

# YOUTH IN FOSTER CARE:

These are the rights for all children in foster care between the ages of 14 and 17 years old who are placed with a caregiver or in a group home. This brochure also includes what you can expect from the Department of Children and Families and the case management agency while you are in foster care.



## RIGHTS AND EXPECTATIONS

### When Should I Get this Brochure?

When you come into foster care, you can expect that your case manager will provide you with a copy of this Youth in Foster Care Rights and Expectations brochure and explain it to you. You can ask questions so that you can better understand what is happening. After any placement change or every six months, whichever comes first, you will be reminded about and explained these rights, provided with the document, and able to share any concerns or questions.

### Where Do these Rights Come From?

These rights come from many different sources. Some of the rights come from the United States Constitution, others from the Florida Constitution. Florida statutes (laws) and federal statutes also outline and direct the expectations and services that should be provided. You have the right to enjoy the same rights established in the Constitutions of the United States and Florida as every other person in the state and country. You also have the right to be given the opportunity to participate in developing your case plan, and that the case plan includes your rights to education, health, visitation, court participation, and safety.

### Where Do the Expectations Come From?

The expectations included in this brochure describe what you can expect from the Department of Children and Families and the case management agency while you are in foster care.

## THE DEPARTMENT'S COMMITMENT TO YOU



The Department of Children and Families is committed to making sure that everyone responsible for providing care and services to children in foster care will meet the expectations listed here.

*The Department would like to thank Florida Youth Leadership Academy, Florida Youth Shine, and One Voice IMPAACT for all their hard work to update this brochure.*



# YOU HAVE THE RIGHT...

## Education

- ✓ To receive an education that meets your individual needs
- ✓ To have access to developmentally appropriate activities and other resources that will help with your educational needs
- ✓ To have your case plan include your education records, including your most recent school information, grade level, school records, and any other relevant educational record
- ✓ To have these records provided to you and your placement at the time of each new placement
- ✓ To ensure you have educational stability, including making sure your school is close to where you are currently living
- ✓ To be able to stay at your original school even during placement changes, if it's possible. If that can't happen, you will be provided immediate and appropriate enrollment in a new school (Every Student Succeeds Act)

## Health

- ✓ To receive healthcare regularly (includes, but not limited to, medical, dental, and immunizations) and to understand the reason behind the healthcare decision
- ✓ Your case plan should include your health and/or mental health records, including the contact information for your doctors, your shots and medications records, and any other relevant health information
- ✓ To have these health records provided to you and your placement at the time of each new placement
- ✓ To receive Medicaid (up to age 26), as long as you meet eligibility criteria

## Visitation

- ✓ To be able to visit your parents within three days of coming into care, if it's appropriate and in your best interest (the judge/court determines your best interest)
- ✓ To be able to visit your siblings if you have been separated from them, if it's appropriate and in your best interest
- ✓ If you can't visit your siblings, to have continued efforts to help you stay in contact with them, if it's appropriate and in your best interest
- ✓ To have continued efforts to be in the same placement as your siblings, so long as it is appropriate, available, and in your best interest
- ✓ To have all visitation arrangements documented in your case plan

## Court Participation

- ✓ To be appointed an attorney ad litem if there are certain special circumstances in your case, or if a judge decides you need one
- ✓ To go to court and talk to the judge about decisions being made about your case, but know you may be asked by the judge to leave for certain parts of the hearing if it is not in your best interest to remain
- ✓ If you are not present at a hearing, the judge will determine if it is important for you to be there, and, if so, you will be given the opportunity to be at the hearing

## Planning

- ✓ Beginning at age 13, to start receiving additional support and coordination to help you develop skills to help you after you turn 18
- ✓ If you age out of care at 18, to receive a copy of your birth certificate, Social Security card, health insurance information, copy of medical and education records, and a driver's license or other state-issued identification card
- ✓ Beginning at age 17, to have written confirmation given to the judge that you have received information on the Post Secondary Educations Services and Support, Extended Foster Care, and Aftercare programs, and how to apply for public assistance (if needed), a clear understanding of where you will be living when you turn 18, a process for accessing your case file, and a letter for the dates in which you were in care

# YOU CAN EXPECT...



**To be informed with verbal and written instructions about your rights on how to identify and report abuse, abandonment, or neglect.**

## Safety

### General

- ✓ To be provided with care, safety, and protection from physical and mental abuse, neglect, and abandonment
- ✓ To live in an environment that supports your development
- ✓ To not be discriminated against, or denied placement or services, based on your race, national origin, religion, gender, gender identity, sexual orientation, disability, or any other characteristic
- ✓ To be treated with respect

