Your Rights, Your Life

A Resource Guide for Youth in Foster Care

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Disclaimer: This manual is intended as a practical guide for youth in foster care. Although it refers to laws and policies that may affect foster youth, it does not provide legal advice and the information in the manual should not be used or relied upon as legal advice. A youth who wants to know how laws or policies apply to a specific situation should contact his or her attorney, caseworker, or Guardian Ad Litem (GAL), or the Office of the Family and Children's Ombuds.

Your Rights, Your Life is a resource for youth in foster care, ages 12 and older, including youth in group care facilities. The information in this manual is specifically written for youth ages 12 and older. Certain laws or policies may have different age applications and are specified within the manual as needed.

This book is designed to:

- Inform you of your rights, as they are outlined and protected under Washington state law.
- Encourage you to be actively involved in your dependency case and the care you receive while in foster care.
- Educate you about various policies affecting you during your time in foster care, as well as what you can expect from your caseworker.

Who is in "Foster Care"?

A youth is in foster care if he or she is in the custody of the Department of Social and Health Services (DSHS) Children's Administration (CA) and has been placed away from his or her parents or guardians. This includes placement in a foster family home, a relative's home, a suitable adult's home, or a group home.

Sometimes a youth may be placed away from his or her parents or guardians at the request of someone other than DSHS—for example, a youth's parent may choose to place him or her with family members. Youth residing in this kind of living arrangement are generally considered to be living in "informal kinship care," not foster care. If you are unsure if you are in foster care, you should contact CA Constituent Relations at 1-800-723-4831.

SAFETY & WELL-BEING

They are YOUR RIGHTS. Be informed.

As a youth in foster care, you have a right to:

- Be protected from abuse and neglect.
- Have your basic needs met (food, clothing, shelter, and education).
- Be free from cruel, frightening, or unsafe discipline.
- Practice your own religion or none at all.
- Report abuse, neglect, exploitation, or violation of personal rights without fear of punishment, interference, or coercion.
- Take part in regular childhood activities (overnights with friends, after-school activities and sports).
- Be treated fairly and equally, whatever your gender, gender identity, race, religion, ethnicity, heritage and national origin, disability, medical problems, or sexual orientation and be addressed by the gender pronoun(s) you prefer.

Washington State Policies Affecting Youth in Foster Care

Under Washington State licensing requirements, foster care providers are required to:

- Provide a nurturing and supportive environment.
- Provide appropriate supplies and training in personal care, hygiene, and grooming.
- Provide healthy foods in portions appropriate for your age and activity level.
- Discipline you in a manner that is appropriate to your level of maturity, developmental level, and medical status.

Note: Licensed foster care providers are forbidden from using:

- Parenting or disciplinary methods that include the use of corporal punishment (spanking), sleep deprivation (not letting you sleep), or restraining and/or locking you in a room or building.

Licensed foster care providers must follow the Prudent Parent Standard:

- Caregivers can, without caseworker or court involvement, approve normal childhood activities based on what a reasonable and prudent parent would do.
- Caregivers can approve overnight stays for up to 72 hours.

It is YOUR LIFE. Be involved.

As a youth in foster care, there are many services available to you. Talk to your caseworker about how you can:

- Apply for and receive Independent Living services, if you are in foster care 30 days beyond age 15.
- Create a transition plan for when you leave foster care.
- Continue receiving foster care and support services beyond age 18, if you are in foster care on your 18th birthday and you are:
  - Enrolled in high school or a high school equivalency program;
  - Enrolled, applied for, or can show intent to enroll in a post-secondary academic or post-secondary vocational certification program;
  - Participating in a program or activity designed to promote or remove barriers to employment;
  - Employed 80 hours or more a month; or
  - Unable to engage in any of the above activities due to a documented medical condition.
- Apply for housing vouchers, depending on where you live, if you are leaving foster care on or after your 18th birthday. Housing vouchers are partial payments for rent after leaving foster care. Vouchers are only available in certain areas of the state.

You can also talk to your caseworker about:

- What steps you can take to get a job.
- What steps you can take to get your state identification card, driver education and a driver license.

COURT PROCEEDINGS

They are YOUR RIGHTS. Be informed.

