, attorneys, service providers, foster youth advocates and supporters, Court Appointed Special Advocates (CASAs), and education rights holder if other than the parent or parents, and when applicable, representatives designated by the child's Indian tribe to participate in the juvenile court proceeding, and to communicate with these individuals privately.
-
- 12** To visit and contact siblings, family members, and relatives privately, unless prohibited by court order, and to ask the court for visitation with the child's siblings.
-
- 13** To make, send, and receive confidential telephone calls and other electronic communications, and to send and receive unopened mail, unless prohibited by court order.
-
- 14** To have social contacts with people outside of the foster care system, including, but not limited to, teachers, coaches, religious or spiritual community members, mentors, and friends. If the child is an Indian child, to have the right to have contact with tribal members and members of their Indian community consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe.
-
- 15** To attend religious services, activities, and ceremonies of the child's choice, including, but not limited to, engaging in traditional Native American religious practices.
-
- 16** To participate in extracurricular, cultural, racial, ethnic, personal enrichment, and social activities, including, but not limited to, access to computer technology and the internet, consistent with the child's age, maturity, developmental level, sexual orientation, and gender identity and expression.

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- 17** To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity and expression, mental or physical disability, or HIV status.
-
- 18** To have caregivers, child welfare and probation personnel, and legal counsel who have received instruction on cultural competency and sensitivity relating to sexual orientation, gender identity and expression, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender children in out-of-home care.
-
- 19** To be placed in out-of-home care according to their gender identity, regardless of the gender or sex listed in their court, child welfare, medical, or vital records, to be referred to by the child's preferred name and gender pronoun, and to maintain privacy regarding sexual orientation and gender identity and expression, unless the child permits the information to be disclosed, or disclosure is required to protect their health and safety, or disclosure is compelled by law or a court order.
-
- 20** To have child welfare and probation personnel and legal counsel who have received instruction on the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.) and on cultural competency and sensitivity relating to, and best practices for, providing adequate care to Indian children in out-of-home care.
-
- 21** To have recognition of the child's political affiliation with an Indian tribe or Alaskan village, including a determination of the child's membership or citizenship in an Indian tribe or Alaskan village; to receive assistance in becoming a member of an Indian tribe or Alaskan village in which the child is eligible for membership or citizenship; to receive all benefits and privileges that flow from membership or citizenship in an Indian tribe or Alaskan village; and to be free from discrimination based on the child's political affiliation with an Indian tribe or Alaskan village.
-
- 22** (A) To access and receive medical, dental, vision, mental health, and substance use disorder services, and reproductive and sexual health care, with reasonable promptness that meets the needs of the child, to have diagnoses and services explained in an understandable manner, and to participate in decisions regarding health care treatment and services. This right includes covered gender affirming health care and gender affirming mental health care, and is subject to existing laws governing consent to health care for minors and nonminors and does not limit, add, or otherwise affect applicable laws governing consent to health care.
- (B) To view and receive a copy of their medical records to the extent they have the right to consent to the treatment provided in the medical record and at no cost to the child until they are 26 years of age.

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- 23** Except in an emergency, to be free of the administration of medication or chemical substances, and to be free of all psychotropic medications unless prescribed by a physician, and in the case of children, authorized by a judge, without consequences or retaliation. The child has the right to consult with and be represented by counsel in opposing a request for the administration of psychotropic medication and to provide input to the court about the request to authorize medication. The child also has the right to report to the court the positive and adverse effects of the medication and to request that the court reconsider, revoke, or modify the authorization at any time.
-
- 24** (A) To have access to age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections.
- (B) At any age, to consent to or decline services regarding contraception, pregnancy care, and perinatal care, including, but not limited to, abortion services and health care services for sexual assault without the knowledge or consent of any adult.
- (C) At 12 years of age or older, to consent to or decline health care services to prevent, test for, or treat sexually transmitted diseases, including HIV, and mental health services, without the consent or knowledge of any adult.
-
- 25** At 12 years of age or older, to choose, whenever feasible and in accordance with applicable law, their own health care provider for medical, dental, vision, mental health, substance use disorder services, and sexual and reproductive health care, if payment for the service is authorized under applicable federal Medicaid law or other approved insurance, and to communicate with that health care provider regarding any treatment concerns or needs and to request a second opinion before being required to undergo invasive medical, dental, or psychiatric treatment.
-
- 26** To confidentiality of medical and mental health records, including, but not limited to, HIV status, substance use disorder history and treatment, and sexual and reproductive health care, consistent with existing law.
-
- 27** To attend school, to remain in the child’s school of origin, to immediate enrollment upon a change of school, to partial credits for any coursework completed, and to priority enrollment in preschool, afterschool programs, a California State University, and each community college district, and to receive all other necessary educational supports and benefits, as described in the Education Code.
-
- 28** To have access to existing information regarding the educational options available, including, but not limited to, the coursework necessary for career, technical, and postsecondary educational programs, and information regarding financial aid for postsecondary education, and specialized programs for current and former foster children available at the University of California, the California State University, and the California Community Colleges.