### The Assistance of Your Case Manager

- ✓ To have regular contact with your case manager by phone and in person
- ✓ To meet with your case manager every month and in private, if you want
- ✓ For your case manager to meet with your caregiver in person and see the place you live at every month
- ✓ To get your case manager's phone number and be able to ask for that information if you lose it
- ✓ To be able to call your case manager with any questions and get answers within a reasonable amount of time
- ✓ To be told if you get a new case manager and to be provided their phone number

### Safety Plan

- ✓ To participate in writing your safety plan, if age-appropriate, and be explained the plan and what's in place to help keep you and others safe

### Be Heard in Court and at Meetings

- ✓ To be told about court dates and asked and encouraged to attend all hearings
- ✓ To be able to ask that court be scheduled during a time that you can attend so that it does not overlap with your school schedule
- ✓ To be provided transportation to court and then back to school, if during school hours
- ✓ To be assigned a Guardian ad Litem and be able to contact them as needed
- ✓ To be assigned an attorney to represent you under specific circumstances

### Trained Staff

- ✓ To be provided support and services by trained staff that care about you and who can help you out

## Services

### Health

- ✓ To be a part of health planning if you take psychotropic medication and be able to express concerns or ask any questions

### Case Planning

- ✓ To have a case plan that addresses your needs
- ✓ To have the plan and all its services explained to you in a way you understand
- ✓ To have a plan that respects your race and culture, religion, and other identities
- ✓ To be able to give your opinion about anything in the plan you do not like

### Records-Keeping

- ✓ To have a case file that is complete, accurate, and kept up-to-date
- ✓ To have a case plan that documents your health, education, and visitation arrangements
- ✓ That you, your caregiver, and your attorney (if assigned one) can review and receive a copy of your records for free
- ✓ For your photograph and fingerprints to be taken when you come into foster care, kept in your file, and explained why and how they will be used



- ✓ For your birth certificate and health insurance information to be kept in your file and provided to you when you need it
- ✓ To be able to request your records and have that information be kept secure through the age of 30
- ✓ At age 17 1/2, you can request to receive case file documents, and at age 18, you will receive all documents in your case file
- ✓ Counseling/Therapy
- ✓ To be able to go to therapy to help you better understand your thoughts and feelings about past experiences and what is currently happening in your life
- ✓ To have a therapist, or request a therapist, who is open and can understand your needs
- ✓ To be able to talk to your case manager to ask for a therapist
- ✓ For therapy to be helpful and beneficial to you

### **Government Benefits**

- ✓ That your case manager will help you apply for all state and federal benefit programs that you are eligible for and need, without delay (including Medicaid, Supplemental Security Income, disability benefits, medical, and other programs)
- ✓ If applicable, you can talk with your case manager about other benefits you could receive based on your parents' status

## **Living Situation**

### **Brothers & Sisters (Siblings)**

- ✓ To be living in the same home with your brothers and sisters, or
- ✓ If it is not possible to live with them, to be able to talk to your siblings at least once a week, unless the judge says you cannot, and, if so, to be told why this is not possible
- ✓ To be able to tell your judge if visitation and contact is not happening
- ✓ To not have sibling visits used as a punishment or reward for behavior

### **Moving**

- ✓ To remain in the same home without being moved to another placement, unless your case manager explains to you why it is necessary for you to move and helps you get the services and things you need to be comfortable during the move and in your new placement
- ✓ To receive information about your next placement
- ✓ To be explained why you may be moving and have the opportunity to speak with individuals in your current placement

### **People Who Know You**

- ✓ To live in a home in which the caregiver knows and understands your personal history and needs
- ✓ To be able to keep talking to important individuals in your life so long as your case manager determines it is in your best interest
- ✓ That efforts will take place to identify any relatives or non-relatives you may live with as options

### **Placements**

- ✓ To be in a safe placement that meets your needs, where you are not abused, neglected, or maltreated by anyone in the home
- ✓ To have every effort made to place you with a relative or non-relative before placing you in a foster or group home

### **Basic Needs**

- ✓ To be provided with personal hygiene items, school supplies, clothing, and other necessities from your caregiver and not be expected to use your own money on these necessities
- ✓ To be provided with age appropriate items needed based on your preference/choice
- ✓ To be provided with hygiene and care products that fit your cultural and specific needs
- ✓ To be provided with healthy and nutritious food that respects your religious/cultural/dietary needs
- ✓ To not have food used as punishment, a form of behavior control, contingent upon completion of chores, etc.
- ✓ To be able to have your own property and a safe place to keep it



# Permanency

## Visiting Your Parents or Legal Caregivers

- ✓ To have at least one visit each month with your parents or legal caregivers, unless the judge says you cannot visit with them
- ✓ If you were sexually abused, the court must hold a hearing before allowing the person accused of abusing you to visit with you
- ✓ To be able to talk to your case manager, attorney, or judge about whether you want to visit your parents or legal caregivers

## Reunification Case Plan

- ✓ To have your case plan help you to be reunified (put back) with your parents, family, or caregivers as soon as it is safe to do so and as soon as the judge allows you to, if possible
- ✓ To understand what is happening with your case plan and why it is safe or not safe to return home

