

# The Maine Youth in Care Bill of Rights

*The Maine Youth in Care Bill of Rights is a resource youth in care can use to advocate for themselves, and be sure their rights are being honored and upheld. This Bill illustrates what caseworkers and others can do to uphold the rights of youth. It also provides a guide that all people can use to help improve the foster care system for current and future youth in care.*

## **Section 1: Individuality** Every foster child:

- 1.1. *Shall be provided care and services that are free of discrimination based on race, color, national origin, ancestry, gender, gender identity and gender expression, religion, sexual orientation, physical and mental ability, and the fact that they are in foster care.*
- 1.2. *Has the right to their own identity, values, and freedom of expression.*
- 1.3. *Has the right to their own religious and cultural beliefs and practices.*
- 1.4. *Shall be allowed to discover and express their gender and sexual identity regardless of placement, and shall not be subjected to discrimination or fear for their safety because of their gender or sexual identity.*
- 1.5. *Has the right to privacy, except in cases where there is just cause in supervising the youth to prevent self-harm, or harm to other individuals.*
- 1.6. *Shall be educated on the components of healthy romantic relationships through a supportive adult.*
- 1.7. *Has the right to learn about their sexuality in a safe and supportive environment.*
- 1.8. *Has the right to participate in activities that build a supportive social network.*
- 1.9. *Shall be allowed to build relationships with peers regardless of differences, and be provided with opportunities to build relationships within their home and school communities.*
- 1.10. *Shall be taught how to use tools such as personal e-mail, social media, and cell phones in a safe and healthy way that promotes inclusivity with their communities, peers, and family.*
- 1.11. *Shall be supported to reach age-related milestones including but not limited to obtaining a driver's license, opening a bank account, and celebrating birthdays and graduations.*

## **Section 2: Sibling Relationships** Every foster child:

- 2.1. *Shall be placed with siblings when possible.*
- 2.2. *Shall be in close proximity to siblings if unable to be in same setting.*
- 2.3. *Shall be afforded contact with siblings regardless of geographic barriers. The methods for contact should be outlined in the child's service plan.*
- 2.4. *Has the right to be actively involved in their siblings' lives and share celebrations including birthdays, holidays, graduations, meaningful milestones, and service planning.*
- 2.5. *Shall be included in permanency planning decisions relative to his/her siblings.*
- 2.6. *Shall be notified by the Child Welfare agency or its agents regarding a sibling's change of placement.*
- 2.7. *Shall be informed when a sibling is discharged from foster care. Alumni shall be allowed to maintain contact with a sibling who remains in state care.*
- 2.8. *Shall be supported by the Child Welfare agency in his/her efforts to maintain relationships with siblings who are not in care or have been adopted or provided guardianship.*
- 2.9. *Shall not be prevented from sibling contact as a behavioral consequence, absent safety concerns.*

## **Section 3: Familial Relationships** Every foster child:

- 3.1. *Has the right to visit with and maintain ongoing contact with and/or knowledge of their parents, extended family, friends, and pets.*
- 3.2. *Shall be provided with a safe environment to maintain a relationship with their parents, extended family, friends, and pets.*
- 3.3. *Has the right to a Life Book, started when they enter care.*
- 3.4. *Has the right to raise, and make decisions for, their own children.*

## **Section 4: Permanency** Every foster child:

- 4.1. *Has the right to permanency.*
- 4.2. *Shall be placed in their home communities, live in a safe environment, and have pre-placement visits.*
- 4.3. *Has the right to keep their personal belongings with them and age-appropriate privacy.*

## **Section 5: Case Management** Every foster child:

- 5.1. *Shall have meaningful participation in their family team, treatment team, and school meetings, and court.*
- 5.2. *Shall have family members or other supportive people of their choice present at their team meetings.*
- 5.3. *Has the right to identify up to 2 supports that they would like to include in their team meetings.*
- 5.4. *Shall have monthly contact with their DHHS caseworker and have their phone calls returned.*
- 5.5. *Has the right to access resources and be able to seek information about resources.*

5.6 Has the right to access their case records and expect accuracy in what is recorded in their case record.

**Section 6: Healthcare** *Every foster child:*

6.1 Shall have a choice of treatment provider.

6.2 Has the right to see, understand, and participate in their treatment plans.

6.3 Shall be informed about and have a say in medication options.

6.4 Shall not be over-medicated, not be punished for refusal to take medications, and be made aware of the possible risks that come from refusing to take medication.

6.5 Has the right to visitation with people that are important to them while receiving treatment.

6.6 Shall receive care and services that are fair, respectful, safe, confidential, and free from discrimination.

6.7 Has a right to access their medical records.

**Section 7: Advocacy** *Every foster child:*

7.1 Shall be provided with a qualified advocate (e.g., guardian ad litem [GAL], surrogate parent, mental health advocate, attorney, etc.) representing them and helping them advocate for themselves.

7.2 Shall be informed of their rights while in foster care.

7.3 Has the right to attend court and speak with the judge overseeing their case.

7.4 Has the right to request a change in their GAL.

**Section 8: Education** *Every foster child:*

8.1 Has the right to participate in and receive a high quality education, and the ability to participate in extracurricular activities.

8.2 Shall receive blanket consent for participation in school activities.

8.3 Has the right to participate in activities that all youth enjoy.

**Section 9: Transitioning** *Every foster child:*

9.1 Has the right to receive the skills, knowledge, and resources needed to be a successful adult after they transition from foster care.

9.2 Shall receive a free annual credit report after their 14<sup>th</sup> birthday.

9.3 Has the right to a transition plan and process when they leave DHHS care.

9.4 Has the right to obtain identification and personal records.

9.5 Has the right to continue care-related relationships once they exit care.

9.6 Shall receive guidance in reconnecting with their birth family.

9.7 Shall be taught how to enter into the DHHS Extended Care Agreement (V-9) prior to their 18<sup>th</sup> birthday.

9.8 Has the right to give evaluative comments about the services they have received to a neutral person.

**Section 10: Guidance and Support** *Caseworkers, GALs, care providers, parents, and other involved adults:*

10.1 Shall actively support lifelong family connections for youth, including siblings, grandparents and extended family.

10.2 Shall work diligently to place each child with someone the youth considers to be family.

10.3 Shall learn who youth are, and ensure that youths' identity is honored and protected.

10.4 Shall provide each youth with, and explain, their rights.

10.5 Shall connect youth with a caring adult who listens to them and advocates for them.

10.6 Shall actively engage youth in case planning with a team of advocates.

10.7 Shall meet with youth monthly and return their phone calls promptly.

10.8 Shall ensure youth have full information and choice in their healthcare.

10.9 Shall secure living environments and services for youth that are fair, respectful, safe, confidential and free from discrimination.

10.10 Shall identify a qualified advocate (e.g., GAL, surrogate parent, mental health advocate, attorney, etc.).

10.11 Shall enroll youth in a high quality education program.

10.12 Shall encourage and approve youth participation in extracurricular activities.

10.13 Shall connect youth with resources during transition from foster care.

10.14 Shall nurture and support youth as they exit care.