

RIGHTS AND ADVOCACY GUIDELINES

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INTRODUCTION

Young people living in foster homes, group homes, and residential treatment centers often want to know about what rights they have while they are in the system. Youth in foster care need to know how to advocate for themselves to make it through the system successfully. *Advocacy* means “a process of taking action to protect a right or belief, or to change a policy or the way someone is acting.”

Youth Advocacy Center teaches teens self-advocacy to set and reach their long-term goals, and introduces them to informational interviews as a first tangible step toward moving toward a positive and productive future. **The Juvenile Rights Division of the Legal Aid Society** represents foster care youth in family court.

This booklet, **Rights and Advocacy Guidelines**, was written to answer a lot of the questions youth have about the foster care system. Information in the Guidelines comes from New York State and City laws and regulations. Where it says “18 NYCRR,” that means the information comes from Volume 18 of the New York Codes, Rules and Regulations. Those are the regulations of the New York State Department of Social Services which apply to all youth in foster care. Where it says “Social Services Law,” that means the information comes from the State law. Other rights come from New York City's Administration for Children's Services (ACS, also called CWA or BCW) which has its own policies and rules about foster care.

If you are a young person in foster care and are interested in learning self-advocacy as a way to prepare for your future, call Youth Advocacy Center at (212) 675-6181 or check out our website, www.youthadvocacycenter.org. If you have questions about your rights, call The Legal Aid Society at the numbers listed on page 32 of this booklet. If you want to see the actual law or regulation on a topic, contact your lawyer and s/he might be able to get it for you.

Sincerely,

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ADOPTION

A child may be adopted when: 1) a child's biological parents have died; 2) the parents' rights to care for their child have been "terminated" (ended) by a court; or 3) the parents "surrender" (give up) their right to care for their child because they are not able to do so. Once a child is adopted, the biological parents no longer have a say about any area of the child's life. The adoptive parent is considered to be the child's legal parent with all of the rights and obligations any other parent would have.

Any adult may adopt a child, including relatives, foster parents, family friends, and teachers. A child may be adopted at any age. In order for a child over the age of fourteen to be adopted, s/he must give her/his "consent" (approval). If you want to be adopted and you don't think that is the plan, or if you are in a pre-adoptive home and you think the adoption process is taking too long, talk to your caseworker, social worker or lawyer.

If you were adopted and want to find your biological or birth parents or siblings, call Adoption Crossroads at (212) 988-0110 or go to their website www.adoptioncrossroads.org. They can help you search for your biological parents, and may be able to find brothers and sisters who were adopted as well. They also run support groups for adoptees (people who are adopted) or are birth parents. Another way to find information is to contact the New York State Adoption Information Registry at (518) 474-9600 or download an application form by clicking "Vital Records" at the Health Department's website www.health.state.ny.us.

AIDS/HIV: Testing
(Public Health Law 2782; 18 NYCRR 431.7)

The Human Immunodeficiency Virus (HIV) causes the illness AIDS. People can have the HIV virus in their system (be “HIV positive”) for years without getting sick with AIDS. When people develop AIDS, they can also live for years before they get very ill or die if they take their medication. However, AIDS does kill and there is no cure for AIDS. One important thing to keep in mind is that unlike many diseases, the HIV infection and AIDS are preventable.

An HIV test shows whether a person has the HIV virus in his or her body. If you test positive it means only that you have the virus that causes AIDS, it doesn't mean that you have AIDS. If you find out you have the virus, you can get treatment. Whether you have the virus that causes AIDS or the disease itself, you must be careful not to engage in risky behavior (like having unprotected sex) that could lead to the HIV infection.

You must be provided with complete information about the HIV test (see below), the risks involved in taking it and any available alternatives; AND you must agree to take the test before it can be administered. This is called “informed consent.” You have to agree in writing. You can give consent at any age as long as you have received pre-test counseling and understand: 1) what the HIV test is for; 2) what the results mean; and 3) what your options are for getting treatment.

You should be offered a choice of two types of testing: “confidential” and “anonymous.” If you choose “anonymous” testing, you will be assigned a number, and only you will be able to get the results of your HIV test. If you choose “confidential,” certain people will have access to the results of your test, including doctors, foster parents, caseworkers, social workers and your lawyer. With the exception of these people, no one has access to the results of your test. The test results are confidential (between you and your doctor). You have to give written permission for one person to tell another about your HIV-related information. You must sign a “release” that says this.

After a test you are required to get counseling as well. This is to help you if you test positive. The counselor will tell you about your rights, tell you how to avoid exposing others to HIV, and discuss confidentiality.

If you find out that you are HIV positive while you are in foster care, and then you are discharged to your parents, the agency cannot tell your parents that you are positive without a written release.

Places with more information about AIDS and HIV for young people include:

Adolescent AIDS Program
Montefiore Medical Center
(718) 882-0023
East 210th Street, Bronx

Mount Sinai Adolescent Health Center
(212) 423-3000
312 East 94th Street, Manhattan 111

Covenant House/Bronx Storefront
(718) 294-7812
81-C Featherbed Lane, Bronx

Adolescent Health Services
Elmhurst Hospital Center
(718) 334-5040
79-01 Broadway, 4th Floor, Queens

Health Education Alternatives for Teens (HEAT)
Kings County Hospital Center
(718) 467-4446
451 Clarkson Ave., E. Building, Rm 4115
Brooklyn

Staten Island University Hospital
Teen Health Clinic
(718) 226-TEEN (8336)
57 Bay Street, Staten Island
242 Mason Avenue, Staten Island

ALLOWANCE
(18 NYCRR 441.12)

While you are in foster care, you are supposed to get a “regular allowance appropriate to age, which shall not be used to meet basic needs.” Basic needs are clothing, food, shelter or hygiene supplies.

The amount of allowance is not set by law. Each agency decides how much to give. Some agencies have written policies that say how much they are supposed to give, with the amount depending on the child's age. For example, one agency gives the following amounts to kids in foster homes:

<u>Age</u>	<u>Amount Per Week</u>
3-4	50 cents
5-8	\$3
9-12	\$5
13-15	\$7
16+	\$10

(\$10 a week is typical for teens in group homes.)

The agency cannot withhold your allowance unless they tell you how you can earn it back. If you don't earn it back, they have to keep the money in a separate account and give it to you when you are discharged.

An allowance is different from an independent living stipend. The amount of the stipend is set by law, and, if you participate in the independent living program, the agency must give it to you. (See page 28 for more information about the stipend).

