

# CASA Conversations



California **CASA**  
Court Appointed Special Advocates  
FOR CHILDREN

*This project was generously  
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## Rights of Foster Youth

### Introduction

Youth who are living in an out-of-home placement are especially vulnerable. It is easy to overlook injustices and other mistreatment.

- In 2001 the California legislature enacted a "Foster Youth Bill of Rights" to ensure that youth in care are treated fairly.
- Social workers are supposed to discuss these rights with the youth often, making sure that the youth understands that they can report issues to those who can help.
- Youth in foster care need special protections to ensure that they are treated fairly and not mistreated. Knowing these rights and knowing that they can talk with you about violations can make the difference.

### The Facts

In 2001 the California legislature enacted a "Foster Youth Bill of Rights" to ensure that youth in care are treated fairly. This was because of things like:

- Youth made it clear that they were being denied access to common experiences, like learning how to prepare food, because caregivers would say that using a knife was dangerous, and a "liability."
- Youth feared retaliation for reporting mistreatment to those they trusted, like CASAs, social workers, and others.
- Right's violations can be reported to the appropriate authority, including the social worker, foster care ombudsperson, community care licensing, and the court.
- **Professionals are supposed to review the Foster Youth bill of Rights with youth, but it doesn't happen as often as it should.**
- **It is everyone's responsibility to ensure that the youths' rights aren't violated.**

# Rights of Foster Youth

As a CASA Volunteer, you are in a unique position to know the needs of the youth. More importantly, though, you will have quite moments and unexpected opportunities to actually listen to what the youth is experiencing in daily life, and how they feel about how they are being treated.

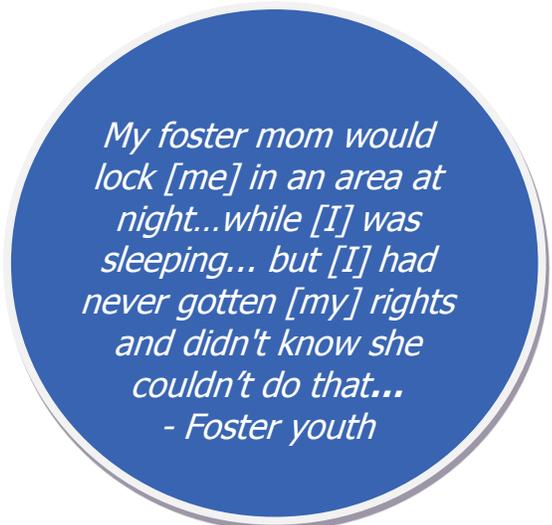
Use this opportunity to listen and engage the youth, and then brainstorm solutions **WITH** the youth. The older the youth, the more they should be empowered to choose and engage in the solution.

## Starting a Conversation

- It is important to actually give the youth an actual copy of the Foster Youth Bill of Rights. This should be done at the earliest opportunity. That way, if an issue comes up you have a common point of reference.
- Cover the rights by topic, and do a few at a time – don't overwhelm the youth all at once.
- If an issue arises, begin by listening to what the youth is asking, saying and/or feeling. Often the most important thing you can do is listen, validate the feeling of unfairness, and then think broadly about solutions.
- Ask open ended questions to help you, and the youth, to better understand the problem, situation, concern or question; and to assist the youth in considering options leading to the resolution of the situation.
  - "Would you like to tell me more about that?"
  - "What happened next?"
  - "How did you feel about that?"
  - "What did you do then?"
  - "What would you like to happen now?"
- Paraphrase the youth's portrayal of the situation as appropriate to ensure that you have understood what he/she has said/meant, and to demonstrate to the youth that you are listening and have understood.

Paraphrasing helps to:

- Encourage the youth to continue talking.
- Clear up confusion, and approach the issue from the youth's
- Perspective: How would you like to resolve this issue? What would you like to happen next?
- Identify if one of the enumerated rights is implicated and validate the feelings of injustice. Then, engage in problem solving to ensure the problem is corrected. All the while, thinking about who can help, and how to avoid growing the problem or bringing on retaliation.
- Take a rights based approach. If the youth has a right to something, including certain treatment, then advocate to ensure that the youth has the benefit of their rights.
- The California Ombudsperson for Foster Care is a state office that investigates complaints, and can be resource, especially when there are more serious violations of rights.



*My foster mom would lock [me] in an area at night...while [I] was sleeping... but [I] had never gotten [my] rights and didn't know she couldn't do that...  
- Foster youth*

# Rights of Foster Youth

- Discuss the youth's rights in age appropriate language, such as the language produced by the California Foster Care Ombudsperson, and available on their website, see below:

## **YOU HAVE THE RIGHT TO LIVE IN A SAFE, COMFORTABLE HOME WITH:**

- enough clothes and healthy food
- your own place to store your things
- an allowance (if you are in a group home)
- a phone that you can use to make confidential calls (unless a judge says you cannot)

## **YOU HAVE FAMILY RIGHTS TOO. YOU CAN:**

- visit and contact your brothers and sisters (unless a judge says you cannot)
- contact parents and other family members, too (unless a judge says you cannot)

## **YOU HAVE SCHOOL RIGHTS. YOU CAN:**

- go to school every day
- go to after-school activities right for your age and developmental level

