



KNOW YOUR RIGHTS!



**WHAT YOU HAVE THE RIGHT TO KNOW IF YOU
ARE IN FOSTER CARE.**



**DEVELOPED BY LIVED EXPERIENCE EXPERTS IN
PARTNERSHIP WITH THE MOCKINGBIRD SOCIETY &
THE OFFICE OF CIVIL LEGAL AID**

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ABOUT THIS RESOURCE

This resource was created in partnership with former foster youth and the **Office of Civil Legal Aid (OCLA)** for current foster youth. OCLA, among other things, is responsible for providing civil (not criminal) legal aid services to low-income people in Washington State. Over several months, lived experts worked with OCLA to expand and translate the rights that already existed to be understood by foster youth of all ages. The intention is to explain your rights to you once you are assigned a lawyer while in foster care. While every case is unique, it is important to know your rights so if you feel they are not being met you have the independence to contact your lawyer about your concerns. You are not alone in your experience and there are people willing to help you through those experiences.

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If you have questions, concerns, or feedback related to your attorney, please feel free to contact crp@ocla.wa.gov.

Scan the QR code for more information



ATTORNEY

YOU HAVE THE RIGHT TO:



- **“You have the right to ask for a lawyer (also sometimes called an “attorney”).** The lawyer’s job is to represent you and fight for the things you want to see happen in your case. Lawyers must represent your “stated interest”, which means your wishes. Other people in the case, such as the social worker or Guardian ad Litem, advocate for what they think is best for you, also known as “best interest.” When you get assigned an attorney, you become the attorney’s “client.” Attorneys have special rules they have to follow when representing clients.
- **You have the right to confidential communication with your lawyer.** This means you have the right to meet with and talk to your lawyer privately, without your parents, caregivers, social worker, or anyone else around. It also means that whatever you share with your lawyer stays between you and your lawyer, with few exceptions.
 - For example: If your lawyer believes that you or someone you know will suffer death or serious bodily harm unless the lawyer says something, then the lawyer has to take steps to prevent the death or serious bodily harm from happening, even if that means sharing something confidential.
 - Lawyers can also share confidential information with others to prevent a crime from being committed, but they do not have to. Lawyers cannot tell others about past crimes that their clients may have committed. That is information that stays confidential.
- **To freely contact your attorney whenever you need to with questions or concerns.** You are allowed to and should talk to your lawyer about anything that is on your mind, even if you think it might not matter. Your lawyer has to listen to you and consider what you say, even if they might not always be able to get you what you want.
- **To have your attorney listen to what you want in your case and do what they can to make that happen to the best of their ability.** This can be as big as where you live or who you get to see to more everyday type things like playing sports or enrolling in an afterschool program. Your attorney has to support your needs and explain things to you in a way that you can understand. Your attorney cannot decide what they think is best for you. Only YOU know what is best for you.

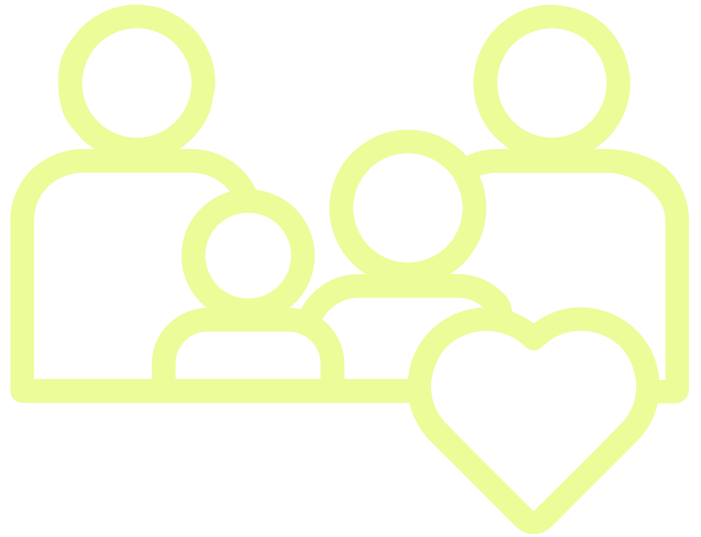
PLACEMENT



YOU HAVE THE RIGHT TO:

- **To be with your biological or custodial family unless a court determines your wellbeing, health, or safety is at risk.** For example, this could include you being abused, exploited, or neglected.
- **If you are placed out of home, the Court must consider how that affect your contact with your siblings, your personal needs, visits with your parents, and schooling.** You have the right to a placement that is the "least disruptive" to your life. This can include consideration of the neighborhood you live in and the community connections you have.
- **To be placed as close to your home as possible and in the same neighborhood, if possible.** If you are not placed with your siblings, ask your lawyer for information about where they are staying and when you will see them.
- **To participate in normal childhood activities and activities that support your healthy development.** This can include social time with friends and participating in activities that allow you to spend time with your peers, like after-school programs or sports. If your placement is not allowing you to see your friends, enroll in afterschool activities, play sports, or participate in other activities that support your wellbeing, tell your lawyer!
- **To have your social worker create a plan that will make it safe for you to return home.** Your social worker works for a larger organization that is often referred to as "the Department." The Department includes social workers, supervisors, and other case workers who are responsible for doing what they can to make it safe for you to return home.
- **To have a safe, stable, permanent home and to get out of your dependency quickly.** Healthy, supportive relationships with your caregivers is an important part of creating a safe and stable home environment. If you have concerns about your parents' ability to support your mental, emotional, and physical needs, please share these concerns with your lawyer.

FAMILY CONTACT



IF YOU ARE REMOVED FROM YOUR HOME AND THE COURT DECIDES IT IS IN YOUR BEST INTEREST, YOU HAVE THE RIGHT:

- **To have visits with your parent(s) and a plan for visits with your parent(s) if they are in prison or jail.** If you do not want to have visits with your parent(s), whether they are in jail or not, let your lawyer know.
- **To have visits with your sibling(s) if you are not living together.** Talk to your attorney about a visitation plan to cover timeline, location, and frequency. This plan can be put in writing and made part of the court record.
- **To have unsupervised family time.** A judge can only require your visits to be supervised (meaning another safe adult is present the whole time) or monitored (meaning another safe adult is checking in on you during the visits) if they believe your health or safety would be at risk by not having the supervisor or monitor present. If you have concerns about having unsupervised contact with your parent(s), let your lawyer know.
- **To not have visits with your parent(s) or sibling(s) taken away as a form of punishment.** This includes in-person visits and phone communication. Tell your attorney right away if you think you are being stopped from having contact with your family as a form of punishment.
- **To have contact with friends and family.** Tell your lawyer about special people in your life that you want to continue to have contact with. If there is some reason why you cannot have contact with these people, your lawyer has to explain to you why that is.

CONFLICT WITH YOUR PARENT

YOU HAVE THE RIGHT TO:

- **To have your right take priority over the legal rights of your parents when those rights are in conflict.** This means that if you have a right to something and it goes against something your parents have a right to, then your right is the one that has to be protected. For example, your parents have a right to have contact with you the same way you have the right to have contact with them. However, if visits are causing you actual harm, then you have a right to have those visits suspended, even though your parents have a right to see you.
- **To individual, face-to-face meetings with your attorney/lawyer and social worker without a parent or caregiver present.** While your parents still have many rights in a dependency, they do not get to control how, when, or whether you talk to your lawyer or social worker. Being able to speak face to face with an attorney/Lawyer gives privacy to speak freely.
- **To keep all your department records confidential, with some exceptions.** Exceptions are typically related to age. For example, children over the age of 13 must give their consent before confidential medical information can be released to anyone. Children under the age of 13 then would not have to give consent before their parents could access confidential medical information. Talk to your lawyer if you have any concerns about specific information being shared.
- **To access your records and to have copies of your records given to your attorney.** You and your attorney have the right to make copies of all records and information collected by the Department that pertain to you. Attorneys often call this “discovery.” Your lawyer will make a “discovery demand” at the beginning of your case and again at other times during the case, if necessary. You have a right to see any of the records or information pertaining to you that your attorney keeps in their file. Just ask!
- **To reasonable services for you and your family to allow you to return home.** “Services” can include things like individual or family counseling, parenting classes, chemical dependency treatment, or an in-home service provider who can help give families tools to work together as a unit. Services are different from financial support, although the Department can provide financial support to families like rent assistance or paying utility bills to help stabilize placement once a child has been returned home.
- **To receive all necessary medical, dental, and mental health care, and all emergency care.**

COURT HEARINGS



YOU HAVE THE RIGHT TO:

- **To attend all hearings and to speak to the judge during the hearing, if you so choose.** If you would rather have your attorney speak on your behalf or report back to you about what happened at a hearing instead of attending the hearing yourself, that is perfectly ok. It is your attorney's job to listen to you and advocate for what you want in court. You do not have to be present for this to happen!
- **To have a judge review your case at least once every six months.** Your lawyer can explain to you what happens at review hearings and ask the judge to have your case heard sooner or more regularly, depending on the circumstances of your case.
- **To have a judge review your "permanent plan" if you have been out of your home for at least nine months.**
 - "Permanent plan" means the plan the Department must work towards resolving your dependency: returning home to a parent, being placed with a relative, establishing a guardianship, or getting adopted. Reunification with a parent is the default permanent plan at the start of any case and typically remains a goal of the dependency unless and until parental rights are terminated. You have the right to have your attorney advocate for the permanent plan that YOU want. Your attorney can explain to you what your options are and what you can expect based on what the judge ends up ordering. The permanent plan is reviewed at least once every 12 months after the first permanency planning review.

EDUCATION

YOU HAVE THE RIGHT TO:



- **To attend school and to remain in the same school even when you move to a foster home, when it is possible and in your best interest.** If you are placed in a home that is outside of your normal school district, the court must make a “best interest determination” when considering whether to keep you enrolled in your same school. This determination considers all sorts of factors, including how long you might be in out-of-home placement, whether a new school could meet your academic needs, and even your own personal preference. Your lawyer can explain to you all of the things a judge has to consider, and make arguments on your behalf.
- **To enter school within three days of placement into foster care or placement change.**

MEDICAL

YOU HAVE THE RIGHT TO:

- **To be informed about your health needs, medications, and medical history.** You can only make the best choices for yourself if you have all the information you need. If you are age 13 or older, you have more control over who has access to your medical records. Talk to your lawyer if you have any questions about your medical history, your prescribed medications, or anything else related to your healthcare.
- **To have annual well-child exams.** These exams include:
 - A complete physical examination
 - Current developmental history
 - Vision and hearing tests
 - Developmental and nutritional assessment
 - Substance abuse screening
 - Oral health assessment
 - Lab tests, if needed
 - Education and counseling
 - Immunizations
 - You can also take this opportunity to discuss with your doctor any mental health concerns you might have. You do not have to wait for your annual well-child exam to get mental health support, though! Talk to your lawyer if you have any physical or mental health concerns that you do not feel are being properly treated.
- **To have dental exams every six months through age 18 and annually thereafter until age 26.** If you are having trouble accessing or are being denied, or need extra support contact your lawyer.
- **To be informed of the benefits and risks of all medicines, vitamins, or herbs that you are prescribed or recommended.** If you have any doubts or concerns about the medications, vitamins, or herbs that have been prescribed or recommended to you, talk to your lawyer.
- **You have the right to take medication that has been prescribed to you and to refuse any medication that has not been prescribed to you.** You have the right to refuse medication that has been prescribed to you, unless a judge orders that you take them (which would be rare). Always talk to your lawyer about any concerns you might have about medications that you have been prescribed.
- **To obtain or refuse reproductive health care,** including birth control, abortion services, prenatal care, or counseling on any of these services, without the consent or knowledge of a parent or legal guardian, regardless of your age.
- **To receive inpatient and outpatient mental health treatment** without consent or knowledge of a parent or guardian if you are over the age of 13.
- **To receive both inpatient and outpatient substance abuse treatment** without the consent of a parent or guardian if you are over the age of 13.
- **To obtain tests and treatment for sexually transmitted infections or HIV** without the consent of a parent or guardian if you are 14 years of age or older. However, the law does not prevent healthcare providers from providing testing and treatment to children under the age of 14 without parental consent. If you are under the age of 14, you can ask your lawyer for help contacting your county's public health program to find out if your county offers STI testing without parental permission.

OTHER RIGHTS

YOU HAVE THE RIGHT TO:

- **Regardless of age, you have the right to be treated fairly and equally,** whatever your gender, gender identity, race, religion, ethnicity, national origin, disability, medical problems, or sexual orientation, and be addressed by the gender pronouns you prefer.
- **To have space for storing your clothing and personal belongings.**
- **To practice your own religion, or not at all.** Meaning, you cannot be forced to practice a religion or give up a religion.

ADDITIONAL QUESTIONS FOR YOUR LAWYER?

If you have questions, concerns, or feedback related to your attorney, please feel free to contact crp@ocla.wa.gov.

Please note that this is not a direct email address to contact your attorney. If you or a young person you know contacts this address, you will be connected to someone who can help.

**FOR MORE INFORMATION,
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