CASE CONFERENCES
(Social Services Law 409-e(2); 18 NYCRR 430.12)

If you are 10 years or older, you have the right to participate in meetings at your agency called “case conferences,” “Service Plan Reviews,” “SPRs,” “treatment plan reviews” or “treatment meetings.” Your first case conference should take place right after you enter foster care. After the first conference there should be a case conference every six months.

The purpose of these meetings is to plan what will happen to you while you are in care and when you leave care. This includes where you will be placed, where you will go to school, when and how often you can visit your family, what kind of services you should be receiving, and where you will go when you leave care. Will you go to your family? Be adopted? Go live on your own? The conference is for you and your family.

These meetings will include your agency caseworker, your ACS caseworker, and a third party reviewer (usually someone else from the agency who does not work directly on your case). Your caseworker’s supervisor might come as well. Your parents and foster parents (if you are in a foster home) will be invited too. The agency must make sure that you are a part of these case conferences. They must tell you in writing when and where the meeting will be two weeks before the meeting. You have the right to bring someone with you to the case conference like a friend, family member, or your lawyer, and you should. If you don’t get notice of the conference on time or if it is scheduled for a time when you are at school or work, ask your caseworker to re-schedule it.

It is important for you to have someone with you at this meeting so you will feel like you have someone on your side. They can take notes for you or ask questions that you might forget. During these meetings you have the right to discuss any concerns you may have. You should ask for explanations of things that you do not understand. If you need help preparing for the meeting or need someone to go with you call your lawyer or call The Door at (212) 941-9090 and ask for “legal services.”

CLOTHING ALLOWANCE
(18 NYCRR 427.16)

Everyone in foster care has the right to an “adequate basic wardrobe.” If you live in a foster home, your foster parents or caseworker should decide with your input what clothes you need when you first come into the system. Foster parents can get money when you first come into care to buy you clothing such as coats, boots, pants, shirts, sweaters, sneakers, book-bags, underwear, skirts, dresses, jackets, swimsuits etc. If you are 16 or over, your foster parents can get up to \$700. They will get less if you are younger.

When you need more or new clothes (called “replacement clothing”), your foster parents can spend or give you to spend up to \$806 a year (again, this is the maximum for 16 and over). Your foster parents are also supposed to get you clothes for special occasions such as high school graduation. Your foster parents should not have to use their own money. The agency should provide it.

If you live in a group home or campus residence, you have the right to the same “adequate wardrobe” that foster home residents get. But how you get the clothes can depend on what agency you are in. Your agency can buy you clothes, give you a “clothing allowance” every month or every three or four months, or have you pick your clothing from a warehouse or stockroom. There is no minimum amount of money the agency must spend on your clothes but they must make sure that each resident has an “adequate wardrobe”.

If you feel you are not getting adequate clothing you should:

- Meet with your caseworker or social worker to explain the problem.
- Ask to see your agency's policy.
- Call the Children's Rights Unit at ACS at 212-676-9421.
- Call your lawyer.

COLLEGE

If you leave your foster home or group home to go away to college and live in a dorm or other college housing, ACS will pay for your room and board (food), up to the amount of \$626 a month (equal to the amount they would pay a foster parent to care for you each month) at least until you are 21 years old. Under a new program, ACS will now continue to pay for your room and board past the age of 21 if you are a full-time, undergraduate student in good standing at your school. ACS will only pay room and board directly to your college so you will have to live in a dorm or other college housing. ACS is not required to pay for tuition or books.

The agency does not have to hold your bed while you are away at college. They are allowed to fill your bed and probably will. But if the agency still has “planning responsibility” while you are in college, then you are still considered to be in foster care. In this case, they have to help you arrange a place to stay over the holidays if you don't have a place to go and the dorms close. This doesn't mean you have the right to go back to your same group home or foster home.

If you are in foster care, you are probably eligible for financial aid. There are student loans and grant programs available through the state. However, you must be a legal resident of the United States to be eligible for these programs. Your agency may have scholarships or other assistance as well. Ask if your agency has an educational specialist or coordinator who can help you. You should still get your independent living stipend and your clothing allowance while you are in college, up until you turn 21.

CONFIDENTIALITY

Social workers, doctors and other professionals have an obligation to protect the privacy and confidences of people with whom they work. This means that your conversations with these people are confidential and they should not discuss what you tell them with anyone else without your knowledge and, in many situations, without your permission. They may need to talk to others to make sure you are getting the help you need . If you tell them that you are going to hurt yourself or someone else, or that you're being hurt by someone else, they are required to report this to someone else to make sure that you will be protected. They should tell you in advance about the situations where they may be required to share information. If you are not clear, you should ask any professional with whom you work to tell you what s/he can and cannot keep private.

Your foster care records are confidential. Information about you and your family can be shared only with people who are involved directly with your care - this includes caseworkers, foster parents, group home staff. This doesn't mean that all these people get to know everything in your case record. What is shared should be limited to information essential to assist that person in his/her work with you. No one who works with you should be discussing your personal matters or sharing information from the foster care record with other people (such as neighbors and friends) who are not involved directly in your care and treatment. It is also unprofessional for staff to talk about you among themselves if it is not for treatment purposes. This information can be shared with others (people who are not involved directly in your care) only if you give permission or if the court orders that the information be shared.

If you feel that a staff person, foster parent or a caseworker has violated your trust and confidentiality:

1. Tell them why you are upset.
2. Tell your social worker or a supervisor about what happened.

3. Call and write a letter to someone higher up in the agency, like the clinical director or the group home director. Describe what happened and ask him/her to tell you what will be done about this situation.

COURT

Almost every child who is placed in foster care has a case that goes to family court. The court's role is to make sure that you are being taken care of. There are three ways young people enter the foster care system:

Neglect and/or abuse: A child may be removed from his/her home because an investigation by ACS finds that the child is at risk of being harmed in the home. ACS then has to go to the Family Court in the borough where the family lives and prove this at a trial. Each person involved (parent, young person, ACS) will be assigned a lawyer to represent them in court. Article 10 of the Family Court Act is the law regarding abuse and neglect.

Voluntary placement: Sometimes a parent cannot take care of his/her child for a period of time. The parent can contact ACS and sign a document temporarily placing his/her child in foster care. However, the parent cannot say where s/he wants the child to be placed and it is not always easy to have the child returned. A few months after the parent signs the agreement placing the child in foster care, the case will be heard by a judge in Manhattan Family Court, and the child will get a lawyer. Social Services Law § 358-a and 392 are the main laws about voluntary placements.

