

PERSONAL RIGHTS CHILDREN'S RESIDENTIAL FACILITIES

As specified in Welfare and Institutions Code section 16001.9(a), you are afforded the following personal rights:

1. To live in a safe, healthy, and comfortable home where you are treated with respect. If you are an Indian child, you also have the right to live in a home that upholds the prevailing social and cultural standards of your Indian community, including, but not limited to, family, social and political ties.
2. To be free from physical, sexual, emotional or other abuse, corporal punishment, and exploitation.
3. To receive adequate and healthy food, adequate clothing, grooming and hygiene products, and, an age-appropriate allowance. The clothing and grooming and hygiene products provided must respect your culture, ethnicity, and gender identity and expression.
4. To be placed in the least restrictive setting possible, regardless of your age, physical health, mental health, sexual orientation, and gender identity and expression, juvenile court record, or status as a pregnant or parenting youth, unless a court orders otherwise.
5. To be placed with a relative or nonrelative extended family member if an appropriate and willing individual is available.
6. To not be locked in any portion of your foster care placement, unless placed in a community treatment facility.
7. To have a placement that utilizes trauma-informed and evidence-based de-escalation and intervention techniques, to have law enforcement intervention requested only when there is an imminent threat to the life or safety of a child or another person or as a last resort after other diversion and de-escalation techniques have been utilized, and to not have law enforcement intervention used as a threat or in retaliation against you.
8. To not be detained in a juvenile detention facility based on your status as a dependent of the juvenile court or the child welfare services department's inability to provide a foster care placement. If you are detained, you are entitled to all the rights afforded under the United States Constitution, the California Constitution, and all applicable state and federal laws.
9. To have storage space for private use.
10. To be free from unreasonable searches of personal belongings.
11. To be provided the names and contact information for social workers, probation officers, attorneys, service providers, foster youth advocates and supporters, Court Appointed Special Advocates (CASAs), and education rights holder if other than your parent or parents, and when applicable, representatives designated by your Indian tribe to participate in the juvenile court proceeding. You have the right to communicate with all of these individuals privately.
12. To visit and contact siblings, family members, and relatives privately, unless prohibited by court order, and to ask the court for visitation with your siblings.
13. To make, send, and receive confidential telephone calls and other electronic communications, and to send and receive unopened mail, unless prohibited by court order.
14. To have social contacts with people outside of the foster care system, including, but not limited to, teachers, coaches, religious or spiritual community members, mentors, and friends. If you are an Indian child, you have the right to have contact with tribal members and members of your Indian community consistent with the prevailing social and cultural conditions and way of life of your tribe.
15. To attend religious services, activities, and ceremonies of your choice, including, but not limited to, engaging in traditional Native American religious practices.

16. To participate in extracurricular, cultural, racial, ethnic, personal enrichment, and social activities, including, but not limited to, access to computer technology and the internet, consistent with your age, maturity, developmental level, sexual orientation, and gender identity and expression.
17. To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of your actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity and expression, mental or physical disability, or HIV status.
18. To have caregivers, child welfare and probation personnel, and legal counsel who have received instruction on cultural competency and sensitivity relating to sexual orientation, gender identity and expression, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender children in out-of-home care.
19. To be placed in out-of-home care according to your gender identity, regardless of the gender or sex listed in your court, child welfare, medical, or vital records, to be referred to by your preferred name and gender pronoun, and to maintain privacy regarding sexual orientation and gender identity and expression, unless you permit that information to be disclosed, or disclosure is required to protect your health and safety, or disclosure is compelled by law or a court order.
20. To have child welfare and probation personnel and legal counsel who have received instruction on the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.) and on cultural competency and sensitivity relating to, and best practices for, providing adequate care to Indian children in out-of-home care.
21. To have recognition of your political affiliation with an Indian tribe or Alaskan village, including a determination of your membership or citizenship in an Indian tribe or Alaskan village; to receive assistance in becoming a member of an Indian tribe or Alaskan village in which you are eligible for membership or citizenship; to receive all benefits and privileges that flow from membership or citizenship in an Indian tribe or Alaskan village; and to be free from discrimination based on your political affiliation with an Indian tribe or Alaskan village.
22. (A) To access and receive medical, dental, vision, mental health, and substance use disorder services, and reproductive and sexual health care, with reasonable promptness that meets your needs, to have diagnoses and services explained in an understandable manner, and to participate in decisions regarding health care treatment and services. This right includes covered gender affirming health care and gender affirming mental health care, and is subject to existing laws governing consent to health care for minors and nonminors and does not limit, add, or otherwise affect applicable laws governing consent to health care.

(B) To view and receive a copy of your medical records to the extent you have the right to consent to the treatment provided in the medical record and at no cost to you until you are 26 years of age.
23. Except in an emergency, to be free of the administration of medication or chemical substances, and to be free of all psychotropic medications unless prescribed by a physician, and in the case of children, authorized by a judge, without consequences or retaliation. You have the right to consult with and be represented by counsel in opposing a request for the administration of psychotropic medication and to provide input to the court about the request to authorize medication. You also have the right to report to the court the positive and adverse effects of the medication and to request that the court reconsider, revoke, or modify the authorization at any time.
24. (A) To have access to age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections.

(B) At any age, to consent to or decline services regarding contraception, pregnancy care, and perinatal care, including, but not limited to, abortion services and health care services for sexual assault without the knowledge or consent of any adult.

