



KNOWING YOUR RIGHTS

A HANDBOOK FOR KIDS IN FOSTER CARE

INFORM
NAVIGATE
EMPOWER

CHILDREN'S LAW CENTER
OF MINNESOTA

My Lawyer

Name: _____

Phone Number: _____



Resources

@ Children's Law Center of Minnesota at clcmn.org

651.644.4438 Office hours 8 am—5pm

@ LawHelpMN at lawhelpmn.org

@ Foster Club at fosterclub.org

The purpose of this booklet

This booklet is for youth and young adults 10 to 21 years old who are in or have been in foster care and under Minnesota state court jurisdiction for Child in Need of Protection and Services (CHIPS). It is not meant for children under tribal court jurisdiction, children under 10 years old, or children in delinquency court.

Special Note:

This is the third printing of this handbook. The information in here is meant to be a guide for youth in foster care. Please check with your lawyer about the specifics of your case.

Acknowledgements

Many individuals and donors contributed research and support to make this handbook possible.

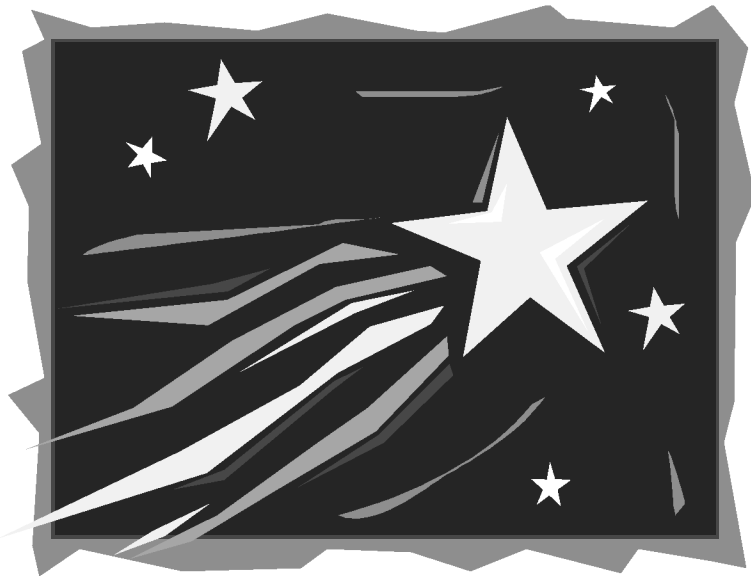
Special thanks to:

Weida Allen
American Civil Liberties Union of Minnesota
Anna Beadle
Stacy Bolander
Rea Koren
Jessica Griffith
Anne Tyler Gueinzus
Campbell Huberty
Julia Hillel Larsen
Minneapolis Foundation
Alexandra Platt
Paula Polasky
Jennifer Schoenberg
Sharon Sayles Belton
Tom Fraser
Thomson Reuters
UnitedHealth Group

We also thank the many foster children we serve.

How this booklet is organized

It is best for you as a foster care youth to think of yourself as a shooting star and the foster care system as just one part of your path across the sky. Some of the different people and paths you read about in this booklet may be very close to you and some may not cross your path.



Overview

Below is a summary of different parts of the foster care system that may cross your path.

Juvenile Court.....	6
Hearings in Juvenile Court.....	7
People Involved in Your Case.....	8
You and Your Lawyer.....	11
Your Rights in Foster Care.....	13
Brothers & Sisters.....	17
Family Contact.....	20
Permanency Options.....	23
Your Rights as a State Ward.....	24
Young Adults, ages 16 to 21.....	25
Young Adults.....	26
Young Adults, ages 18 to 21.....	28
Police Involvement.....	29

Juvenile Court

- @ For youth who live in larger counties like Ramsey and Hennepin, juvenile court is a separate courthouse (ex. Hennepin County Juvenile Justice Center). In other places, juvenile court hearings are held in a main courthouse on certain days.
- @ In juvenile court, the judge hears about your case and makes decisions about what should happen next.
- @ You have the right to attend court and the right to tell the judge anything that is important to you. **If you are 10 years old or older, you have the right to have a lawyer represent you in court. If you do not have a lawyer, you may have to ask for one.** This is because the law says you are entitled to have a lawyer, but it doesn't say you will automatically get one.



Hearings in Juvenile Court

- @ If you go to court, you need to be respectful of everyone at the hearing even if you don't agree with what they are saying to the judge. Everyone has a chance to speak and you will need to wait your turn.
- @ Talk to your lawyer before you go to court and tell him/her what you want to see happen in your case. When you go to court, your lawyer will tell the judge what you want to happen.
- @ Sometimes a judge may decide that there are parts of the hearing that you should not hear. If so, the judge will ask you to leave the courtroom and then have you come back to tell you what happened when you left.
- @ The judge may ask you if you would like to say something about your case. You do not have to talk in court if you don't want to. The judge may also ask you about school, your foster home and contact with your family. When you talk to the judge, you have to answer the judge's questions honestly and if you do not understand something, tell your lawyer to explain it to you.
- @ You cannot bring food or gum to court. Once you are in the courtroom, you can't wear a hat and you have to turn your cell phone off.
- @ You'll probably have to wait for your case to be called. You may want to bring a book to read or homework to do while you are waiting.

