

New York State Bill of Rights for Children and Youth in Foster Care

All youth in care have the right to live in a safe environment, access educational resources, receive medical and mental health support services, and not be exposed to mistreatment/abuse, exploitation, or isolation. Please read the following bill of rights to learn more about your rights while in care.

As a child or young adult in foster care in the State of New York, I have the right to the following:

GENERAL RIGHTS

1. To live in a home-like setting that meets my needs, and is caring, healthy, and safe from harm. I have the right to have enough food, adequate clothing, and a private space where I can safely store my belongings.

2. To be placed with a relative or an adult with whom I have a strong connection if one is available to provide appropriate care and support while I am in care.

3. To get the help I need, including any suitable services.

4. To be treated fairly and with respect, and not to be treated differently no matter who I am, what I look like, where I'm from, what I believe in, who I love, how I identify, or the things I can do.

- This means I may not be discriminated against based on race, creed (faith or beliefs), color, national origin, age, religion, sex, gender identity or gender expression, sexual orientation, marital status, disability (physical, emotional, cognitive), or because I am in foster care.

5. To be treated fairly when I make mistakes or do not behave or follow rules.

- My age, disability, maturity and developmental level, and my social, physical, mental and medical needs must be carefully considered when determining what consequences are appropriate.
- Any consequences must be reasonable and fit my behavior.
- I cannot have my family contact limited or denied in any way as a form of discipline.

- To be free from cruel, harsh, or unnecessary punishment, such as being physically hurt, locked in a room; separated from others; not be allowed food, water, or sleep; or be made to sleep in a place not normally used for sleeping.

6. To participate in similar activities and experiences as my peers that are appropriate for my age and development. These include things like school events, sports, summer and work experiences. I also have the right to be supported to freely practice my religion, culture, and traditions.

7. To receive, for free, a copy of my consumer credit report each year from the time I am 14 until I leave foster care. I have the right to receive help in understanding these reports and fixing any mistakes in them.

8. To receive help applying for my driver's permit or license when I am at least 16 years old and/or applying for a non-driver's I.D. at any age.

9. To receive appropriate, confidential legal help with my immigration status.

10. To receive a copy of my United States birth certificate, Social Security card, health insurance information, medical records, education records, and a driver's license or state-issued identification card, if eligible.

11. To agree to remain in foster care after I turn 18 years old until I am 21.

12. To be provided with a personal transition plan before I leave foster care at age 18 or older that addresses my needs and includes information on housing, health insurance, education, local opportunities for mentors, continuing support services, workforce supports, and employment services.

13. To be informed that I can request to come back into foster care (reenter) between the ages of 18 and 21.

- Reentering care is a possibility only if I leave care after I turn 18, or if I leave care after age 16 and become homeless, or if I am at risk of becoming homeless unless I go back into foster care.

14. To be given a form that shows proof that I was in foster care if I leave care at age 18 or older and have been in care for at least six months.

15. To be informed that I may be eligible for continued health insurance coverage until I am 26 years of age regardless of how long I have been in foster care.

16. To live with, care for, and make decisions for my child(ren) if I am a parent unless the court said I cannot.

VISITATION

17. To see my parents at a minimum every other week unless they have lost their parental rights, or the court or agency has said that visitation is unsafe. I have the right to call my parents as often as I would like.

18. To live with my siblings. If I don't live with my siblings, then I have the right to visit them regularly unless the court has said that I cannot. If I cannot, then I have the right to know why.

EDUCATION

19. To stay in my current school unless my agency decides, with my input, that changing schools is in my best interests.

20. To receive help in identifying funding for education and training, and in completing and submitting applications for financial aid, grants, student loans, and applications to colleges and vocational programs that are in or out of New York state.



HEALTH CARE

21. To receive health services as often as needed, including medical; dental; vision; mental and behavioral; and sexual, gender-responsive, and reproductive services.

22. To express my feelings about the type of care I am receiving and who is providing it to me.

23. To be given my medical insurance information and information on health services nearby and how to contact them.

24. To ask for and receive help with sexual, gender-responsive and reproductive health care, including contraception, abortion, prenatal care and preventive care, and have the right to consent (say whether I want) if my medical professional determines that I am able to make these decisions.

CASE INVOLVEMENT

25. To know the name of my caseworker and the caseworker's supervisor. I have the right to have their contact information (email, phone numbers). I have the right to have my caseworker visit me at least one time every month. I have the right to contact my caseworker and their supervisor if I need to. I have the right to speak to my caseworker or supervisor privately.

26. To know who my lawyer (Attorney for the Child) is and have the lawyer's information (email, phone numbers) in case I need to contact my lawyer. I have the right to contact my lawyer when I need to and speak with the lawyer privately.

27. To have my records and personal information kept private, except as allowed under the law. I have the right to ask who can see my records and learn information about me.

28. To have a voice in deciding my permanency goal.

- I have the right to participate in Service Plan Review meetings and say what I think should be in my service plan.
- I have the right to have all plans that include me be explained to me in a way that I understand. I have the right to ask questions and request supports, opportunities, and services.
- If I am 14 years of age or older, then I have the right to participate in permanency hearings in court.
- If I am under 14, then the court may decide that I cannot participate or can only participate in a certain way, and I have the right to know why. However, I can still share my thoughts with my lawyer.
- When I am 14 years of age or older, I have the right to choose two people to be part of my case planning team. I can choose friends, mentors, supports, teachers, or anyone else who is not my foster parent, case manager, case planner, or caseworker. My agency must have a strong reason to tell me that the people I choose cannot be included.

WHO SHOULD I TALK TO IF I FEEL THAT MY RIGHTS ARE BEING VIOLATED

If you feel that your rights have not been respected by someone on your case planning team, you can report it. You will not get in trouble or be punished.

You can:

- Explain your concerns to your caseworker, parent or guardian, and possibly the judge at your court case. You can ask to talk with your caseworker in private.
- Contact your caseworker's supervisor and explain the situation. You can ask to talk with your caseworker's supervisor in private.
- Contact your lawyer (Attorney for the Child). Your conversations with your lawyer (Attorney for the Child) are completely private. Your lawyer (Attorney for the Child) cannot tell anyone else what you talk about except if your lawyer has your permission or if your safety is at risk (talk to your lawyer about this).
- Contact the OCFS regional office. A list of regional offices can be found at <https://ocfs.ny.gov/directories/region-al-offices.php>.

I, _____, have received a copy of the New York State Bill of Rights for Children and Youth in Foster Care, and I have discussed it with my caseworker, my parent(s) (birth or adoptive) or guardian(s), and my foster parent(s), if applicable. I have had my questions answered and understand my rights listed above.

Child/Youth Name (print)

Child/Youth Signature

Date

Caseworker Name (print)

Caseworker Signature

Date

Supervisor Name (print)

Supervisor Signature

Date

Parent/Guardian Name (print)

Parent/Guardian Signature

Date

Foster Parent Name (print)

Foster Parent Signature

Date