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- 29** To attend Independent Living Program classes and activities, if the child meets the age requirements, and to not be prevented by caregivers from attending as a consequence or punishment.
-
- 30** To maintain a bank account and manage personal income, consistent with the child’s age and developmental level, unless prohibited by the case plan.
-
- 31** To work and develop job skills at an age-appropriate level, consistent with state law.
-
- 32** For children 14 to 17 years of age, inclusive, to receive a consumer credit report provided to the child by the social worker or probation officer on an annual basis from each of the three major credit reporting agencies, and to receive assistance with interpreting and resolving any inaccuracies.
-
- 33** To be represented by an attorney in juvenile court; to have an attorney appointed to advise the court of the child’s wishes, to advocate for the child’s protection, safety, and well-being, and to investigate and report to the court on legal interests beyond the scope of the juvenile proceeding; to speak to the attorney confidentially; and to request a hearing if the child feels their appointed counsel is not acting in their best interest or adequately representing their legal interests.
-
- 34** To receive a notice of court hearings, to attend court hearings, to speak to the judge, to view and receive a copy of the court file, subject to existing federal and state confidentiality laws, and to object to or request the presence of interested persons during court hearings. If the child is an Indian child, to have a representative designated by the child’s Indian tribe be in attendance during hearings.
-
- 35** To the confidentiality of all juvenile court records consistent with existing law.
-
- 36** To view and receive a copy of their child welfare records, juvenile court records, and educational records at no cost to the child until the child is 26 years of age, subject to existing federal and state confidentiality laws.
-
- 37** To be involved in the development of their own case plan, including placement decisions, and plan for permanency. This involvement includes, but is not limited to, the development of case plan elements related to placement and gender affirming health care, with consideration of the child’s gender identity. If the child is an Indian child, the case plan shall include protecting the essential tribal relations and best interests of the Indian child by assisting the child in establishing, developing, and maintaining political, cultural, and social relationships with the child’s Indian tribe and Indian community.

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38 To review the child’s own case plan and plan for permanent placement if the child is 10 years of age or older, and to receive information about their out-of-home placement and case plan, including being told of changes to the plan.

To request and participate in a child and family team meeting, as follows:

- 39**
- (A) Within 60 days of entering foster care, and every 6 months thereafter.
 - (B) If placed in a short-term residential therapeutic program, or receiving intensive home-based services or intensive case coordination, or receiving therapeutic foster care services, to have a child and family team meeting at least every 90 days.
 - (C) To request additional child and family team meetings to address concerns, including, but not limited to, placement disruption, change in service needs, addressing barriers to sibling or family visits, and addressing difficulties in coordinating services.
 - (D) To have both informal and formal support people participate, consistent with state law.
-

40 To be informed of these rights in an age and developmentally appropriate manner by the social worker or probation officer and to be provided a copy of the rights in this section at the time of placement, any placement change, and at least once every six months or at the time of a regularly scheduled contact with the social worker or probation officer.

To be provided with contact information for the Community Care Licensing Division of the State Department of Social Services, the tribal authority approving a tribally approved home, and the State Foster Care Ombudsperson, at the time of each placement, and to contact any or all of these offices immediately upon request regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.

41 (b) The rights described in this section are broad expressions of the rights of children in foster care and are not exhaustive of all rights set forth in the United States Constitution and the California Constitution, federal and California statutes, and case law.

(c) This section does not require, and shall not be interpreted to require, a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.

(d) The State Department of Social Services and each county welfare department are encouraged to work with the Student Aid Commission, the University of California, the California State University, and the California Community Colleges to receive information pursuant to paragraph (28) of subdivision (a).

