

What are your Rights while in foster care?

Foster youth have rights protected by federal and state laws designed to ensure fair treatment and and prioritize well-being. Below is an overview of the rights of foster youth. Use this to start conversations with supportive adults or to advocate for yourself.

Foster Youth Rights

1. Right to Safety and Protection
2. Right to a Stable and Least Restrictive Environment
3. Right to Be Heard in Legal and Case Decisions
4. Right to Life Skills and Independence Preparation
5. Right to Religious Freedom
6. Right to Be Free from Discrimination
7. Right to be Informed
8. Right to Participate in Legal and Social Services
9. Right to an Advocate
10. Right to Family Contact
11. Right to Education
12. Right to Medical and Mental Health Care
13. Right to Privacy
14. Right to Permanent Placement

(Descriptions on Page 2)

REAL TALK

What the federal laws say are your rights isn't always what states or counties are doing...

- You may live in a state where not all of these rights are listed.
- You may live in a state where there are no official rights created yet.
- You may live in a state that does not have resources to fulfill these rights.
- Check out the **Pro Tips** for suggestions on what to do!

PRO TIPS:

- Every state should have a list of rights available to you when you are placed in foster care. Not all states do! Don't give up, use this sheet to help advocate for yourself or others.
- In many states a special position has been created to handle any violation of your rights, this person is often called an Ombudsperson.
- Follow the correct steps:
Caseworker → Agency Supervisor → County Director → State Ombudsman/person → State Child Welfare Officials
- Each state operates differently. Please be sure to research specifics for your context.



TALK TO US!

Email: outreach@fosterclub.com

Call: (503) 717-1552

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Description of Your Rights In Foster Care

Right to Safety and Protection: Foster youth have the right to live in a safe environment, free from harm or mistreatment, and to receive proper care and supervision.

Right to a Stable and Least Restrictive Environment: Foster youth have the right to live in a stable environment and to be placed in the least restrictive setting possible, meaning that they should not be moved from home to home unless it is in their best interest.

Right to Be Heard in Legal and Case Decisions: Foster youth have the right to participate in court proceedings related to their case. They can express their wishes and concerns through a Guardian ad Litem or an Attorney representing their interests. Youth 12 years and older are generally encouraged to attend hearings.

Right to Life Skills and Independence Preparation:

- Foster youth, particularly those approaching adulthood, have the right to receive support and life skills training to prepare them for independent living. This includes financial literacy, job readiness, housing, and educational support.
- The Fostering Connections to Success and Increasing Adoptions Act of 2008 emphasizes the need to provide these services to foster youth aged 14 and older to help them transition to adulthood.
- Foster Youth are eligible for a transition planning meeting at age 17 to intentionally plan for life after foster care.

Right to Religious Freedom: Foster youth have the right to practice their religion or belief system freely, as long as it is not harmful to themselves or others. Foster care providers must respect the child's religious beliefs and practices.

Right to Be Free from Discrimination: Foster youth have the right to be free from discrimination based on race, ethnicity, gender, sexual orientation, gender identity, or disability.

Right to be Informed: Foster youth have the right to be informed about their rights and their case. This includes knowing about court proceedings, their options for permanency, and other relevant decisions affecting their future.

Right to Participate in Legal and Social Services: Foster youth have the right to participate in social, extracurricular, and community activities. The Preventing Sex Trafficking and Strengthening Families Act (2014) ensures that foster youth can access extracurricular activities such as sports, clubs, and cultural programs.

Right to an Advocate: Foster youth have the right to legal representation (such as a Guardian ad Litem or an attorney) to advocate for their best interests in court hearings. This ensures their voices are heard and their rights are protected throughout the process.

Right to Family Contact (unless restricted):

- You have the right to maintain relationships with their biological family (parents, siblings, etc.), unless doing so is deemed unsafe. This can include regular phone calls, letters, and visits. This right may be limited if safety is at risk.
- The Indian Child Welfare Act (ICWA) ensures that Native American children in foster care are placed in culturally appropriate settings and have the right to maintain connections to their heritage and family.

Right to Education:

- Foster youth have the right to attend school and receive a free, appropriate public education.
- They are entitled to remain in their school of origin (the school they were attending when placed in care) if possible, even if they are moved to a different foster home, unless it is in their best interest to change schools.
- Foster youth are also entitled to services for special education if needed.

Right to Medical and Mental Health Care: Foster youth have the right to receive medical, dental, and mental health care, including preventive care, treatment, and necessary counseling. States have varying procedures for sharing medical information with foster youth as they age out of the system.

Right to Privacy: Foster youth have the right to privacy in their personal matters, including the right to privacy for their personal communications (phone calls, letters, etc.), unless a court order dictates otherwise.

Right to Permanent Placement: Foster youth have the right to a permanent home. This can be through reunification with their biological family, adoption, or guardianship. The Adoption and Safe Families Act requires that states take steps toward permanent placement as quickly as possible, typically within 12-15 months of entering care.

For more on youth rights in foster care:

fosterclub.com/youth-rights-foster-care

naccchildlaw.org/your-case-your-rights