As a youth in foster care, you have a right to:

- Have a Court Appointed Special Advocate (CASA) or Guardian Ad Litem (GAL) appointed to represent your best interest in your dependency case.
- Request an attorney at any time to represent you so you can have a voice in your court-ordered plan.
- Access and review your case file.
- Have your case plan reviewed in court every six months.
- At age 14 and older, be consulted about your permanent plan.
- Be notified of and participate in your dependency hearings.
- Be appointed an attorney to represent your position six months after your parents' rights have been terminated.
- Be appointed an attorney if you decide to participate in and are eligible for the Extended Foster Care (EFC) program.

It is YOUR LIFE. Be involved.

During your dependency hearings, you have the option to:

- Attend court hearings .
- Ask a foster parent or someone else you know to request that an attorney be appointed to represent you.
- Ask if you can visit with extended family or someone who is important to you.
- Ask the court whether you can move back home. Even if your parents' parental rights have been terminated, you may be able to ask the court to place you back with your parents or allow you to visit them. The court grants such requests in rare circumstances; an attorney can explain this option to you.

If the court order says you cannot live at home or if the court places you in foster care, there are people to support you! Talk with your caseworker about getting an attorney and/or a CASA/GAL if one has not been appointed for you.

GLOSSARY OF LEGAL TERMS

Attorney:

An attorney (or "lawyer") represents what you want to have happen in your case, and advocates for you in court to protect your legal rights. Attorneys have to keep what you say completely confidential. You do not automatically receive your own attorney even if you request one. The only time you automatically get an attorney is if your parents' rights have been terminated AND it has been six months since termination of their rights, if you are petitioning the court to reinstate your parents' parental rights, or if you are in Extended Foster Care. You should also get an attorney if you have no CASA/GAL. Contact your caseworker, your CASA/GAL, or any attorney involved in the case for more information.

Court Appointed Special Advocate (CASA) and Guardian Ad Litem (GAL):

A CASA/GAL is an advocate who is appointed by the court to represent what they believe is in your best interests, which may differ from the interests of your parents, the state, or what you want to have happen in your case.

Dependent and Dependency Hearings:

A child or youth is ordered a dependent when a juvenile court judge decides it is necessary to intervene in order to protect a child from abuse, neglect, abandonment, or harm that may result from a parent who is not able to meet the child's needs. Once a dependency is ordered, the juvenile court will hold regular hearings to decide what steps the parents must take to have the child returned home, where the child should live if he or she cannot live at home, and what can be done to make sure the child is well cared-for including supervised, educated, and that their needs are met.

PLACEMENT & VISITATION

They are YOUR RIGHTS. Be informed.

As a youth in foster care, you have a right to:

- Be placed in a residence where you are safe, that can meet your needs, and provide you with appropriate privacy for personal needs.
- Be placed in a home with your brothers and sisters whenever possible.
- Be placed with a willing and able relative or suitable adult you know and are comfortable with, when possible and appropriate.
- Regular and frequent contact or visits with your parents, unless otherwise ordered by the court. Regular contact or visits with your siblings when separated, unless the court orders that contact or visits are not appropriate.
- Make and receive private phone calls and letters, unless otherwise determined by the court.
- Live with your child if you are parenting and have custody of your child.

Foster care providers are required to protect your belongings and personal information by:

- Providing you with space for storing your clothing and belongings.
- Keeping your records and personal information confidential and in a secure place. Only discussing information about you and your family with individuals directly involved with your case plan.

It is YOUR LIFE. Be involved.

Stay connected with the important people in your life.

- If you are not receiving regular contact or visits with your parents and/or siblings, you can tell your caseworker, your CASA/GAL, and/or your attorney that you want the visits to occur. Let others know how important the visits are to you and to your parents or siblings.
- Even if you are removed from your home and/or neighborhood, make an effort to maintain contact with important people in your life, such as relatives, friends, and teachers. These people may or may not be affiliated with the foster care system. If you need help maintaining contact, ask your caseworker, CASA/GAL, foster parent, or attorney to help you.

EDUCATION

They are YOUR RIGHTS. Be informed.

As a youth in foster care, you have a right to:

- Attend school.
- Remain in the same school even when you move to a foster home, when it is possible and in your best interest to do so.
- Enter school within three days of placement into foster care or placement change.
- Be appointed an educational liaison at your court hearings if you are in grades 6-12 and meet the following requirements:
  - Your parents' rights have been terminated;
  - Your parents are unavailable because of incarceration or other limits;
  - The court has restricted contact between you and your parents; or
  - You are placed in a behavioral rehabilitative setting and the court has limited the educational rights of your parents.