People Involved in Your Case

Social Worker: If you are removed from your home, a social worker representing the County will investigate whether or not it is safe for you to go back. If not, you will be placed in foster care and the social worker



will determine a “case plan” for your parents. A “case plan” creates the steps necessary for your parents to take for you to be safe living with them. You may be assigned new social workers while you are in foster care or if your parent’s rights are terminated and you are looking for an adoptive home. Your social worker is required to see you monthly.

Guardian ad Litem: The Court appoints you a Guardian ad Litem. The Guardian’s role is to gather information about you and your family and tell the judge what is best for you. This is **different** from your lawyer and your social worker.

People Involved in Your Case

Attorney/Lawyer: Your attorney or “lawyer” is specially trained to give advice to you and speak for you in court. The lawyer’s job is to figure out the best way to tell the judge what you want and to explain why the judge should agree. You are entitled to have your own lawyer. Your parents and Guardian Ad Litem may have their own lawyers. The County Attorney represents the agency where your social worker works. The County Attorney is **not** your lawyer.

Foster parents: These are the people in charge of the place where you live. They are able to go to court and sometimes the judge will ask them about you.

Relatives/Kin: In Minnesota, relatives are people related to you by blood, marriage or adoption, or are important people in your life who have lived with you or spent a lot of time with you. Make sure to tell your lawyer who these people are.



People Involved in Your Case



Judge: The judge is the person who makes decisions about your life. The judge does not leave the courtroom to investigate your life, so he or she listens to what others say about your life. Because other people will be talking about your life, it is important that the judge know what **you** want and need, so he or she can make a decision that is in your best interests.

Independent living skills worker: If you are 16 years old or older, you have the right to an independent living plan (ILP) to help you get ready for living on your own when you turn 18. Depending on where you live, you may have a separate social worker to help you make this plan.

Licensing social worker: This person supports your foster home and monitors the quality of the care you receive. Depending on the type of placements you are in, you may or may not see this person.

You and Your Lawyer

The relationship between you and your lawyer is different than the relationship you will have with the other people in the foster care system.

What you and your lawyer talk about is confidential. Your lawyer cannot tell anyone what you tell him or her unless you say it is ok (with only a few exceptions).

You should feel comfortable answering your lawyer's questions and asking him or her any questions you have about your case.

Your lawyer's role is to tell you about your rights, responsibilities, and options about foster care. If you say it is OK, your lawyer will tell the judge and the other people involved in your case about your life and what you would like to have happen.



You and Your Lawyer

Some things your lawyer will be interested in are:

- ö Your foster home,
- ö Visits with your siblings and/or parents.

Here are some questions your lawyer might ask when you meet:

- ö How are you doing?
- ö Have you seen a doctor or dentist?
- ö How are things where you live?
- ö Where do you want to live?
- ö Have you seen your brother(s)/sister(s) if they are not living with you?
- ö How is school going?
- ö How is therapy going?
- ö What happened before you left home?
- ö What makes you happy?
- ö What you are worried about?
- ö Who is important to you?
- ö What do you think is important for people to know about you?

Your Rights in Foster Care

While in foster care, you have certain rights, including the ones listed here. If you feel your rights are not being protected, talk to you lawyer about your concerns.

@ You have the right to be protected from abuse and/or neglect.

@ You have the right to be safe. Your foster parents, caregivers, or other children must not physically, sexually, verbally, or emotionally abuse you. They cannot use physical punishment such as hitting, slapping, spanking, pinching, shaking, or kicking. Your foster

parents should not talk badly about you or your family. You should not be made to feel bad about yourself or your family.



Your Rights in Foster Care



- @ You have the right to have your basic needs met (food, shelter, clothing).
- @ You have the right to be treated as part of the family. Your foster parents should not treat you differently than their other children.
- @ You have the right to see a doctor, a dentist, and a therapist. Your social worker has the responsibility of making sure that your medical, dental, and mental health needs are met.

Your Rights in Foster Care

- @ You have the right to live in the least restricted setting that will meet your needs. This may be a foster family home, group home, residential treatment center and if you are 16 years old or older, it may be a semi-independent living arrangement.



- @ You have the right to attend school and stay at your school even if you move away from your current home.
- @ Being in foster care should not impact whether or not you participate in extracurricular activities, such as sports or music. If you want to participate in extracurricular activities, your social worker and foster parents should work out a plan to make sure that it can happen.



