TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

Commissioner
John J. Specia, Jr.

Rights of Children and Youth in Foster Care

As a child or youth in foster care:

1. **I have the right to** good care and treatment that meets my needs in the least restrictive setting available. This means I have the right to live in a safe, healthy, and comfortable place. And I am protected from harm, treated with respect, and have some privacy for personal needs.

2. **I have the right to** know:
   - Why am I in foster care?
   - What will happen to me?
   - What is happening to my family (including brothers and sisters) and how CPS is planning for my future?

3. **I have the right to** speak and be spoken to in my own language when possible. This includes Braille if I am blind or sign language if I am deaf. If my foster parents do not know my language, CPS will give me a plan to meet my needs to communicate.

4. **I have the right to** be free from abuse, neglect, exploitation, and harassment from any person in the household or facility where I live.

5. **I have the right to** fair treatment, whatever my gender, gender identity, race, ethnicity, religion, national origin, disability, medical problems, or sexual orientation.

6. **I have the right to** be free of any harsh, cruel, unusual, unnecessary, demeaning, or humiliating punishment. This includes not being shaken, hit, spanked, or threatened, forced to do unproductive work, be denied food, sleep, access to a bathroom, mail, or family visits. No one will make fun of me or my family or threaten me with losing my placement or shelter.

7. **I have the right to** be disciplined in a manner that is appropriate to how mature I am, my developmental level, and my medical condition. I must be told why I was disciplined. Discipline does not include the use of restraint, seclusion, corporal punishment, or threat of corporal punishment.

8. **I have the right to** attend my choice of community, school, and religious services and activities (including extracurricular activities) to the extend that is right for me, as planned for and discussed by my caregiver and caseworker, and based on my caregiver's ability.

9. **I have the right to** go to school and get an education that fits my age and individual needs.

10. **I have the right to** be trained in personal care, hygiene, and grooming.

11. **I have the right to** comfortable clothing similar to clothing worn by other children in my community.

12. **I have the right to** clothing that does a good job of protecting me against natural elements such as rain, snow, wind, cold, sun, and insects.

13. **I have the right to** have personal possessions and gifts at my home and to get additional things within reasonable limits, as planned for and discussed by my caregiver and caseworker, and based on caregiver's ability
14. **I have the right to** personal space in my bedroom to store my clothes and belongings.

15. **I have the right to** healthy foods in healthy portions proper for my age and activity level.

16. **I have the right to** good quality medical, dental, and vision care, and developmental and mental health services that adequately meet my needs.

17. **I have the right to** not take unnecessary or too much medication.

18. **I have the right to** be informed of emergency behavioral intervention policies in writing. I have the right to know how they will control me if I cannot control my behavior. To know how they will keep me and those around me safe.

19. **I have the right to** live with my siblings who are also in foster care. If I am not living with my siblings, I have the right to know why. If there are no safety reasons why I cannot live with my siblings, it is my caseworker's job to try to work hard to find a home where I can live with my siblings.

20. **I have the right to** visit and have regular contact with my family, including my brothers and sisters (unless a court order or case plan doesn't allow it) and to have my worker explain any restrictions to me and write them in my record.

21. **I have the right to** contact my caseworker, attorneys, ad litems, probation officer, court appointed special advocate (CASA), and Disability Rights of Texas at any time. I can communicate with my caseworker, CASA, Disability Rights of Texas, or my attorney ad litem without limits in private.

22. **I have the right to** see my caseworker at least monthly and in private if necessary.

23. **I have the right to** actively participate in creating my plan for services and permanent living arrangements, and in meetings where my medical services are reviewed, as appropriate. I have a right to a copy or summary of my plan and to review it. I have the right to ask someone to act on my behalf or to support me in my participation.

24. **I have the right to** go to my court hearing and speak to the judge.

25. **I have the right to** speak to the judge at a court hearing that affects where I am living including status hearings, permanency hearings, or placement review hearings.