Tips for Success

- Take classes that engage and challenge you.
- Meet with your high school counselor and make sure you are tracking your credits needed for graduation..
- Get involved with activities like sports or after-school clubs. If you don't have money or transportation for these options, check with your foster parent, caseworker, or Independent Living provider, as there may be assistance for you.

It is YOUR LIFE. Be involved.

Your education is important for your future.

- Being in foster care does not mean you should miss school. If school is in session and you are not attending school within three days of entering foster care or moved to another foster home, call your caseworker, Education Advocate (if you have one), attorney, CASA/GAL or Education Ombuds (866-297-2597) to ask for help.
- If you are in special education, you should have an Individualized Education Program (IEP) or a 504 plan. Ask your caseworker and anyone else involved in your case if you have questions about your IEP or 504 plan. Participate in your IEP/504 meetings. If you are 14 or older, your IEP or 504 plan should be discussed in your Shared Planning meetings.
- If you are suspended or expelled, ask for notice in writing and call your caseworker to ask for support from a Treehouse Educational Advocate or TeamChild representative. Ask for copies of your education records and transcript and stay informed about your credits progress. Ask your school counselor about options to make up lost work if needed.
- Talk to your caseworker, Independent Living provider, or school counselor about the many educational options you can explore, such as: Running Start, alternative education, vocational education, or college to find out which one is right for you.
- Your caseworker, Independent Living provider or school counselor can explain the many programs/scholarships available to help pay for continuing your education (college or other post-secondary educational programs). Some of these include:
  - College Bound Scholarship
  - Independent Living Program
  - Educational and Training Voucher (ETV) Program
  - Governor's Scholarship
  - Passport for Foster Youth Promise Scholarship

Find a supportive adult that can help you with the right choices for your future. Ask a caseworker, counselor, teacher, or principal to assist you with any process you don't fully understand.

HEALTH CARE

They are YOUR RIGHTS. Be informed.

As a youth in foster care, you have a right to:

- Be informed of your health needs, medications and medical history.
- Obtain annual well-check exams.
- Obtain dental exams every six months through age 18 and annually from ages 19 to 26.
- Be informed about all the benefits and risks associated with all medicines, vitamins, and herbs that have been prescribed or recommended to you.
- Agree or disagree to taking any medicines, vitamins, herbs, and supplements that have been prescribed or recommended to you unless ordered to take them by the court or refuse reproductive health care, including birth control and/or counseling regarding birth control, without the consent of a parent or guardian.
- Receive medical coverage through Washington State's health insurance (Medicaid) until age 26, if you are in foster care on your 18th birthday.

If you are over the age of 13, you may also:

- Receive outpatient or inpatient mental health treatment without consent of a parent or guardian.
- Receive outpatient substance abuse treatment without consent of a parent or guardian.

If you are over the age of 14, you may also:

- Get tests and treatment for sexually transmitted infections without consent or knowledge of a parent or guardian.

It is YOUR LIFE. Be involved.

Find out about the options and services available to you.

- If you have been prescribed medication(s) by a medical professional or been asked by someone else to take medications and you do not want to take them, talk to your doctor, attorney, CASA/GAL, or case worker about what options might be available to you.
- If you are prescribed an anti-psychotic medication, the prescription must be reviewed and approved by a second doctor. If the second review did not occur, talk to your caseworker, attorney or CASA/GAL.
- If you find out you are expecting a baby, learn about all the options available to you. You should be free to make the best, informed decision for your life and your child's life without consent or pressures from anyone else.
- You are eligible for medical insurance until you are 26 years old. Be sure to talk to your caseworker about how Medicaid coverage until age 26 works and whether you would continue to be covered if you moved to another state. Additionally, to ensure that you will continue receiving medical coverage after leaving foster care, contact the Foster Care MEDS Team at 1-800-547-3109 and provide a mailing address.

CASEWORKER RESPONSIBILITIES

Every youth in foster care has a caseworker who provides services to help the family get back together, whenever possible, and to keep the youth safe and well cared for while in foster care.