PINS (Person In Need of Supervision): A PINS petition alleges that a young person under 18 years old needs the supervision of the Family Court. Usually, the parent or guardian files this petition in Family Court because s/he feels that the young person needs help. The young person often ends up placed in a group home or RTC. The young person will get a lawyer. Article 7 of the Family Court Act is the law regarding PINS cases.

The way you enter foster care does not really have much significance once you are in the system, but it does affect when you go to court; if it is an abuse, neglect, or PINS case, the case will be in court much sooner than if it is a voluntary placement case. Either way, your case should go to court soon after you enter the system. After that, your case is supposed to be reviewed by a judge every year. If it is an abuse, neglect or PINS case, the court can continue to hear your case every year until you turn 21. If it is a voluntary placement case, the court will only hear the case until you turn 18 even though you can stay in the system until you turn 21. On a neglect/abuse petition or a PINS petition, you go to the family court in the borough where your family lives. If it is a voluntary placement, you will probably go to Manhattan Family Court.

Young people on neglect and abuse and voluntary placement cases usually are not permitted to come into the court-room when the judge hears the case. If you want to go into the court-room, ask your lawyer to speak to the judge to see if s/he will allow this. Young people on PINS cases are expected to appear in court on their cases.

CUSTODY

Custody means physical care and control of a child. The person or agency who has custody of a child assumes responsibility for the child's day-to-day living, maintenance, health and education. Young people in foster care are in the custody of the City and State of New York. In New York City, the Administration for Children's Services ("ACS") is responsible for foster care and is part of the New York State Office of Children and Family Services (OCFS). ACS has contracts with private agencies (such as Graham Windham, St. Christopher's, Green Chimneys, Edwin Gould, etc.) which are paid by the City and State to provide homes and care for young people who are in the system. This means that the care and maintenance of the young person (food, clothing, shelter, medical care, education and supervision) are the responsibility of the City and State. Unless a parent's rights were cut off ("terminated") by the court, or the parent voluntarily gave up ("surrendered") his/her rights, the parent is still the legal guardian of the child. That means that the parent still makes some important decisions about his/her child. For example, the parent can make decisions about the child's religious affiliations and medical treatment.

The court can also award custody of a young person to an adult such as a relative or friend. If there is an adult who would like to take responsibility for your day-to-day living, you should let your caseworker know and ask them to talk to that person about going to family court to file a custody petition. Taking custody of a young person is different than becoming a foster parent. A foster parent receives money from ACS and ACS monitors the foster home and provides services necessary for the care of the child. ACS is ultimately responsible for the child so foster parents must cooperate with ACS' instructions. On the other hand, if the court awards custody to someone, that person (the "custodian") is responsible for the child. The custodian is not paid by ACS (although the custodian may qualify for public assistance); ACS has no responsibility to the child; and the child is not considered to be in foster care.

DIAGNOSTIC CENTER
(18 NYCRR 451.5)

A diagnostic center is a group residence with about 20 young people. The purpose of a diagnostic center is to assess a child's and family's needs and make recommendations about what "service plan" or placement is appropriate, or best for that child and family.

While you are in a diagnostic center you will see a social worker, a psychologist and probably a psychiatrist.

They will evaluate your mental health and things like your school work and how you get along with others, to decide whether you need to be in placement and, if so, what type of placement you need. Your stay at the diagnostic center is supposed to last no longer than 90 days. At the end of the 90 days you should be discharged home or to the placement they recommend. The types of placements they can recommend are: a foster home (you live with a family and they are responsible for your day-to-day needs), a group home (you live with a group of young people in a house or apartment owned by a foster care agency; staff work in the group home to take care of you; and you go outside of the group home for school, appointments and other activities), a residential treatment center ("RTC") or a residential treatment facility ("RTF") (you live with a group of young people usually in a house or cottage on a campus, you go to school and most of your appointments on campus).

The diagnostic center is like a group home, but usually more restricted. While most diagnostic centers have their own schools, others let you go to a community school. The center should provide you with recreation and allowance.

DISCHARGE:
Permanency Plan
(18 NYCRR 430.12)

When you are in foster care, your foster care agency has to work with you to plan for your future. This means that the agency has to plan for how and when you leave foster care. When you leave the system you may:

- return to your family;
- be adopted;
- go to live with a relative or friend;
- live on your own (referred to as “independent living”); or
- go to an adult residence, group home, or facility.

You should know what your plan is. If you don't, ask your caseworker or social worker. The rights you have depend on your plan. For example, if the plan is for you to return to your parents, then you have the right to visit with them at least every other week. If the plan is independent living, you have the right to get help in finding an apartment. You may be able to apply for the Section 8 Voucher Program, New York City Housing, or get a rent subsidy of up to \$300 a month to help pay for your apartment until you turn 21. (See page 28 for more information about independent living and pages 42 and 46 for more information on assistance with housing.)

If you are 10 years or older, you have the right to attend and participate in your case conference/service plan review. This meeting is a chance for you to discuss your discharge plan and your concerns with the people who are responsible for helping you plan for your future. (See p. 8 for more information about case conferences.)

DISCHARGE GRANTS

When you are leaving the foster care system you may be eligible to receive a discharge grant of up to \$750.

This is money from ACS that is meant to help with the transition from foster care to community living. It may only be used to cover the costs of things like broker's fees and rent, food, furniture, clothing and other necessary household items, such as cooking utensils.

To be eligible for the discharge grant you must: 1) have been in foster care continuously for at least six months; 2) have a goal of independent living or return to your family; 3) have a discharge plan that is either approved by your ACS case manager or ordered by the court; and 4) not have received a discharge grant within two years of the current discharge.

In order to receive the discharge grant, your caseworker needs to submit a completed Discharge Grant Application Form to ACS. Once you have been approved for a grant by ACS, your agency caseworker will explain the procedure for spending the money. Agencies have a lot of discretion in deciding how to give you the money but you should not expect to receive \$750 in cash. You should speak to your caseworker about your agency's policy. You may be required to go shopping with your caseworker or you may have to go shopping at a certain store. You will definitely be required to bring your receipts to your caseworker. This is because your agency has to give the receipts to ACS.

If you are not approved for a discharge grant and you think you should have been, speak with your caseworker and find out the reason. If you don't understand the reason or think that the decision is wrong, call your lawyer to see if there is anything further you can do.

EMANCIPATION

A young person who is “emancipated” enjoys most of the rights and privileges of an adult. His/her parent or guardian can no longer make decisions for him/her, and the young person is entitled to some, but not all, adult rights and privileges. It is almost impossible to be formally emancipated if you are in foster care. In New York State there is no court proceeding to become emancipated. Generally, a minor in New York who is living on her/his own as if s/he is emancipated, is considered to be emancipated.