Important Contacts

Mother: _____
Address: _____

Phone Number: _____
Email: _____

Father: _____
Address: _____

Phone Number: _____
Email: _____

Foster Parent: _____
Address: _____

Phone Number: _____
Email: _____

Caseworker: _____
Address: _____

Phone Number: _____
Email: _____

Caseworker's Supervisor: _____
Address: _____

Phone Number: _____
Email: _____

Independent Living Caseworker:

Address: _____

Phone Number: _____
Email: _____

Therapist: _____
Address: _____

Phone Number: _____
Email: _____

Sibling: _____
Address: _____

Phone Number: _____
Email: _____
Sibling: _____
Address: _____

Phone Number: _____
Email: _____
Sibling: _____
Address: _____

Phone Number: _____
Email: _____

Attorney: _____
Address: _____

Phone Number: _____
Email: _____

Health Care Provider:

Address: _____

Phone Number: _____
Email: _____

Guidance Counselor: _____
Address: _____

Phone Number: _____
Email: _____

Mentor: _____
Address: _____

Phone Number: _____
Email: _____

Adult Supporter/Other: _____
Address: _____

Phone Number: _____
Email: _____

Clerk stamps date here when form is filed.

You may use this form to tell the judge what you think about the medicine that a doctor wants you to take.

You do not *have to* use this form if you do not want to. There are other ways to tell the judge how you feel. You can:

- Talk to the judge at a hearing or write the judge a letter, or
- Ask your lawyer, social worker, probation officer, or CASA to tell the judge how you feel.

You may ask someone you trust to help you read and fill out this form. And you may add as many pages as you need. If you add extra pages, please put your name and the number of the question you are answering on each extra page.

1 Your name: _____
(first) (middle) (last)

2 Your date of birth: _____
(month) (day) (year)

Answer these questions about this medicine:

3 Do you know that a doctor wants you to take a medicine? Yes No Not sure

4 Do you know the name and dose of the medicine the doctor wants you to take? Yes No Not sure

5 Have you taken this medicine before? Yes No Not sure

6 Do you want more information before you decide if you want to take it? Yes No
If yes, what do you want to know? _____

7 Did anyone tell you how the medicine is supposed to help you? Yes No Not sure

8 Did anyone explain the possible side effects? Yes No Not sure
If yes, what did they say? _____

9 What is your opinion about taking the medicine?

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name and date of birth:

Child's Name:

Date of Birth:

Court fills in case number when form is filed.

Case Number:



Case Number: _____

Child's name: _____

- 10 Do you agree to take the medicine? Yes No Not sure
 Explain your answer here, if you want to: _____

Questions about you

- 11 List any other treatment or therapy you are doing now:
 None Individual talk therapy Family therapy
 Group talk therapy Counseling at school Art or play therapy
 Cognitive Behavioral Therapy (CBT or practicing behaviors)
 Other (list any other treatment here): _____

- 12 What do you like to do for fun?

- 13 What activities would you like to be involved in now?

- 14 Say anything else about yourself or the medicine that you want the judge to know.

For a 17-Year Old Youth ONLY
If you are **under 17**, skip to the next question.

- 15 When you turn 18,
 a. Will you be able to keep the doctor you have now? Yes No Not sure
 b. Will you know how to get this medicine if you want to keep taking it? Yes No Not sure

Case Number: _____

Child's name: _____

For a child taking this medicine now

If you are NOT taking this medicine **now**, skip to the next question.

- 16 Do you have any side effects from the medicine? Yes No
 If **Yes**, check below:
- Weight gain Weight loss Headache Constipation
 Problems sleeping Feeling very sleepy Nausea Feel dizzy
 Other (list any other side effects here): _____

- 17 I you have side effects, did you tell your doctor? Yes No
 If **Yes**, your doctor's name: _____

- 18 Did someone help you with this form? Yes No
 If **Yes**, who? my social worker my probation officer my caregiver my lawyer my CASA
 Other (explain): _____

Check here if you are going to add extra pages to this form. And say how many pages: _____

Date: _____

 Type or print child's name

▶ _____
 Child signs here

▶ _____
 Helper signs here

Foster Youth Rights Handbook Signature Page

YOUTH COPY

Each youth age 14 and older will receive a Foster Youth Rights Handbook. The CSW or Probation officer must review the handbook with the youth in a manner that the youth can understand.

My social worker/probation officer gave me this handbook and told me about my rights in a way I understand.

Youth Signature

Date Received

Social Worker/Probation Officer

Date Received

Foster Youth Rights Handbook Signature Page

CASE PLAN COPY

Each youth age 14 and older will receive a Foster Youth Rights Handbook. The CSW or Probation officer must review the handbook with the youth in a manner that the youth can understand.

My social worker/probation officer gave me this handbook and told me about my rights in a way I understand.

Youth Signature

Date Received

Social Worker/Probation Officer

Date Received

LEARN MORE AT

[FOSTERYOUTHHELP.CA.GOV](https://fosteryouthhelp.ca.gov)