Here is what you can expect from your caseworker during your foster care placement:

- Help you and your family access available services to help you be reunited as a family, whenever possible.
- Schedule regular contact or visits for you with your parents and siblings, unless otherwise ordered by the court.
- Explore the option of placing you with a relative or suitable adult, if appropriate, before putting you in a licensed foster home or group care home.
- Keep you in the same school or school district (if practical and in your best interest). Provide a referral to Treehouse Educational Advocacy or Graduation Success for educational support services.
- At age 12, explain how you can request an attorney to help you through your dependency process and communicate to the court your desire to have an attorney, if that is something you want.
- Place you with caring foster parents or caregivers who are properly trained, have received background checks and screenings, and who receive adequate support to help provide stability in your placement.
- Ensure your dependency case is heard in court at a hearing every six months.
- Inform you when your dependency hearings are being held.
- Assist or facilitate transportation to and from court hearings that you may want to attend.
- Provide you with information about your rights and CA's responsibilities if you are pregnant or parenting.
- Provide resources for services that meet all your individual needs if you are pregnant or parenting.
- See you at least once a month to talk to you about your health and safety.

Your caseworker will also have conversations with you about:

- Why you are in foster care.
- How the foster care system works.
- What will be happening to you and your family, including your siblings.
- What is expected of you in your foster care placement.
- What a case plan is and what is included in your case plan.
- What transition planning is and what services or skills you need to live independently.
- What efforts are being made to safely reunify you with your family.
- What interests you have and provide opportunities for "normal" childhood activities.
- What will happen if you are still in foster care at age 18 and how you can prepare the transition to adulthood.

For youth over the age of 14, your caseworker will:

- Help you obtain your consumer credit report annually and assist to resolve any discrepancies that come up until you reach age 18.
- Include you in all permanency and Shared Planning meetings and give you the option to invite two people, other than your caseworker and foster parent, to attend those meetings with you.
- Identify the services or skills you need for transition planning.
- Collaborate with you, your caregiver and support systems in finalizing a transition plan for moving out of foster care.
- Conduct Shared Planning Meetings between age 17 and 17.5 and develop a plan for your safe and successful transition to adulthood. Know and understand the process to request continuing foster care and support services beyond age 18 through the EFC program.
- Provide you with personal documents when needed and upon your exit from foster care, including birth certificate, social security card, State Identicard, immunization records, medical insurance information and a copy of your health and education records. You can also request your records after leaving foster care.

You can find additional information on the website: www.independence.wa.gov/

You may contact CA Constituent Relations if you have any questions, complaints, or concerns about your case. Constituent Relations staff will return your call within 24 hours and will work with you to resolve your complaint or concern. In addition, staff will assist you in understanding the child welfare system and the progress of your individual case. CA Constituent Relations can be contacted by email at ConstRelations@dshs.wa.gov or by telephone at 1-800-723-4831 or 360-902-8060.

If you feel any of your rights are not being protected, contact your caseworker, GAL/CASA, or attorney.

You also may ask the Office of the Family and Children's Ombuds to investigate your case.

Office of the Family and Children's Ombuds
6840 Fort Dent Way, Suite 125
Mail Stop TT-99
Tukwila, WA 98188

Toll free phone: 1-800-571-7321
Phone: 206-439-3870
TTY: 206-439-3789
Fax: 206-439-3877
http://ofco.wa.gov/

Your Rights, Your Life was developed through the joint efforts of The Mockingbird Society and the Washington State Department of Social and Health Services' Children's Administration.

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Columbia Legal Services
Treehouse
Office of the Family & Children's Ombuds

The Mockingbird Society *is an advocacy organization that works with young people and families to improve foster care and end youth homelessness. Our youth programs train young people who have been homeless or in foster care to be their own best advocates. By doing so, they change policies and perceptions that stand in the way of every child having a safe and stable home. Our family programs advocate for innovation in the way services such as foster care are delivered. Together, our solutions focus on improving the social service systems that ultimately serve thousands of children, youth and families each year in Washington and beyond.*

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The Mockingbird Society is a Washington state 501(c)(3) tax-exempt organization. All contributions are tax deductible to the fullest extent of the law. Please consult your tax advisor regarding your specific tax situation.

Passion to Action *(P2A) is a statewide youth-led advisory board to Washington State's Children's Administration (CA). CA understands the importance of partnering with our youth in the work we do. P2A members provide CA with input, feedback and recommendations regarding the agency's policies, practices and publications. Additionally, CA utilizes P2A members in many of the agency's training courses and presentations to ensure that caseworkers, foster parents and the community at large learn about the experience of being in the foster care system from those who have the expertise, youth in care and alumni.*

P2A provides an outlet for youth who want to advocate for other youth while working with peers who have similar backgrounds. P2A promotes friendships, leadership, professionalism and success of our members.

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Website: www.dshs.wa.gov/ca

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