(C) At 12 years of age or older, to consent to or decline health care services to prevent, test for, or treat sexually transmitted diseases, including HIV, and mental health services, without the consent or knowledge of any adult.

25. At 12 years of age or older, to choose, whenever feasible and in accordance with applicable law, your own health care provider for medical, dental, vision, mental health, substance use disorder services, and sexual and reproductive health care, if payment for the service is authorized under applicable federal Medicaid law or other approved insurance, and to communicate with that health care provider regarding any treatment concerns or needs and to request a second opinion before being required to undergo invasive medical, dental, or psychiatric treatment.
26. To confidentiality of medical and mental health records, including, but not limited to, HIV status, substance use disorder history and treatment, and sexual and reproductive health care, consistent with existing law.
27. To attend school, to remain in your school of origin, to immediate enrollment upon a change of school, to partial credits for any coursework completed, and to priority enrollment in preschool, afterschool programs, a California State University, and each community college district, and to receive all other necessary educational supports and benefits, as described in the Education Code.
28. To have access to existing information regarding the educational options available, including, but not limited to, the coursework necessary for career, technical, and postsecondary educational programs, and information regarding financial aid for postsecondary education, and specialized programs for current and former foster children available at the University of California, the California State University, and the California Community Colleges.
29. To attend Independent Living Program classes and activities, if you meet the age requirements, and to not be prevented by caregivers from attending as a consequence or punishment.
30. To maintain a bank account and manage personal income, consistent with your age and developmental level, unless prohibited by the case plan.
31. To work and develop job skills at an age-appropriate level, consistent with state law.
32. For children 14 to 17 years of age, inclusive, to receive a consumer credit report provided to you by your social worker or probation officer on an annual basis from each of the three major credit reporting agencies, and to receive assistance with interpreting and resolving any inaccuracies.
33. To be represented by an attorney in juvenile court; to have an attorney appointed to advise the court of your wishes, to advocate for your protection, safety, and well-being, and to investigate and report to the court on legal interests beyond the scope of the juvenile proceeding; to speak to the attorney confidentially; and to request a hearing if you feel that your appointed counsel is not acting in your best interest or adequately representing your legal interests.
34. To receive a notice of court hearings, to attend court hearings, to speak to the judge, to view and receive a copy of the court file, subject to existing federal and state confidentiality laws, and to object to or request the presence of interested persons during court hearings. If you are an Indian child, you also have the right to have a representative designated by your Indian tribe be in attendance during hearings.
35. To the confidentiality of all juvenile court records consistent with existing law.
36. To view and receive a copy of your child welfare records, juvenile court records, and educational records at no cost to you until you are 26 years of age, subject to existing federal and state confidentiality laws.

37. To be involved in the development of your own case plan, including placement decisions, and plan for permanency. This involvement includes, but is not limited to, the development of case plan elements related to placement and gender affirming health care, with consideration of your gender identity. If you are an Indian child, the case plan shall include protecting your essential tribal relations and best interests by assisting you in establishing, developing, and maintaining political, cultural, and social relationships with your Indian tribe and Indian community.
38. To review your own case plan and plan for permanent placement if you are 10 years of age or older, and to receive information about your out-of-home placement and case plan, including being told of changes to the plan.
39. To request and participate in a child and family team meeting, as follows:
 - (A) Within 60 days of entering foster care, and every 6 months thereafter.
 - (B) If placed in a short-term residential therapeutic program, or receiving intensive home-based services or intensive case coordination, or receiving therapeutic foster care services, to have a child and family team meeting at least every 90 days.
 - (C) To request additional child and family team meetings to address concerns, including, but not limited to, placement disruption, change in service needs, addressing barriers to sibling or family visits, and addressing difficulties in coordinating services.
 - (D) To have both informal and formal support people participate, consistent with state law.
40. To be informed of these rights in an age and developmentally appropriate manner by your social worker or probation officer and to be provided a copy of the rights in this section at the time of placement, any placement change, and at least once every six months or at the time of a regularly scheduled contact with your social worker or probation officer.
41. To be provided with contact information for the Community Care Licensing Division of the State Department of Social Services, the tribal authority approving a tribally approved home, and the State Foster Care Ombudsperson, at the time of each placement, and to contact any or all of these offices immediately upon request regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.

As specified in Welfare and Institutions Code section 16001.9(b), the rights listed above do not require and shall not be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out of home placement.

Personal rights for children and children with special health care needs are specified in Division 6 of Title 22 of the California Code of Regulations and in Interim Licensing Standards:

- Group Home: 22 CCR §§ 84072, 84072.3, 84172, 84272
- Small Family Home: 22 CCR §§ 83072, 83072.2
- Transitional Housing Placement Provider: 22 CCR § 86072
- Foster Family Home/Certified Family Home: 22 CCR § 89372
- Short-Term Residential Therapeutic Program: STRTP Interim Licensing Standards § 87072, 87072.3
- Resource Family Home: Foster Family Agencies (FFA) Interim Licensing Standards §§ 88487.8, 88572.2

Personal rights for nonminor dependents are specified in the AB 12 Interim Licensing Standards for Nonminor Dependents in Foster Care, STRTP ILS, and FFA ILS:

- Group Home: § 84472
- Small Family Home: § 83172
- Transitional Housing Placement Program: § 86172
- Foster Family Home/Certified Family Home: § 893172
- Short-Term Residential Therapeutic Program: STRTP Interim Licensing Standards § 87072
- Resource Family Home: FFA Interim Licensing Standards §88487.8