Your Rights in Foster Care

@ You have the right to a written case plan that meets your needs and helps plan for your future. The plan should be explained to you by your social worker so you understand what it means. It should explain:

- ö Why you were placed in foster care;
- ö What issues your family needs to work on for you to go home;
- ö Who can help you get to school;
- ö What days your parents and/or brothers and sisters can visit you (if it is in your best interest to see family members);
- ö When you can expect to go back to your family again, if that is the plan.

Your social worker should discuss this plan with you before asking you to sign it. You have the right to ask for changes to the plan. You also have the right to ask for a lawyer to help prepare the plan.



Brothers and Sisters

Your brothers and sisters are your siblings and you have certain rights regarding your siblings.

Placement with Siblings

When you and your siblings are removed from your home, you have the right to be placed together in the same foster home if possible. However, if the court decides it is not in your best interest to be placed with your siblings, or if after “reasonable efforts” the agency was not able to locate a placement for all of you, the agency does not have to place you and your siblings together. “Reasonable efforts” means that the agency has tried to place you and your siblings together, but could not find a foster home for you together.

If you have not been placed with your siblings, the agency should keep looking for a home where you can all live together. This applies whether your siblings are full, half, step, or adopted.



Brothers and Sisters

Visits/Contact with Siblings



If it is not possible for the agency to find a home for you and your siblings together, the agency must set up a plan for you to be able to visit your siblings, unless the Judge decides it is not in your or your

siblings' best interest for you to have contact. This applies to full, half, step, or adopted siblings who are in foster care.

Separation for Adoption

Unless there are special circumstances, it's best for siblings to be adopted together. If the plan is for you to be adopted into a different family than your siblings, your social worker must receive approval from the State for this to happen. When your social worker makes this request, your lawyer is able to tell others whether or not you agree. You have the right to be heard about why you disagree.

Brothers and Sisters

Visits/Contact with Siblings for Adopted Children

If you are adopted, you may still be able to see, talk to, or have other types of communication with your siblings. Your adoptive parent(s) can make a communication agreement with your brother(s) and sister(s) so you can continue to talk to and see them. Your adoptive parent(s) and your siblings will all have to agree to the contact agreement, and the agreement can be enforced by the court. The contact agreement must be worked out and agreed to before you are adopted.

If you are not allowed to visit or have contact with your siblings, call your social worker or lawyer for more information.



Family Contact

After You Are Adopted

You have the right to see your parent(s) unless the court decides it is not in your best interests to do so. The visits may be supervised or unsupervised, depending on what the court thinks is best.

If you don't want to see your mom or dad, or if you have any other questions about contact with them, tell your lawyer and social worker.

If you are a state ward, you do not have a right to see your birth parent(s) unless:

- @ The judge provides an order at the Termination of Parental Rights (TPR) hearing saying that you can still have contact with your birth parent(s).
- @ The judge decides that it is in your best interests to have contact with your parent(s). A judge may allow you to talk to, or see your parent(s) in a limited or special situation, if such contact would not be harmful to you.

If you have any questions, call your lawyer or social worker for more information.

Family Contact

Visitation with Your Parents - After Adoption

If you are adopted, you may still be able to see, talk to, or have other communication with your birth parents. Your adoptive parent(s) can make a contact agreement with your birth parent(s) so that you can talk to and see them. This is a written order, and comes from the judge. Both your birth parent(s) and your adoptive parent(s) have to approve the agreement, and the agreement has to be worked out and agreed to before you are adopted.

Your adoptive parent(s) can make a communication agreement with your birth relatives or previous foster parents that want to have contact with you, so that you can continue to see or talk to them. Your adoptive parent(s), birth relatives, or the previous foster parents all have to agree to the communication agreement. In some situations, your birth parent(s) may also need to agree to the communication agreement between your adoptive parent(s) and the birth relatives or previous foster parents that wish to have contact with you.

Family Contact

Visitation with Relatives



You have the right to visit your relatives if the judge decides that the visits are in your best interests.

A “relative” is someone related to you by blood, marriage, or adoption, or a person who is an important friend you have lived with or had a lot of contact with.

If you have any questions about visiting your birth relatives or previous foster parents, please call your social worker or lawyer for more information.

Visitation with Relatives - After Adoption

If you are adopted, you may still be able to see, talk to, or have other communication with your birth relatives or previous foster parents. The agreement must be worked out and agreed to before you are adopted, and can be enforced by the court.

Permanency Options

You have the right to a permanency decision. This means that within 12 months of being placed out of your home, the judge must make a decision about where you will live permanently. The judge can decide to:

- @ Return you to a parent, called Reunification;
- @ Transfer legal custody to a relative;
- @ Terminate your parent’s rights, and authorize for adoption;
- @ Authorize long-term foster care if you are age 12 or older, or if you would be placed with a brother or sister who is age 12 or older; or
- @ Authorize foster care for a specific period of time.



