

Your Rights in Shelter or Foster Care

Why We Wrote This Document

Your health and safety are very important to the state of Florida. You can help us make sure that you are safe and healthy by speaking up for yourself. In order to help you do that, we wrote this document so you can know what your rights are and what you can expect from the Department of Children and Families.

Where Do Your Rights Come From?

There are many sources for the rights of children and youth in the shelter and foster care of the Department of Children and Families. Some rights come from the United States Constitution, others from the Florida Constitution. Florida statutes (laws) and federal statutes also tell the state how it is supposed to treat you.

My Commitment To You

As Secretary of the Department of Children and Families, I will do my best to make sure that everyone responsible for providing care and services to children in foster care will protect the rights listed here. I will also do my best to make sure that they meet the expectations listed after the rights.



Bob Butterworth
Secretary of the Department of Children and Families

What Rights Do You Have?

You have the right:

To Know Your Rights

- To be given a copy of this document,
- To have your rights explained to you in words you can understand, and
- To have your rights explained when you enter into care and every time you move to a different placement.

To Have Your Rights Respected

The people responsible for your care and protection must respect your civil and legal rights.

To Privacy

- To have your privacy protected,
- To send and receive mail without anyone reading it unless the judge says someone else can open your mail to protect your safety, and
- To make telephone calls at reasonable times, unless the judge says you cannot.

To Have Your Property Protected

- To have your property (for example, your clothes, books, electronics, money and other things you own) kept safe where you live.
- To bring your property with you when you move,
- To be told how money being held by the Department is being used.
- To ask that your money be used for specific things, and
- To ask that your money be saved for future uses.

To Live With Your Parents or Caregivers

unless a person from the Department and a judge determines that you must be moved.

To Live In A Safe Place

- To live in a safe home where no one will touch you without your permission, scare you, or hurt you, and
- To live in a home where you will not get into trouble for telling people that your rights or safety are not being protected.

To Understand Documents You Are Asked to Sign

- To have any person who asks you to fill out or sign a paper explain it to you, and

- To understand what you are signing and why you are being asked to sign it.

To Complain about Your Care or Services

- To make a grievance (a complaint) to the Department about how you are being cared for by your foster parents, services worker, or other people providing you services,
- To make a grievance to the Department if any of your rights are violated,
- To make a grievance to your community-based care provider, and
- To have a lawyer or other person assist you in making a grievance or complaint.

To Be Heard In Court

- To attend court hearings involving your care, and
- To tell the judge what is happening to you and what you want.

To Have Representation In Court

- To have a guardian ad litem appointed for you by the judge,
- To have the guardian ad litem tell the judge what you want, in addition to what your guardian ad litem thinks is best for you,
- To obtain an attorney of your choice, or to ask the judge to appoint one for you, and
- To have the immediate and unlimited ability to meet with your guardian ad litem and attorney.

To Medical Care

- To be taken to doctors and dentists, including eye doctors, for medical evaluation and treatment.

To Education

- To attend school, and
- To obtain special educational services if you need them.

To Permanency

- To have all efforts in court made with out delay because time is of the essence (very important).
- To have a permanent home or family.

To Same Rights As Everyone Else

- To enjoy the same rights established in the Constitutions of the United States and Florida as every other person in the state. That means you have the right to individual dignity, liberty, privacy, pursuit of happiness, and the protection of your civil and legal rights.

What Can You Expect From The Department of Children & Families?

You can expect:

SAFETY

A Professional Investigation: The adults who investigate whether you are at risk of harm will have the professional training to make the best decision possible for your protection.

The Assistance of a Services Worker

You can expect:

- To have regular contact with your services worker by phone and in person,
- To meet with your services worker at a minimum every 30 days,
- To meet with your services worker in private, if you want,
- For your services worker to meet with your foster parent in person at least every 30 days, and
- For your services worker to see the place you live at least every 30 days.

The Department Will Keep Important Records

You can expect:

- That your Department records are complete, accurate and kept up to date,
- That you, your guardian and your attorney can review and receive a copy of your records free of charge,
- Your photograph and fingerprints will be taken and kept in your file, and
- Your birth certificate and health insurance information will be kept in your file and provided to you when you need it.