26. **I have the right to** expect that my records and personal information will be kept private and will be discussed <u>only</u> when it is about my care.

27. **I have the right to** have contact with persons outside the foster care system. These visitors can be, but are not limited to, teachers, church members, mentors, and friends.

28. **I have the right to** have privacy to keep a personal journal, to send and receive unopened mail, and to make and receive private phone calls unless an appropriate professional or a court says that restrictions are necessary for my best interests.

29. **I have the right to** be informed of search policies. I have the right to be told if certain items are forbidden (or I am not allowed to have them) and why. If my belongings are removed, it must be documented.

30. **I have the right to** have possession of my personal earnings and to get paid for any work done, except for routine chores or work assigned as fair and reasonable discipline.

31. **I have the right to** give my permission in writing before taking part in any publicity or fund raising activity for the place where I live , including the use of my photograph.

32. **I have the right to** refuse to make public statements showing my gratitude to a foster home or agency.

33. **I have the right to** receive, refuse, or request treatment for physical, emotional, mental health, or chemical dependency needs separately from adults (other than young adults) who are receiving services.

34. **I have the right to** call the Texas Abuse/Neglect Hotline at 1-800-252-5400 to report abuse, neglect, exploitation, or violation of personal rights without fear of punishment, interference, coercion, or retaliation.

35. **I have the right to** complain to the DFPS Consumer Affairs Office at 1-800-720-7777 and/or Disability Rights of Texas at 1-800-252-9108 if I feel any of my rights have been violated or ignored. I cannot be punished or threatened with punishment for making complaints, and I have the right to make an anonymous complaint if I choose.

36. **I have the right to** be told in writing of the name, address, phone number and purpose of the Texas Protection and Advocacy System for disability assistance.

37. **I have the right to** not get pressured to get an abortion, give up my child for adoption, or to parent my child, if applicable.

38. **I have the right to** hire independent mental health professionals, medical professionals, and attorneys at my own expense.

39. **I have the right to** understand and have a copy of the rights of children and youth in foster care.

Child / Youth Signature

_____ Date _____

Caregiver Signature

_____ Date _____

DFPS Caseworker

_____ Date _____

Rights of Youth 16 and Older in Foster Care

When I am age 16 year of age or older in foster care:

1. **I also have the right to** attend Preparation for Adult Living (PAL) classes and activities as appropriate to my case plan.

2. **I also have the right to** a comprehensive transition plan that includes planning for my career and help to enroll in an educational or vocational job training program.

3. **I also have the right to** be told about educational opportunities when I leave care.

4. **I also have the right to** get help in obtaining an independent residence when aging out.

5. **I also have the right to** one or more Circle of Support Conferences or Transition Planning Meetings.

6. **I also have the right to** take part in youth leadership development opportunities.

7. **I also have the right to** consent to all or some of my medical care as authorized by the court and based on my maturity level. For example, if the court authorizes, I may give consent to:

   - Diagnose and treat an infectious, contagious, or communicable disease.
   - Examine and treat drug addiction.
   - Counseling related to preventing suicide, drug addiction, or sexual, physical, or emotional abuse.
   - Hospital, medical, or surgical treatment (other than abortion) related to pregnancy if I am unmarried.

   If I consent to any medical care on my own, without the court or DFPS involved , then I am legally responsible for paying for my own medical care.

8. **I also have the right to** request a hearing from a court to determine if I have the capacity to consent to medical care (Sec 266.010).

9. **I also have the right to** help with getting my driver's license, social security number, birth certificate, and state ID card.

10. **I also have the right to** seek proper employment, keep my own money, and have my own bank account in my own name, depending on my case plan and age or level of maturity.

11. **I also have the right to** get necessary personal information within 30 days of leaving care, including my birth certificate, immunization records, and information contained in my education portfolio and health passport.

Youth Signature _____ Date _____

Caregiver Signature _____ Date _____

DFPS Caseworker _____ Date _____