Usually the minor has to show that s/he:

- has set up a separate household and is financially responsible for her/himself; or
- is married; or
- is in the armed services.

Emancipated minors have the right to public assistance if they:

- are over 16 years; and
- have completed all compulsory education; and
- are not in foster care or in need of foster care.

If you are eligible for public assistance, you need to bring to the public assistance office a letter stating that you are an emancipated minor. This letter can be written by your lawyer, agency caseworker, or social worker.

Emancipated minors may:

- have their own legal residence (although landlords are not legally required to rent to them);
- attend school in the district of their residence;
- get medical care without parental consent.

Emancipated minors do not automatically assume all the rights of an adult. Even if you're emancipated you do not have the right to:

- sign a lease;

- marry - (parental consent is required);
- get an employment certificate - (parental consent required);
- work at all occupations - (child labor laws apply); or
- vote - (you must be 18 years old).

FAMILY PLANNING & SEXUAL HEALTH

Every young person in New York has the right to receive confidential family planning counseling and services. This means that if you are pregnant, thinking about getting an abortion, need birth control, have a sexually transmitted disease or have other questions about your sexual health, there are places that you can go to get help. You do not need the permission of your caseworker, parent, foster parent or any other adult to get any of these services. No one will be told that you have received these services unless you want to tell them yourself.

If you are comfortable telling your caseworker that you would like to speak to someone about any of these issues, and/or that you want any of these services, your caseworker should be able to provide you with referrals to places in your community that can help you. If you do not want to discuss this with your caseworker, you can find a place to go yourself by calling:

Planned Parenthood of New York City
212-965-7000 - any location
44 Court Street, Brooklyn
26 Bleeker Street, Manhattan
349 East 149th Street, Bronx

Mount Sinai Adolescent Health Center
212-423-3000
312 East 94th Street, Manhattan

The Door - Adolescent Health Center
212-941-9090 ext. 3222
555 Broome Street, Manhattan

FOSTER HOMES
(18 NYCRR 443 & 444)

New York State has regulations about who can become a foster parent, what the conditions of the foster home must be, and how children in the home must be treated. ACS or the agency has to make sure that the foster home meets all of these requirements in order for the home to be licensed. The agency must decide once a year whether or not to renew the license.

Foster parents have to be at least 21 years old. There is no restriction on how old they can be, but they must be in good physical and mental health. Foster parents can work if they make other plans for someone to take care of the children in the home when they are not there. Foster parents can be married or single. Foster parents are not allowed to rent rooms to other people or to run any business in the home that might be bad for the children living there.

When a person applies to become a foster parent, the person's background will be checked. The agency must check to see if there have been any reports of child abuse or neglect made against her or him and whether the person has been convicted of any crimes. If the person has been convicted of certain crimes, he/she will not be allowed to become a foster parent. If the person is a relative, s/he may be allowed to become a foster parent with special approval.

The foster home should be clean and in good condition. Each child should have a separate bed or crib. No more than three people can sleep in a bedroom where foster children sleep. There must be separate bedrooms for children of the opposite sex who are over seven years old. No child above the age of three years may sleep in the same room with an adult of the opposite sex. Bedrooms are supposed to have enough space so children have a place to put personal possessions.

Foster parents also must:

- not use corporal punishment (hitting, beating, or other physical punishment) or

deprive you of meals, snacks, mail, or visits with your family;

- treat you like a member of the household. They must be kind and understanding towards you;
- make sure you go to school;
- give you good quality food that is properly prepared. There has to be enough food in the house for everyone. You are supposed to eat your meals with the family;
- give you things like towels, wash cloths, and a toothbrush;
- provide appropriate clothing;
- make sure that you get to your visits with your parents and your brothers and sisters if they don't live with you.

IMMIGRATION & “GREEN CARDS”

If you are in foster care and not a permanent legal resident of the United States (you do not have your “green card”), ACS and your agency should help you become a permanent legal resident. It is important to become a permanent legal resident so you can work, apply for financial aid for college, and get Section 8 housing. Once you apply to become a permanent legal resident you can get permission to work even before the process is completed.

There is a “special immigrant juvenile status” which helps children and youth in foster care become permanent legal residents. To do this you must meet three requirements:

1. You must be a dependent of a family court or social services agency;
2. You must be eligible for long term foster care; and
3. A family court judge must find that it is not in your "best interest" to return to your country of origin.

Even if you are over 18 years old, you can still qualify for this special status, but the application must be filed before you turn 21. If you are not a permanent legal resident or if you were not born in the United States and you are not sure of your status, call your caseworker or social worker and ask if your agency or ACS knows what your status is and whether or not they are working to get you legal residency. Even if your agency or ACS tells you that they are already working on this, you should contact your lawyer to discuss your situation. ACS should pay the fees for your application. If you need help, call your lawyer or the Door at (212) 941-9090 and ask for “legal services.”

INDEPENDENT LIVING
(18 NYCRR 430.12(f))

In New York, you can stay in foster care up to your 21st birthday. If you are going to live on your own (not go back to your parents or live with other family), the agency should be preparing you for "independent living." This means that, while you are still in foster care, the agency must:

- Provide you with access to college, vocational training (programs which teaches a marketable skill or trade) or formal on-the-job training. If you go to college, the agency doesn't have to provide you with vocational training.
- Teach you independent living skills. These are things like how to look for a job, choose a career, find an apartment, budget your money, shop, cook, and clean house.
- Provide you with a monthly stipend as long as you actively participate in an independent living program. The amounts of the stipend are set by state regulation, and depend on how old you are.

<u>Age</u>	<u>Monthly Stipend</u>
16	\$20
17	\$25
18	\$30
19	\$35
20	\$40

Before you are discharged, the agency must:

- Identify people, services or agencies to help you after discharge. The agency has to help you try to re-establish contacts with parents, former foster parents, or others who are important to you.
- Notify you in writing that you are going to be discharged, at least 90 days before you are actually discharged. This doesn't apply if you voluntarily leave foster care placement without ACS's consent (you go AWOL) and you don't come back for 60 straight days.
- Assist with housing. The agency cannot discharge you unless you have a place to live that

is not a shelter or “S.R.O.” (single room occupancy) hotel and there is a “reasonable expectation” that you can stay there for 12 months after discharge. (This does not apply if you go into the military or are AWOL for 60 days in a row.)

