FOSTER YOUTH BILL of Rights

**A Guide to Your Rights in Foster Care**

**Personal Rights**

**You have the right to live in a safe, comfortable home where you are treated with respect and to have:**

* enough clothes and healthy food
* clothing, grooming, and hygiene products that respect your culture and ethnicity
* a private place to keep your things
* a phone you can use to make private calls (unless a judge says you cannot)
* a caregiver that has special training on trauma and ways to help you

**You have the right to:**

* go/not go to religious services and activities of your choice

* participate in cultural, racial, ethnic, personal enrichment, and social activities
* fair and equal access to all available foster care services, placements, care, and benefits

**No one can:**

* lock you in a room or a building (unless you are in a community treatment facility)
* make you stay in juvenile hall because they can’t find you a home
* use law enforcement as a threat or retaliation
* abuse you physically, sexually, emotionally, or exploit you for any reason
* punish you by physically hurting you for any reason
* look through your things unless they have a reasonable or legal reason
* treat you unfairly because of your race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity and expression, mental or physical disability, HIV status, or membership in a federally recognized Indian tribe

**Sexual Orientation, Gender Identity, and Expression (SOGIE)**

**You have rights to protect your SOGIE. You have the right to:**

* live in a home or STRTP based on your gender identity
* be called by your chosen name and gender pronouns

* see a doctor or counselor who is gender affirming
* have clothing, grooming, and hygiene products that respect your gender identity and expression
* have a caregiver, social worker/probation officer, and lawyer that have been trained on SOGIE and how to care for LGBTQ+ youth
* keep your SOGIE information private

**Indian Child Welfare Act (ICWA)**

**Are you a member, or could you be a member, of a federally recognized Indian tribe? 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

**Education**

**You have school rights. You have the right to:**

* go to school every day
* get help with school
* stay at your same school if it’s best for you

* enroll right away at a new school
* get partial credits for all classes you were passing if you change schools
* go to after-school activities
* have priority enrollment in pre-school and after-school programs
* have priority enrollment at California State Universities and community colleges
* access information about college and career education programs

**Health**

**You have health rights. You have the right to:**

* see a doctor, dentist, eye doctor, or talk to a counselor when you need to
* see a doctor who is gender affirming
* refuse to take any medicines, vitamins, or herbs, and no one can punish you for it
* keep your medical records private
* have the risks/benefits of treatment explained to you in a way that is easy to understand

**Mental Health**

**You have mental health rights too. You have the right to:**

* keep your mental health records private
* get gender affirming mental health treatment
* work with your doctor to safely stop taking psychotropic medication
* refuse to take psychotropic medication, and no one can punish you for it
* know about your diagnosis and understand treatment options
* get help with an alcohol or drug problem without permission
* get mental health services in a place that meets your needs
* if you are 12 years or older, choose your own doctor or counselor and make decisions about your mental health treatment

 **Sexual & Reproductive Health**

**You have sexual health rights too. You have the right to:**

* get information about your sexual health in a way that you understand
* use or refuse services for birth control, condoms, other types of protection, and pregnancy care, including abortion, without telling an adult
* get healthcare services for sexual assault without telling an adult
* if you are 12 years or older, choose your own doctor or counselor and make decisions about preventing, testing, or treating STIs and HIV without permission from any adult

**Case Plan**

**You have the right to:**

* help create your case plan
* have a case plan within 60 days of being in foster care
* have your case plan updated at least every 6 months
* be told of any changes to your case plan
* get a copy of it if you are age 10 and older
* have your Tribe involved in case plan decisions

**Your case plan will have:**

* health and education plans
* the best place for you to live
* the services you need
* a long-term plan for where you will live
* gender-affirming healthcare plans
* plans for visitation with your parents and siblings
* transition to independent living plan (TILP), if you are 16 or older

**Court**

**You have rights at court too. You have the right to:**

* be told about court hearings in writing
* go to court and talk to the judge
* tell the judge what you want to have happen in your case
* tell the judge how you feel about your psychotropic medications
* ask the judge for visits with your siblings
* request a hearing if you feel like your lawyer is not acting in your best interest
* ask for people to be in the courtroom or ask for people to leave
* keep your court records private (unless the law says otherwise)
* tell the judge how you feel about your family, lawyer, and social worker/probation officer
* a lawyer, separate from your parents and the county

**Your lawyer must:**

* keep what you tell them private
* have special training on ICWA and SOGIE
* make sure you are safe and have the services and supports you need
* tell the judge what you want to have happen
* answer questions you have about court, foster care, and other laws

**Children and Family Team (CFT)**

**You have the right to a CFT. You have the right to:**

* request CFT meetings
* have support people at your CFT meeting
* talk about your needs in the CFT meeting
* a CFT meeting within 60 days of entering foster care
* a CFT meeting every 6 months
* a CFT meeting at least every 90 days if you are in an STRTP or in a therapeutic foster home
* a CFT meeting at least every 90 days if you are getting certain types of services
* a CFT meeting when any changes are going to be made to your case plan

**Family and Social Connections**

**You have the right to:**

* visit and contact your parents, siblings, and other family members in private (unless a judge says you cannot)
* contact people who are not in the foster care system (like friends, church members, teachers, and others), unless a judge says you cannot

**Preparing for Adulthood and Money Management**

**You have the right to do some things on your own. You have the right to:**

* have an allowance
* your own bank account (unless your case plan says you cannot)
* learn job skills for your age
* work (unless the law says you are too young)
* earn, save, and manage your money (unless your case plan says you cannot)
* go to Independent Living Program (if you are old enough)
* beginning at age 14, get a credit report every year from 3 major reporting agencies and have help fixing any issues

 **Communications**

**You have the right to:**

* use a phone to make and get confidential (private) calls
* use a computer and the internet
* privately use email, text messages, or other electronic communication
* send and receive unopened mail
* These rights can be changed if there is a safety concern. Only a judge can take these away or stop you from communicating with certain people.

**You have the right to contact the following people in private, and no one can stop you or punish you for speaking with them:**

* your social worker/probation officer
* your lawyer
* service providers
* foster youth advocates and Court Appointed Special Advocates (CASAs)
* Education Rights Holder
* Tribe (if you have one)
* Office of Foster Care Ombudsperson (OFCO)
* Community Care Licensing Division (CCL)

 **Records**

**You have the right to see and get a free copy of the following until you are 26:**

* medical records
* child welfare records
* juvenile court records
* educational records

|  |  |  |
| --- | --- | --- |
| **You have Rights!** **Who to call about my rights**You have the right to speak to these offices immediately and confidentially. You cannot be threatened, punished, or retaliated against for making complaints. | **California Foster Care Ombudsperson****Helpline:** 1-877-846-1602**Website:** [www.fosteryouthhelp.ca.gov](http://www.fosteryouthhelp.ca.gov)**Email:** fosteryouthhelp@dss.ca.gov | **Community Care Licensing Division****Helpline:** 1-844-538-8766**Email:** letusknow@dss.ca.gov |