Your Rights as State Ward

You are a state ward if your birth parents' parental rights have been terminated.

- @ As a state ward, the court will review your case every 90 days—you have the right to be present in court. Your input at these hearings is important so the judge understands what kind a family you think would be best for you.
- @ If you are 14 years old or older, you must agree to an adoption before the judge can approve it.
- @ State wards may be able to attend Minnesota public colleges, universities, technical, and vocational schools without having to pay tuition.



Young Adults Ages 16 to 21

If you are in foster care, and are 16 or older, you have the right to have an independent living plan (ILP) to help you transition to adulthood. The plan is about you and you should participate in making it. Your plan should be updated at least once a year or as your goals change. Your ILP should talk about the following:

- @ Going to college, vocational, or a technical school;
- @ Learning job skills, or finding a job;
- @ Learning how to plan and apply for health care, and understanding how your medical coverage works;
- @ Handling transportation, including help with getting a driver's license;
- @ Learning how to manage money, including opening a bank account, learning about your credit history, paying bills and developing a budget;
- @ Finding a place to live, and learning about housing;
- @ Creating positive social skills, and interactions;
- @ Learning how to develop and keep a relationship with family and friends; and
- @ In some cases, an ILP may include details on services for mental health care and treatment.

Young Adults

As you look for employment and plan your future, you will need a variety of documents. These documents include:

- @ social security card,
- @ certified copy of your birth certificate and
- @ state ID or driver's license.

You will also need your school records to make sure your credits are current and you have passed your standardized tests. When you are 18 years old, you will also need:

- @ medical and dental records,
- @ a contact list for healthcare providers and
- @ an insurance card.

If you are under 21 years old, have been accepted into an approved post-secondary education or training program and were in foster care on or after your 16th birthday you may qualify for an Education Training Voucher to help pay for some of your school costs. (Ask your lawyer or social worker if you qualify.) As a youth in foster care, you may also qualify for scholarships. Talk to your lawyer and social worker to find out how you can learn more.

Young Adults

If you were in foster care and are completing your FAFSA (Federal student loan application) for school, talk to your current or previous social worker or lawyer if you have questions about the application.

Six months before you turn 18 years old, the county must tell you about the possibility of receiving foster care benefits until you are 21 years old. You should receive a letter. Make sure you read it and contact the person who sent it to you. If you do not receive a letter, make sure you or your lawyer contacts your social worker before you turn 18 years old.



Young Adults Ages 18 to 21

If you are currently in a foster home placement and about to turn 18 years old, you may qualify for continued foster care benefits for your housing and living expenses.

If you are over 18 years old and left your foster home placement after your 18th birthday, and wish to receive services, contact the county that last handled your case to see if you qualify for continued foster care benefits.

If you are a state ward and left care before or after your 18th birthday, you may also return to care if you meet (at least one of) these requirements:

- @ Attending high school or taking classes for a GED;
- @ Enrolled in college or a vocational school;
- @ Participating in a program or activity designed to promote or remove barriers to finding a job;
- @ Working for at least 80 hours per month; OR
- @ Unable to do any of any of the activities described above due to a medical condition.

Police Involvement

Police: Only the police can remove you from any placement.

If You Are Stopped for Questioning by the Police About Your Behavior

- @ **Stay calm.** Don't run, argue, resist, or obstruct the police. Think carefully about your words, movement, body language, and emotions. Keep your hands where police can see them. Always greet policemen and policewomen as "officer." Never talk back, raise your voice, or swear at a police officer.
- @ **Determine if you are free to go.** Before answering an officer's questions, ask "***Officer, am I free to go?***" If the officer lets you leave, do so immediately. If the officer's answer is unclear, or if he asks additional questions, repeat "***Officer, am I free to go?***"
- @ **Remain silent.** The only questions you need to answer are your name, address and date of birth. If you wish to remain silent, you must tell the police officer "***I'm going to remain silent***" and then stay quiet.
- @ **You do not have to consent to a search** of yourself or your belongings, but police may "pat down" your clothing if they suspect you have a weapon. If police detain and frisk you, you have the right to state *clearly* your refusal to consent to the search. You should only *verbally* refuse. Never *physically* resist.

© 2011 *Children's Law Center of Minnesota*

*This publication was printed
courtesy of Thomson Reuters.*

Design by Rea Koren

Photos courtesy of Microsoft clip art.

**INFORM
NAVIGATE
EMPOWER**

**CHILDREN'S LAW CENTER
OF MINNESOTA**

450 North Syndicate Street #315
St. Paul, MN 55104-4106