

legal rights of teens in foster care

Continued from interior panel

your independent living stipend. If any of these types of problems occur, tell your caseworker immediately.

If you believe that staff or foster parents are not following the rules, ask to see the agency's policy manual. You may also call the ACS Children's Rights Unit to start an investigation, or call the child abuse hotline at (800) 342-3720.

Home Visits

You have a right to visit family or friends. Your agency may refuse to allow you to visit in certain places if it decides it is not in your best interest to visit that person's home, for instance, if the agency thinks that you may be physically or emotionally harmed during the visit.

If the agency does not allow you to visit someone's home, you may ask for a meeting with your caseworker to find out exactly why permission was refused. You may also talk to your lawyer.

College

If you are in foster care and go away to college, ACS will pay for your food and room on campus at least until you are 21 years old. You may also be eligible for financial aid or scholarships.

Allowance

While in foster care, your foster parent must give you a regular allowance to be used for things other than clothing, food, shelter or hygiene supplies.

Clothing Allowance

If you are in foster care, you have the right to an "adequate basic wardrobe," as well as clothes for special occasions, such as high school graduation and parties. Your foster parents do not have to use their own money for your clothing; the agency will provide them with this money. If you think that you are not being treated fairly regarding your clothing allowance, talk to your caseworker and/or your foster parent.

Day Care for Children of Foster Youth

If you are in foster care and have a child of your own, you are eligible to receive day care so that you may participate in work, school, or other activities.

You can get a case opened in your name by having your caseworker submit the application. If you are in school or working, make sure your caseworker writes this information on your application.

You can also submit the application yourself. There are two ways to do this:

- You can call 311 and ask for information about "subsidized child care." You will receive a list of ACS Contracted Programs in your area, as well as information about making an appointment for an eligibility interview. You may also obtain this information by visiting an ACD/Division of Child Care office in your area. See the list below for locations.
- You can have an ACS preventative case. Tell your caseworker that you want a referral for preventative services. Day care is one of the services you will receive. Your preventative worker may be at your agency, or at a different agency. If you are having trouble getting a preventative case opened, go to the ACS Office of Advocacy, 1st Floor, 150 Williams St., and explain your situation (Take the 2/3 or 4/5 train to the Fulton Street stop).

You can also get a case opened in your foster parent's name instead of your own name, which may be the easiest way to get day care. Your foster parent can also receive day care for your child if she is working or has health problems that prevent her from helping you with your child. Your caseworker should help you with this.

Helpful Numbers

- The Legal Aid Society(212) 420-6200
- Center for Family Representation(212) 691-0950
- Lawyers for Children(212) 966-6420
- Legal Services for Children(212) 683-7999
- The Door(212) 942-9090
- Urban Justice Center(646) 602-5600
- ACS Children's Rights(212) 676-9421

For in-depth information, contact The Children's Aid Society at (212) 358-8930 to get a complete set of KNOW YOUR RIGHTS brochures and other legal advocacy publications in both English and Spanish. You may also log onto www.childrensaidsociety.org.



If you are a teen in foster care, you have a legal right to proper treatment.

Foster Care

New York State has laws about who can be foster parents, the conditions of foster homes, and how foster children must be treated. This flyer tells you some of the rules and numbers to contact if you do not think you are being treated fairly.

Lawyers and Law Guardians

The family court must assign you a lawyer (also called a law guardian). The law guardian is the person who protects your rights. Your lawyer must listen to you and advocate for what you want, both in court and when you need help dealing with your agency about things like clothes, allowance or transferring your placement.

If you do not know who your lawyer is, ask your caseworker. You may also call Legal Aid, or Lawyers for Children.

Case Conferences

If you are over 10 years old, you have the right to participate in case conferences with your agency caseworker and your family. These meetings, which are called Service Plan Reviews, are to discuss issues about your time in care and when you leave care, such as:

- How can I be transferred to another home?
- Where should I go to school?
- When can I visit my family?
- Is my placement permanent?
- How can I make things work in my placement?
- How can I get help with housing, education and job search when I age out?

Any of your other needs or wants should also be taken care of in this meeting. This is a chance for you to be heard and to make plans for your future. The agency must tell you in writing when and where your case conferences will take place. You have the right to take someone that can advocate for you like a friend, a caseworker or your lawyer, to these meetings.

Discharge Plan

You and your foster care agency must plan together for what will happen when you leave foster care. You may:

- Return to your family
- Be adopted
- Live with a relative or friend
- Live on your own
- Go to an adult residence or group home
- Come to an agreement about a permanency plan

Your rights depend on your plan, so you should take an active part in planning with your agency. If your goal is independence or returning to your family, you may be eligible for a discharge grant of up to \$750 to help you with expenses like rent, food, and clothing as you transition from foster care to community living.

Independence

If you are in school or a vocational program, you may stay in foster care until your 21st birthday. If you are going to live on your own after you turn 21, the agency must prepare you for independence. The agency must:

- Identify people or services to help you after you are discharged
- Provide you with access to college or job training
- Teach you how to look for an apartment, budget your money, cook, and shop
- Provide you with up to \$300 a month to use toward your rent if you are between the ages of 18 and 21 and are on trial discharge

Permanency

A permanency plan should secure your stay in a safe, nurturing and comfortable home. This is important so that you will not be moved from home to home and you can build a family orientated lifestyle. This also can be an arrangement between you and the foster parent when you are approaching your 21st birthday.

Property

As soon as you get to a new foster care placement, you should make a list of your belongings in case anything is later missing or stolen. Keep a copy of the list for yourself and give a copy to the staff. If you believe something is stolen, immediately tell the staff, your social worker and your lawyer.

Confidentiality, Records and Mail

Your foster care records are confidential, and information about you can be shared only with people directly involved with your care. You do not have the right to see the records kept while you are in foster care. But you do have the right to know your medical history. You also have the right to receive mail or telephone calls during reasonable hours.

Emancipation

An emancipated young person (under 21 years old) is entitled to some but not all adult rights and privileges, and their parents can no longer make decisions for them. To be considered emancipated, you must show that:

- You have a separate household and are financially responsible for yourself
- You are married
- You are in the armed services

As an emancipated minor, you may be eligible for public assistance if:

- You are over 16 years of age
- You have completed all compulsory education
- You are not in foster care

See also [KNOW YOUR RIGHTS: PUBLIC BENEFITS FOR MINORS AND EMANCIPATED YOUTH.](#)

Immigration

If you are undocumented, your caseworker can help you become a legal resident. To qualify for special immigrant juvenile status:

- You must be a dependent of the family court
- You must be eligible for long-term foster care
- A family court judge must find it is not in your best interest to return to your country of origin

Punishment, Restraint and Medication

Unless there is a crisis situation, you have the right to refuse medication. The staff or your foster parents may not physically restrain you unless it is absolutely necessary and they have tried all other means to control you.

They are not allowed to hit you. It is illegal to punish you by confining you to a room alone, by using physical punishment, such as hitting, by depriving you of meals or family visits, or by withholding your clothing allowance or

Continued on following panel