Safety Plan

- You can expect to participate with your caregivers and professionals in writing a plan to help with any of your needs or behaviors that could present a risk to you, other children or adults.

Being Heard in Court and at Meetings

You can expect:

- To have the opportunity to go to court and talk to the judge or other persons making decisions about you, and
- To attend hearings or meetings where decisions about you are being made, unless the judge decides it would not be best for you to do so.

SERVICES

Appropriate Evaluations: You can expect to be tested to see if you are having problems, are healthy, doing well in school, or if you need to be treated by a doctor or psychologist.

Case Plan That Meets Your Needs

You can expect:

- To participate in writing your case plan,
- To make sure your case plan addresses your needs and the needs of your family,
- 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,
- To have the opportunity to give your opinion about anything in the plan you do not like, and
- To have the responses to your opinions clearly explained to you.

Counseling

You can expect:

- To have trained professionals give you the help and services you need for any problems you may be having, and
- To have the opportunity for counseling to help you better understand your thoughts and feelings about past experiences and what is currently happening in your life.

Government Benefits: You can expect that the Department will apply for all state and federal benefit programs that you are eligible for and need without delay. Government benefits include Medicaid, Supplemental Security Income, disability benefits, medical, and other programs for children and youth who are in foster care, or who are emotionally, behaviorally, or physically disabled.

Trained Staff: You can expect that the people who provide services to you will be properly trained in order to meet your needs.

LIVING SITUATION

Brothers & Sisters (Siblings)

You can expect:

- To be placed in the same home with your brothers & sisters, or
- If it is not possible to live with them, to have private contact with your siblings at least once a week, unless the judge says you cannot.

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What Can You Expect From The Department of Children & Families?

LIVING SITUATION cont'd

Moving

You can expect to remain in the same foster home without being moved to another placement, unless

- the Department explains to you why it is necessary for you to move, and
- helps you get the services you need to be comfortable during the move and in the new home.

Other Children & Youth

You can expect to live in a family home with no more than one other foster child, unless

- you are placed with your brothers and sisters, or
- you are placed in a group home if it is the most family-like setting appropriate for you.

People Who Know You

You can expect to live in a shelter or foster home in which the parents know and understand your personal history, needs, and problems.

PERMANENCY

Visiting Your Parents or Legal Caregivers: You can expect 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. You will have an attorney or guardian ad litem represent you at that hearing. You can tell your representative whether or not you want to visit.

Reunification Case Plan

You can expect

- To make sure your case plan and services will enable you to be reunited with your family or caregivers as soon as it is safe to do so and as soon as the judge permits your return; and
- To be told that you have a right to a family, and that you should not have long delays in your case.

Permanent Home and Family

You can expect the Department to make every effort to find you a permanent home and family if reunification is not possible.

EDUCATION

You can expect

- To go to the school that is best for you to attend,
- To go to school every day with the fewest disruptions possible for court or other meetings related to your case,
- To have a referral to an educational evaluation team if you aren't making progress in school,

- To get special education services if you need them,
- To have a surrogate parent appointed if your own parents cannot make educational decisions for you, and
- 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, and
- When you are older, to have assistance in choosing a career and planning for it.

NORMALCY

You can expect

- To participate with your foster or group home parent and services worker in writing an age appropriate activities, or “normalcy,” plan,
- To participate in age appropriate activities such as sports, clubs, youth group, dating, volunteer work and working,
- To participate in activities that you would enjoy and that your other friends get to do, and
- To participate in activities that provide good life experiences and opportunities and help you become independent and self-sufficient when you become an adult.

Money

You can expect:

- To receive an allowance every month from money provided by the Department,
- To open your own bank account when you have taken financial literacy classes, and
- To work if your job does not interfere with your schooling.

Independent Living for Youth Ages 13-17

You can expect:

- To participate in the Independent Living Program,
- To participate in classes and activities needed to help you transition to adulthood and self-sufficiency when you are old enough,
- To participate in making your individual transitional plan, and
- To exercise your rights and responsibilities under the Road to Independence Program and to participate in other financial aid programs you may need to go to college or vocational school.

Foster Youth Organizations

If you want to participate you may:

- 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 while in the custody of the Department.

Rights and Expectations for Children and Youth in Shelter or Foster Care



Provided by the Department of Children and Families
and its Community Partners