## Permanent Home and Family

- ✓ To be provided every effort to find a permanent home and family if reunification is not possible

# Education

## General

- ✓ To go to the school that is best for you to attend, and have the fewest disruptions in school as possible
- ✓ To have a referral to an educational evaluation team if you are not making progress in school
- ✓ To get special education services, if needed
- ✓ To have your school records shared with the department to make sure the department knows you are attending and making progress in school
- ✓ To have a quiet place to do homework
- ✓ To participate in school activities
- ✓ To stay at school after hours, and, if needed, receive a tutor to help you in classes you may be struggling in
- ✓ To have someone advocate for your educational needs

# Normalcy

## Activities

- ✓ To have the opportunity to participate in activities you want to do, such as extracurricular, enrichment, and social activities, so long as they are age-appropriate and based on your emotional and developmental readiness
- ✓ To participate in activities that provide life experiences and opportunities that will help you become independent when you become an adult
- ✓ To be given rides to these activities

## Money

- ✓ That your cash allowance will not be tied to your behavior or completion of chores, or withheld as a punishment
- ✓ To receive an allowance that is spent how you choose
- ✓ To not have to spend your allowance on basic needs, as those should already be provided by your caregiver
- ✓ To know that if you have a master trust, to know what it is, how much is in it, what it is spent on, and what the request process is for you to use the money for various activities

## Foster Youth Organizations

- ✓ Communicate with other youth in foster care for the purpose of organizing as a group to advocate for better services and living conditions
- ✓ Work toward improvements in the child welfare system and provide support for one another



## Transitional Services for Youth 13 and Older

- ✓ To be given and explained information on Extended Foster Care<sup>1</sup>, Postsecondary Education Services and Support, and Aftercare by your case manager
- ✓ To receive support from your case manager on how to reach your educational, career, and independence goals
- ✓ To get information that you may qualify for a tuition exception and that the tuition exception is free tuition to colleges, universities, and vocational programs through age 28

## At Age 15 and if Eligible

- ✓ To participate in the Keys to Independence program, which includes receiving assistance to obtain your driver's permit and license, participate in driver's education, and get car insurance
- ✓ To understand how to enroll in other vocational programs, if desired
- ✓ To understand how to get and when to apply for Medicaid

## At Age 16

- ✓ To participate in making your My Pathways to Success Plan
- ✓ To participate in financial literacy classes
- ✓ At age 17, to be able to open your own bank account
- ✓ To work if your job does not interfere with your schoolwork
- ✓ To receive a monthly allowance, based on a needs assessment if you are enrolled in Extended Foster Care and, when you are between 18 and 21 years old, to pay for things like child care expenses, clothing, extracurricular activities, internet service, personal items, recreational activities, nonessential transportation, savings, telephone, and car expense

### Ombudsman

850-717-4505

kidsfla@myflfamilies.com

1-844-KIDS-FLA

(1-844-543-7352)

### What the Children's Ombudsman Can Do

- ✓ Listen and be a voice for children and youth
- ✓ Take complaints about placement, care, or services from youth without youth fearing retribution for the complaints
- ✓ Serve as a resource to identify and explain relevant policies or procedures

### What the Children's Ombudsman Cannot Do

- ✓ Respond to emergencies or investigate allegations of abuse or neglect
- ✓ Investigate, challenge, or overturn court-ordered decisions or provide legal advice
- ✓ Investigate complaints about a Guardian ad Litem

You have the right to be able to contact your case manager or the Florida Children's Ombudsman regarding violations of rights, to speak to the ombudsman confidentially, and to be free from threats or punishment for making complaints.

If you're a youth or young adult in Florida's child welfare system, we know that you've likely been through a lot. Because of this, we want to make sure that you're in a place –physically, emotionally, and spiritually–where you can recover, grow, and feel the love that you deserve. If for any reason you aren't in that place, please contact your case manager or the Children's Ombudsman.

The Children's Ombudsman will protect the confidentiality of your identity to the extent allowed under the law. Additionally, the Children's Ombudsman will let you know that your identity may be revealed by the Ombudsman if deemed necessary to make sure you're safe.

## Office of Continuing Care

850-300-HOPE (4673)

The Office of Continuing Care (OCC), part of Hope Florida - A Pathway to Prosperity, offers free one-on-one help for young people who are about to or have recently transitioned out of foster care, aiming to make the leap into adulthood a positive experience.

The OCC provides the following services:

- ✓ Connects you to existing resources in your area to help you thrive as an independent young adult
- ✓ Guides you in accessing special services available to former foster youth
- ✓ Gives you a support system to help you with the next steps on your path to adulthood

<sup>1</sup> <https://www.myflfamilies.com/service-programs/independent-living/youth-young-adults.shtml>

