

## Handout #2 Nebraska Foster Youth Bill of Rights (BOR) Ideas

### Personal Rights

- **to be treated with respect**
- **to be safe and well cared for** and to avoid exploitation
- **to be who I am**
- to have my basic needs met
- to keep my personal belongings with me and to age appropriate privacy unless there is a really good reason for supervision to prevent self-harm or harm to others
- to be free from unreasonable searches of personal belongings
- to have confidentiality consistent with state and federal law
- to be free from harassment, corporal punishment, unreasonable restraint or confinement (i.e., solitary, lockdown, segregation), and physical, sexual, emotional and other abuse
- to attend religious services and activities of my choice, when possible, and be placed as far as practical with someone of my own religion
- to be in an environment that maintains and reflects my culture when possible
- to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities and to have my caseworker and judge consult with and talk to me about my opportunities to participate in activities
- 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 actual or perceived race, ethnic group, identification, ancestry, national origin, immigration status, color, religion, gender, gender identity and expression, sexual orientation, mental or physical disability, medical diagnosis, and foster care status
- if born in another country, to receive help applying for lawful immigration status if and when I become eligible

### Family Connection Rights

- to have lifelong family connections (*LB746 & in BOR*)
- to have reasonable efforts made to reunify me with my parents and to be preferentially placed with my relatives if I cannot remain with my parents
- to have reasonable efforts made to place me and my siblings in the same foster or adoptive placement and/or to have frequent or ongoing communication with my siblings unless it is not safe (and if it is not safe, I have a right to know the reasons it has been determined not safe)
- **to safely visit** and communicate with **my family** and other significant people in my life (unless a judge says I cannot or HHS sets reasonable limits)
- if pregnant or parenting, I have a right to raise and make decisions for my own children, as any other minor would, unless a judge says I do not
- if a member of an Indian tribe or eligible to be a member of an Indian tribe
  - to have my tribal relationship protected
  - to have active efforts made to prevent the break-up of my family or to reunite my with my family
  - to be returned to my family home when it is safe to go back home
  - to learn of my parent(s)' tribal affiliations and other information affecting my tribal relationship when I turn 18

### Notice and Assistance If Rights Are Not Met

- to be given verbal and written information about how and to whom I can make a request to participate in age or developmentally appropriate activities if I am in a group home

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- to receive a hard copy of my rights within seventy-two hours of placement and at every dispositional, review and permanency planning hearing and to have them explained to me in an age or developmentally appropriate manner
- **to seek assistance if these rights aren't being met, without getting in trouble**

### Youth Voice and Participation Rights

- to have contact with caseworkers, attorneys, probation officers, CASAs, foster youth advocates and supporters, or anyone else involved with or (in) my case
- **to know when court hearings are scheduled and to attend** and participate in **hearings regarding my care** unless a judge determines it is not in my best interests
- to have a guardian ad litem attorney to represent my best interests
- to meet with my guardian ad litem, in my placement, within two weeks of my guardian ad litem being assigned to my case, and at least once every six months (unless my judge approves of in person meetings not happening because of special circumstances like geographic distance)
- to have my own court-appointed attorney if my interests are in conflict with what my guardian ad litem believes is in my best interests
- to be involved in the development of my own case plan and transition plan, and to have individuals selected by me participate on my team
- to attend and participate in family team meetings, treatment team meetings, and school meetings
- to have my voice heard in my case
- if a member of an Indian tribe or eligible to be a member of an Indian tribe:
  - to have my input on placement taken into consideration when appropriate
  - to have my court case take place in a tribal court

### Access to Information and Services Rights

- **to be fully informed about what is happening to me** and to understand the system or systems in which I am involved in an age appropriate manner
- **to have adequate health care, including mental health care** and substance abuse treatment
- to have a medical exam within two weeks of removal from my home
- to be informed about the types of physical and mental health care I receive, to see and understand my treatment plan and have a say in treatment decisions being made
- to be informed about medications, medication options, and have a voice in decisions about prescription of medication (unless a doctor or judge says I cannot refuse to take medications)
- to have age-appropriate, medically accurate information and medical care on sexual and reproductive health
- **to receive a good, stable education**
- to attend the same school, prior to foster care or as my previous placement, unless a judge or my caseworker determines it is not in your best interest
- **to receive a free credit report annually** and help resolving any mistakes
- to access my personal information (examples: birth certificate, health records)
- to have honest and clear communication
- if born in another country, to be connected with the nearest consulate office (a consul is an official representative from another government that works to protect citizens of other countries that live in the United States)

### Permanency and Placement Rights

*[Underlined and red is language required by LB 746. Bold is language from current DHHS BOR] 2*

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- **to have permanency**
- to live in the most family-like setting that is safe, healthy, comfortable, and meets my needs
- to have minimal placement changes and a stable and nurturing living environment
- if a member of an Indian tribe or eligible to be a member of an Indian tribe
  - to have my placement options be in this order: (1) a member of my extended family, (2) a member of my tribe, (3) some other Indian family, (4) a non-Indian family committed to protecting my culture
  - to be placed in a home that is a reasonable distance from my family home
  - to be returned to my family home if I was improperly removed

### **Transition to Adulthood Rights**

- to receive skills, knowledge and resources needed to be a successful adult (*LB746 & in BOR*)
- to have a transition plan created from age 14 and older that addresses the following needs: education, employment, health care and eligibility for Medicaid, behavioral health treatment and support, financial assistance, housing, relationship development, and other adult services
- to receive information about the Bridge to Independence program if I am in an out-of-home placement at (or from) age 16 or older