## **YOU HAVE HEALTH RIGHTS. YOU CAN:**

- see a doctor, dentist, eye doctor, or talk to a counselor if you need to
- refuse to take medicines, vitamins or herbs (unless a doctor or judge says you must)
- If you are 12 years old or older, you have the right to information about your sexual health in a way that you understand it. This includes learning about the way sexually transmitted infections and diseases (STDs) are spread and how you can prevent them; how you can prevent pregnancy and what to do if you are pregnant

## **YOU HAVE THE RIGHT TO:**

- be treated with respect
- go to religious services and activities of your choice send and get unopened mail (unless a judge says someone else can open your mail)
- contact people who are not in the foster care system (like friends, church members, teachers, and others)
- make contact with social workers, attorneys, probation officers, CASAs, foster youth advocates and supporters, or anyone else involved with your case
- be told about your placement by your social worker or probation officer

## **YOU HAVE RIGHTS AT COURT TOO. YOU CAN:**

- go to court and talk to the judge
- see and get a copy of your court report and your case plan
- keep your court records private, unless the law says otherwise
- be told by your social worker or probation officer and your attorney about any changes in your case plan or placement

## **YOU HAVE THE RIGHT TO DO SOME THINGS ON YOUR OWN. YOU CAN:**

- have your own emancipation bank account (unless your case plan says you cannot)
- learn job skills right for your age
- work, unless the law says you are too young manage the money you earn (if right for your age, developmental level and it's in your case plan)
- go to Independent Living Program classes and activities if you are old enough

## **NO ONE CAN:**

- lock you in a room or building (unless you are in a community treatment facility)
- abuse you physically, sexually or emotionally for any reason
- punish you by physically hurting you for any reason
- look through your things unless they have a good and legal reason

## **YOU HAVE PRIVACY RIGHTS, TOO. YOU CAN:**

- Access confidential family planning services, like birth control, and abortion,
- If you are over 12, confidential testing and treatment for sexually transmitted diseases.

**Note:** *These are state constitutional rights, and if abuse occurred, many are required to report it. This is not the Foster Care Ombudsman's language.*

## **YOU HAVE OTHER RIGHTS TOO. YOU CAN:**

- tell the judge how you feel about your family, lawyer, and social worker
- tell the judge what you want to happen in your case
- have your own lawyer
- live with a family member if that would be a safe place
- call the Foster Care Ombudsman Office and Community Care Licensing at any time
- get help with school if you need it

*"The Foster Care Ombudsman is an ally..."  
– Foster youth*

# Rights of Foster Youth

## **CONNECTION WITH A CARING ADULT:**

- You have the right to identify and maintain relationships with appropriate people who are important to you, as long as it's in your best interest. The intent of current law is that no child shall leave foster care without a permanent, caring relationship with an adult. Talk to your social worker or attorney about who is important to you.

## **YOU CAN PARTICIPATE IN SOCIAL ACTIVITIES:**

- You have the right to participate in age-appropriate extracurricular, enrichment, and social activities such as church, school and community activities, sleep-overs with friends, scouting and 4-H, without requiring criminal background checks of chaperones, friends and friends' parents/supervisor

## **EQUALITY: NOT BEING TREATED DIFFERENTLY.**

- If you feel you are being harassed or discriminated against because of your sex, race, color, religion, sexual orientation, ethnic group, ancestry, national origin, gender identity, mental or physical disability or HIV status, or for any other reason, you should call the Foster Care Ombudsman Help-line for assistance.

## **Pitfalls to Avoid**

- Avoid unintended consequences. Remember that in the foster care system, actions can have consequences. For example, retaliation against the youth can be an issue. Also, make sure that the solution to a problem doesn't jeopardize a good placement unless absolutely necessary.
- Avoid rigid thinking. Just because something is a violation of the youth's rights does not mean you have to run to the courthouse. Think outside the box to brainstorm solutions.
- Don't think you have to go it alone! You have staff at the CASA program who can help you brainstorm solutions. Staff have a wealth of education and experience to draw from.
- Don't forget to strategize and include allies. The youth has a social worker and attorney, and they can help address the issue as well. In fact, the more serious the rights violation, the more important it may be to bring the minor's attorney into the situation.
- Don't exclude the youth in the decision-making! If the youth is feeling marginalized, the key is to empower them without making promise that cannot be kept.
- These aren't all of the youth's rights. See other CASA Conversations, and talk to CASA staff and the youth's attorney.

## **Additional Resources**

### **Link to the Foster Youth Bill of Rights in the law (Welf. & Inst. § 16001.9):**

[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=WIC&sectionNum=16001.9](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC&sectionNum=16001.9)

### **Foster Youth Rights Poster to give youth:**

<http://www.dss.cahwnet.gov/forms/english/pub396.pdf>

### **Teen Privacy Rights website:**

[http://www.teenhealthrights.org/teen\\_stage/privacy/](http://www.teenhealthrights.org/teen_stage/privacy/)

*"I never saw my rights when I was in care" and "what's the Ombudsman?"*  
- Michelle

*Instead of addressing the violations of my rights, "I just moved" placements.*  
- Foster youth