After you are discharged:

- The agency must keep you on “trial discharge” status for at least 6 months, and maybe even until you turn 21.
- The agency is supposed to give you “after care services.” This means that a caseworker must keep in touch with you, see you face-to-face, and visit your home to make sure you are okay.
- The agency has to help you find housing if you become homeless or don't have a stable place to live. If you can't find housing within 30 days, ACS has to offer you a foster home, group home, or residential placement. The agency is not allowed to place you in or refer you to a shelter or SRO hotel.
- ACS must supervise you until you turn 21, even after trial discharge is over. This means contacting you every month, or if you have your own housing and income for six months straight, contacting you once every 3 months.

Other benefits that you may be entitled to are:

- A discharge grant of up to \$750 to help you pay for apartment rental expenses, such as brokers' fees and rent, as well as for household items, like furniture. (See page 21 for more information.)
- A housing subsidy of up to \$300 per month. (See page 42 for more information.)
- An apartment in public housing. (See page 46 for more information.)
- A Section 8 Housing Voucher. (See page 46 for more information.)

LAWYERS/LAW GUARDIANS

Almost every young person in the New York City foster care system has a lawyer or can get one. Your lawyer (also called a law guardian) is assigned by the family court to work for you. That means s/he must listen to you and advocate for what you want both in court and out of court. Lawyers must keep all communications with you confidential. This means that they will not share any information with an agency caseworker, social worker, your foster parent, biological parent, etc., unless they have your permission.

Your lawyer is supposed to protect your rights to:

- an appropriate placement (foster home, group home, campus);
- services while you are in foster care;
- visits with your family; and
- an appropriate discharge plan.

Your lawyer can also advocate for you when you need help dealing with your agency about things like getting clothes or allowance, moving from one place to another, and planning for your discharge from foster care.

Young people in placement because of abuse or neglect, a PINS case, or a delinquency case have the right to an attorney. These lawyers usually work for the Legal Aid Society's Juvenile Rights Division. Young people in foster care on "voluntary placement" (their parents or guardians signed them into the system) do not have the right to an attorney, but they will get a lawyer if a judge assigns one. In New York City, almost all young people in voluntary placement get lawyers from Lawyers for Children. They are assigned by the Manhattan Family Court. Both Legal Aid and Lawyers for Children have social workers and paralegals who work together with the lawyers in representing young people and making sure that they receive appropriate services. You can talk with them as well if you have questions or problems you would

like to discuss.

If you don't know whether you have a lawyer, ask your caseworker, agency social worker or foster parent if s/he knows and if s/he has your lawyer's name and number. To find your lawyer on your own, you need to make a few phone calls. Call Legal Aid in the borough where you lived before you came into foster care, or where you went to Family Court. The phone numbers are:

Bronx (718) 579-7900

Queens (718) 298-8900

Brooklyn (718) 237-3100

Manhattan (212) 312-2260

Staten Island (718) 981-0219

Administration (212) 420-6200

Tell the person who answers that you would like to know who your lawyer is and ask to be transferred to that person's telephone line. You might have to leave a message and call back. Make sure to leave your name (spell your last name slowly and clearly), your date of birth, and a message saying you need to speak with your lawyer.

If you were "voluntarily placed" into foster care or if you have no luck calling Legal Aid, call Lawyers for Children at (212) 966-6420 or (800) 244-2540. Again, you might have to leave a message or hold on while someone checks. Don't hang up if you get put on hold! You can also try logging on to Lawyers for Children's website at www.lawyersforchildren.org.

If you call one of these places and you are told that your lawyer no longer works there, ask to speak to the social worker who worked on your case. If that person is no longer there, ask to speak with a supervisor.

Unfortunately, lawyers and the social workers in their offices have lots of cases so they may not always know if something important is going on in your life. If you have a problem or just want to speak to

your lawyer - call him or her and make sure to leave a phone number where you can be reached! If your lawyer doesn't call you right back, wait a day or two and then call again. If you still get no response, call the number for the office where your lawyer works and ask to speak to a supervisor. If you still have no luck, call a lawyer at one of the organizations listed below, they are also available to help you with problems you may be having in foster care.

The Door - Legal Services Center (212) 941-9090

Urban Justice Center - Foster Care Independence Project (646) 602-5634

MEDICATION

You have the right to refuse medication, except 1) in emergencies; 2) if you are a danger to yourself or others; or 3) if you were involuntarily hospitalized (committed). If you are in a foster home, group home, or on a campus (RTC or RTF) the agency cannot force you to take medication. But, even if the agency staff can't make you take drugs, they can try to encourage you to cooperate, by saying you are “out of program,” putting you on restriction, dropping your level, or in serious cases, transferring you out of the agency.

Some young people don't mind taking medication because it helps them calm down, pulls them out of serious depression, or keeps them from hearing voices or seeing things that aren't there. If you are worried about taking medication, talk to your foster parent, caseworker, social worker, therapist, and/or psychiatrist (the psychiatrist is a doctor who should know how you respond to the treatment s/he prescribes.)

- ✓ Find out the name of the drug.
- ✓ Ask what it's for and what it is supposed to do.
- ✓ Ask about possible side effects. People react differently to different medications. Some common side effects are extreme sleepiness, nausea, a feeling of nervousness or anxiety, bad nightmares, or a funny feeling on your skin. Sometimes, side effects can be controlled with alternative treatment or with lower doses. Keep track of how your body responds to the medication, and write it down so you can talk to your caseworker or social worker with a detailed description of your concerns. If you are 10 years or older, you have the right to attend and participate in your treatment plan review. This is a chance for you to discuss your concerns with the people who are responsible for your treatment plan. Finally, if you still aren't happy, contact your lawyer. S/he may be able to help you arrange for a second opinion.

PRIVACY RIGHTS
(18 NYCRR 441.18)

Mail: Any child can send or receive mail without someone else reading it. You may be required to open mail in the presence of a foster parent or staff person if there is reason to believe that the mail contains drugs and/or weapons, or if your treatment plan requires that you open mail from particular person in the presence of a foster parent or staff member.

Telephone: A child in care has the right to receive any calls made to him/her during reasonable hours as determined by the foster parent or staff. You also have the right to refuse any calls. Foster parents or staff are not allowed to listen in on your phone conversations.

Searches: You have the right to privacy in your foster home, group home, RTC or RTF. The agency can only search you or your room if they have “reasonable cause.” That means they have to suspect that you have:

- something that doesn't belong to you;
- weapons (a gun or knife, and things like kung fu equipment, baseball bats);
- other things they consider dangerous to you, other kids, staff or the building; or
- drugs.

They can only search you if they think you have any of the above items. Strip searches are never allowed.

