

## Handout #1 - What is a RIGHT?

Before we get started, let's try to understand a little bit about what a **right** actually *is* and *is not*. Then you will better understand what a Bill of Rights can and cannot actually do.

Basically, a **right is something that is legally protected**. A right could be a freedom, liberty, or a privilege that is stated somewhere in the law. It may be stated in the Constitution, a law, a judge's decision in a case, or the government's written policies.

**Some rights can be enforced legally and others cannot.** In other words, most of the time, if your right is violated, you can file a lawsuit to fix the problem. . But, not always. It depends on the way the law was written and what kind of right it is.

Let's try some examples about foster care...Here are **some clear rights** for youth in care:

- Youth in foster care have constitutional rights just like everyone else. For example, the freedom of speech and the right to due process (i.e., specific types of fairness in laws and the court process).
- Youth in foster care also have rights that are in Nebraska's laws. For example, youth in foster care have a right to:
  - A safe and appropriate placement,
  - A case plan and transition plan,
  - A medical exam and treatment,
  - Attend the same school, and
  - Be placed or have visits with your siblings, unless that is not safe.

But some other things are **not so clear and not technically be a right**...

- For example, we can't create a right for all youth in foster care to have an iPad or to be on the varsity basketball team.
- Also, some things that are vague might not be rights or may require lawyers to argue *a lot* before we know if it is actually a right. For example, "the right to be treated with respect" or "the right to be who I am." Everyone *should be* treated with respect, but it's not obvious if that is technically a *legal* right.

If this doesn't make perfect sense, that actually means you are probably getting it!

**It is okay to include some personal things on the list.** Even if there may not be anything *legal* that can be done to fix these things, if they are ignored, there are still **other non-legal things young people can do** - like talking to your caseworker or using a grievance process. The goal is for young people to know their options!