PUNISHMENT
(18 NYCRR 441.9)

New York State says the following kinds of punishments are illegal in foster homes, group homes, or on RTC campuses:

- depriving you of meals, snacks, or visits with family;
- room isolation;
- solitary confinement;
- allowing other residents to punish you; and
- corporal punishment (hitting, beating, slapping, punching or other physical punishment).

Also, the agency cannot:

- put you on unlimited restriction;
- punish the whole group home for what one person did;
- withhold allowance, unless they tell you how you can “earn it back.” If you don't earn it back, they have to give you the money when you are discharged.
- withhold your clothing allowance; or
- withhold your independent living stipend if you are participating in the independent living program.

If you think that you are being punished unfairly:

- Ask to see the agency policy manual (every agency has one) and read the section on discipline or punishment. It should say something about the agency's “systematic approach” to discipline. That is the agency’s “consistent and objective standards to prevent arbitrary punishment.” It should also say who makes the decisions about punishment.
- Request a meeting at the agency. Figure out who you want there: group home staff? your

caseworker or social worker? supervisors? the director of the agency? family or friends to back you up? Ask your caseworker or social worker how to arrange the meeting. If s/he doesn't help, call the director yourself. Politely explain that you would like the opportunity to meet to discuss punishment that you believe is unfair and possibly illegal. Prepare for the meeting by writing down what you want to say about why the punishment isn't fair. At the meeting, explain why the punishment is unfair and does not meet the State standards. The standards say that punishment is not supposed to be "arbitrary" and is supposed to be a "means for teaching and training children which stresses praise and encouragement for exhibiting self control and desired behavior."

- Call the Children's Rights Unit at ACS (212) 676-9421.
- Call your lawyer.

If you are hit, beaten, or slapped, you should:

- Call your lawyer immediately and tell him/her what happened. You should also talk to your lawyer about what to do next.
- Report what happened to one or more of these places: your family, the agency (a caseworker, social worker, supervisor, or director that you trust), the Children's Rights Unit at ACS (212)676-9421.
- You can also call the Child Abuse Hotline at 1-800-342-3720. Someone who works for the State of New York will take down the information you give them. Then a caseworker or investigator will come to your house, group home, or campus and talk to you and your foster parent(s) or staff about what happened. The worker will decide what to do about it.

RECORDS

You do not have the right to see the records kept while you are in foster care even if you are over 21. But if there is specific information you want or need, you probably can get it. You may need the help of a lawyer to interpret your records.

Agency Records: You can't read agency records unless you are authorized by OCFS or a judge. But there are ways you may be able to see some parts of the record or learn what is contained in the file. Is there a specific thing you want to see, like an evaluation or report? Or are you just interested in seeing what this worker is writing about you? If you can narrow down what you're asking for, you probably have a better chance getting the information. Then ask your social worker or caseworker, or put your request in writing.

A good time to ask to see your records is at your case conference when decisions are made and recorded. (See page 8 for more information). Your lawyer may have part or all of your record. If s/he doesn't, s/he can probably get it without too much trouble. Ask her/him to show you what you're interested in. If s/he doesn't feel comfortable with that, ask her/him to tell you what you want to know.

Family Court Records: You and your parents cannot read Family Court records either, although if you have a lawyer, s/he will almost always get to see those. Again, talk to your lawyer about what you'd like to know.

Medical History: You do have a right to know your medical history if you are going to be discharged to yourself (independent living). You might be able to read parts of your "clinical records" (kept for medical, psychological, psychiatric, substance abuse problems). The person treating you (doctor, therapist, counselor) gets to decide what you can see and if your seeing it will have a negative effect on your medical care.

Adoption Records: Adoption records are the hardest to see. They are "sealed" and you have to prove there is a good reason to see them, probably to a judge. What is a good reason? The New York Court of Appeals, the highest state court in New York, said you may see adoption records if you are experiencing “psychological trauma, medical need, or a religious identity crisis.” However, even then, you may not have access to everything contained in the adoption records.

ACS HOUSING SUBSIDY
(Social Services Law 409-a(5)(C); 18 NYCRR 423.2)

The ACS housing subsidy is money (up to \$300 a month) that can be used to pay a part of your rent. To get this subsidy, you must be on trial discharge to independent living and between the ages of 18 and 21. Once you turn 21, you can no longer receive this subsidy. (This is different than the Section 8 Voucher Program and NYC public housing program which can continue beyond your 21st birthday.) You must also have a steady source of income to receive the subsidy, even if you are in school.

In order to use the subsidy, you have to find an apartment or room to rent. The landlord (the person who rents the apartment/room to you) has to agree that ACS will pay part of the rent. Under the law you can sign a lease (contract that gives you the right to live in the apartment as long as you pay rent and follow certain rules) once you are 18, but a lot of landlords will not rent to young people. Also, many landlords require that you pay a “security deposit” and the first month's rent before you move in. The rent subsidy may provide you with this money, but the application process usually takes a long time, and you may risk losing an apartment if you do not have the money when you find your apartment.

The best thing to do is apply, and try to get approval, for the subsidy before you actually find an apartment. To apply for the subsidy, you should work with your caseworker and/or a housing specialist at your agency to complete the application. If your caseworker has questions or needs an application package, tell him/her to call his/her housing liaison or ACS' Office of Housing Policy and Development at 212-341-8979. Once the application is complete, your caseworker will send it to your ACS worker who then forwards it to the ACS Office of Housing Policy and Development.

If you have applied for a housing subsidy and your agency or ACS has told you that you do not qualify, or you have not heard anything for 30 days, you have the right to request a Fair Hearing. This means that ACS' decision will be reviewed by the State to determine whether it was correct or not. You can request a hearing by calling 800-342-3334 or 212-417-6550. You will be asked for the following

information: your name, date of birth, address, the name of the foster care agency, your worker's name, your ACS case number and the reason you are requesting the hearing. However, this process can take several months before you receive a decision. Before beginning this process, call your lawyer.

You may be eligible to apply for an apartment in public housing and for assistance from the Section 8 voucher program. These programs have benefits over ACS's housing subsidy. For example, you can continue to receive assistance past your 21st birthday. (See page 46 for more information.) Make sure that you discuss these options with your caseworker and the agency's housing specialist.

RESTRAINT
(18 NYCRR 441.17)

Staff and foster parents are not supposed to use physical force, unless they have tried every way to control the situation and they feel that you are hurting yourself, hurting someone else, or destroying property. Staff and foster parents are not allowed to hit you, beat you or slap you. They can't put you in solitary confinement, which means that they cannot lock you in a room as a form of punishment.

By law, if you are going to hurt yourself,
somebody else or property, then the staff and foster parents are allowed to:

- hold you with their hands or bodies (physical restraint);
- use handcuffs or foot cuffs, but only if you are being taken into a van or a car and you are “a clear danger to public safety or yourself;”
- use drugs or medication to control you. This is only allowed if a doctor who knows you and your medical history gives an order that medication should be used. This is very serious, and the staff or foster parent must try other ways to restrain you before doing this;
- use room isolation, but only if it is clear that you are going to hurt yourself, someone else, or property. Putting you in an isolation room cannot be used as a way for staff or foster parents to get a break from you.

If you are restrained and are injured, a doctor or nurse must examine you immediately. They must write a report that goes into your medical record.

If you believe that staff or foster parents are not following these rules then you can:

- ✓ Ask to see your agency's written policy about restraint (every agency must have one in its policy manual).
- ✓ Ask the Children's Rights Unit at ACS (212) 676-9421 to start an investigation.

- ✓ Call the child abuse hotline at 1-800-342-3720. The State Office of Children and Family Services is responsible for investigating reports of abuse or maltreatment to children living in group homes and RTCs. ACS' Office of Confidential Investigations is responsible for investigating reports of abuse or maltreatment in foster homes.
- ✓ Call your lawyer.

SECTION 8 VOUCHERS & PUBLIC HOUSING

You may be eligible for a Section 8 voucher or a special priority application for an apartment in New York City public housing. Section 8 is a federal program that provides assistance with rent. People who are accepted for public housing or for Section 8 pay only 30% of their income for their rent. Public housing apartments are in the projects. With Section 8, people rent an apartment from a landlord who agrees to accept the voucher. They pay the landlord 30% of their income, and the Section 8 program pays the rest of the rent.

There are two different applications for these programs, but the requirements are the same. To be eligible, you must be:

- At least 18 years old;
- Have a goal of independent living;
- Scheduled for a trial discharge from foster care in the next 6 to 8 months; OR, Have been discharged from foster care within the last 2 years, with a goal of independent living, and have not yet turned 24; and
- Able to prove that you will have a source of income upon your discharge. (However, you cannot make more than \$19,650 a year as a single individual and be eligible for Section 8. You can make more than that and be eligible for public housing.)

Each foster care agency has a person called a housing specialist or liaison who is responsible for helping young people fill out the applications. You should fill out both applications if you are eligible. If you do not have a “source of income” when you complete the application, your caseworker should give you a letter stating that you are receiving training and assistance with employment and will have a source of income by the time you receive the voucher. (If you do not have a job, public assistance is considered a source of income.) If you are under 21, your caseworker should also help you apply for an ACS Housing Subsidy Special Grant. This is a special grant of up to \$1,800 that can be used to pay for the security

deposit, broker's fee, and first month's rent. It can also be used for moving costs and furniture. (You cannot receive both the ongoing monthly ACS housing subsidy and Section 8.)

When you complete your applications, your caseworker or housing liaison should send them to ACS' Office of Housing Policy and Development. From there, they are sent to the NYC Housing Authority. Your agency caseworker will receive a letter scheduling an appointment for you to go to the Housing Authority for an interview. Your agency caseworker must go with you to the interview. If all the documents are in order and there are no problems, you will receive the Section 8 voucher in 6 to 8 months. An apartment in public housing may become available before then. If it does, you do not have to accept that apartment. You can wait until your Section 8 voucher comes through or you are offered a different apartment in public housing.

Once you receive your Section 8 voucher, you have 60 days to find an apartment. Your caseworker should help you locate landlords who will accept Section 8 vouchers. If you have not been able to find an apartment in 60 days and can prove this, you may be able to get an extension. If that happens, you must talk to your caseworker about how to apply for an extension.

You can remain in public housing or in the Section 8 voucher program past your 21st birthday for as long as you are "income eligible."

STAFF
(18 NYCRR 441.19)

Staff and all employees, volunteers and consultants who work with young people at a group home or RTC or RTF campus cannot:

- use illegal drugs on the job, come to work or be at work while under the influence of illegal drugs;
- have drugs in their possession in the group home or on the grounds;
- use alcohol on the job, or work under the influence of alcohol.

Some employees (who live on campus or in the house) may be allowed to have alcohol in their possession, but they must make sure that residents don't have access to it. Under the law, supervisors at agencies must tell staff that drinking or taking drugs on the job, or giving drugs or alcohol to young people, is not allowed and is grounds for being fired.

The law also says staff must always use “appropriate custodial conduct.” This means they cannot:
1) use language or gestures that may cause emotional harm to residents; 2) act in a way that discriminates against any residents based on race, sex, religion, etc.; 3) have sex with residents; 4) have guns or other weapons on grounds; or 5) harm residents in any way.

If you think a staff person is drinking or getting high while on the job, or is otherwise acting in a way that has a negative effect on residents you should:

- ✓ Notify your caseworker or social worker and the director of your agency immediately in person, by phone, and in a letter.
- ✓ Call the Children’s Rights Unit at ACS (212) 676-9421.
- ✓ Call the New York State Central Registry (child abuse hotline) at 1-800-342-3720. Tell them that staff’s behavior is putting children at harm. Tell them that you want the State Central Registry to contact the “institutional abuse” office of the Office of Children and

Family Services to start an investigation. For help contacting any of these places, writing a letter, or filing a complaint, call your lawyer.

- ✓ Call your lawyer.

STOLEN PROPERTY
(18 NYCRR 427.16(a))

By law, the agency is supposed to replace missing or destroyed clothing. The law doesn't say anything about stolen property that is not clothing.

You should make a list of all of your possessions as soon as you get to a new placement and put it in a safe place. Give a copy of the list to staff if they will accept it. If you find out that property was stolen from you, you should immediately make a list of the things that were stolen. Then tell the staff, your social worker, and your caseworker what happened. Give copies of the list to them, but make sure you keep the original copy. Ask the staff to do a room check to see if they can find any of your missing belongings. Tell the caseworker or social worker what you want done about the stolen stuff (replace it, pay you back, etc.?). If nothing happens then ask to speak with the director. Tell the director at your agency that you would like to file a police report.

In order to file a police report you must go down to the police station. Make sure you tell the police everything that was stolen from you. Sometimes they will give you a complaint number right then and there; other times they will make you call back within two days to get a complaint number. If you recover any of your missing belongings, call the police and let them know what you found. If you recovered everything, let them know and they will withdraw the complaint. If you discover more of your stuff missing, contact the police and let them know. They should add this stuff to your other missing items. Send a copy of this police report to the agency, and send a copy to the director. This way they know that you are serious.

You might be able to get the director of the agency to approve reimbursement (getting money from the agency to replace your things). Ask the group home or foster boarding home director or someone else at the agency with whom you have a good relationship to speak with the agency director. Or get the number yourself and call the agency director.

If clothes were stolen from you and the agency will not replace them or reimburse you, then call up

the Children's Rights Unit at ACS (212) 676-9421. Speak with someone there and they might conduct an investigation. Make sure that you call your lawyer and tell him/her what happened. Be persistent. Do not give up!!!

THERAPY

Many people in foster care (and many not in foster care!) go to therapy. Therapy does not mean that there is something wrong with you or that you are crazy. Therapy allows you to talk about your concerns or problems with someone who is trained to help you understand them and give you some insight. No one can force you to go to therapy, but a lot of agencies say you have to go or you will not be following the program. If you don't go they might put you on restriction or even try to transfer you out of the agency. If you feel the agency is making you go to therapy and you don't want to go, ask yourself why. Do you not want to be in therapy or do you just not like this therapist? Are you afraid the therapist will tell other people at the agency or your parents what you say? These are all common feelings and a good therapist should understand them.

Some agency psychologists and social workers believe you have the right to change therapists if you are not comfortable or satisfied with yours. You should speak to your caseworker or social worker or program director, explaining why you want to change. You can also get counseling outside of your agency but you may need to involve your agency if you do not have your own Medicaid card. Two places to call are The Door at (212) 941-9090 and the Adolescent Health Center at Mt. Sinai Hospital (212) 423-2981. Another place to discuss your concerns is at the treatment plan review at your agency. Call your lawyer if you want help talking to people at your agency or preparing for a meeting with them. Write down what you want to say about therapy beforehand and bring it with you.

TRANSFERRING TO ANOTHER PLACEMENT

If you want to be transferred to another group home or foster home within your agency let your caseworker or social worker know that you are not happy and want to go elsewhere. Make sure you let them know specifically what's bothering you so that they're able to understand why you want to be transferred. As long as you come to them with a logical reason why you wish to be transferred, it shouldn't be a problem. You might want to ask them every day or so about the status of your transfer-- caseworkers can get very busy and you want them to keep in mind that this is important to you. If you feel that your caseworker or social worker is not doing what needs to be done, there's always someone you can turn to above them who will help you get things done the right way -- a supervisor or director. You should also let your lawyer know.

It is harder to transfer to another agency than it is to transfer to another group home or foster home with the same agency. If you want to get transferred to another agency you should first have an idea of what agency you want to go to and why you want the transfer. If you don't, then ACS is likely to decide without knowing what you have to say. Ask your caseworker or social worker for information on agencies and group homes. The procedure for transferring agencies can be complicated. First, your agency has to get a package together to send to ACS. The materials in this package include a psychological update, school update, and a medical update. If they do not have these, then your agency has to get them for you. Then they send it off to the Office of Case Management at ACS, where they will review your package. The Office of Case Management then refers the package to the Placement Office of ACS.

If you already know the place where you want to go, there are steps you can take to make it more likely that ACS will send you there. Call up different agencies and see what kind of programs they offer. If some of these agencies have programs that meet your needs, then try to get your caseworker or social worker to set up an interview with them for you. If the caseworker or social worker won't do that, then call up the agency and ask to speak with someone in charge of the intake team at the new agency. Let them

know that you are interested in coming to their agency. Once someone at the agency gets to know you, s/he might set up an interview.

Let your agency and lawyer know about the interview. If you get accepted to the agency, let your caseworker or social worker know and tell him/her that you want to be transferred as soon as possible. Nine times out of ten they are going to tell you that it's going to take a while because ACS has to approve your placement. But ask the caseworker or social worker to send or fax a form (it's called an 853-C form) asking for an immediate transfer.

If they start giving you problems about sending an 853-C form to ACS, then call up your caseworker or lawyer and tell them that you want to transfer agencies. Ask your caseworker at ACS to call your caseworker or social worker and director at the agency. Make sure that the ACS worker knows that you want to move as soon as possible. Be persistent. If s/he tells you "I'm working on it," but nothing seems to be happening, try to get a specific answer about what s/he's done and when you can expect to hear something. It's O.K. to call your caseworker or social worker every few days. Make sure s/he understands why it's important to you to move as quickly as possible.

VISITATION

Home Visits & Weekend Passes: Agencies should give you weekend passes to visit friends or family, unless they decide it is not in your "best interest" to go there. This may be because they think you will be physically or emotionally harmed by going to this person's house. Each agency should have a policy regarding visiting and weekend passes. You can ask your caseworker or social worker or group home supervisor to see the agency's policy manual. Usually, the social worker or caseworker must check out the home you want to visit to make sure it is safe for you to go there. If it is, then there should be no problem with you getting a weekend pass to go there to visit family or friends.

Who you visit on the weekend depends, in part, on your permanency plan or goal. For example, if your plan is discharge to your parents or other relatives, then you probably can go on home visits to them on the weekends. If your plan is discharge to independent living, then you may visit with other relatives or friends.

If you want to visit someone and your agency refuses to give you permission, you should find out why. It may be that the agency just wants to know who this person is, if s/he is responsible, and where you will be going. If you've been refused a visit, ask the person you want to visit to call your caseworker or social worker to set up an appointment to meet. If the agency says you still can't go, you need to find out exactly what the problem is. Tell your caseworker or social worker you would like a meeting to discuss this. You can ask for other people to be there, like the supervisor, your ACS caseworker, or the person you want to visit.

If, after the meeting, the agency still refuses to let you visit, for what you believe are unfair reasons, call your lawyer. S/he can talk to the agency or bring your case to family court and ask the judge to allow you to go on visits. Also, the person you want to visit can come to court and tell the judge that you are welcome to visit. If the judge believes that it would be in your "best interest," then s/he can order the agency to allow you to have visits or weekend passes to that person.

Sibling Visits (18 NYCRR 431.10): If you have brothers and sisters who are not living in the same place as you, your agency has to make arrangements for you to see each other at least every other week unless 1) it would be harmful to you or your sibling(s), or 2) you live very far from each other. In addition, the agency should make sure that you have contact with each other, either by phone or mail, in between visits. If you have a sibling who has been adopted, your agency should work with the child's adoptive parent(s) to try to arrange visits with your sibling. However, your agency cannot compel your sibling's adoptive parents to allow visits if they refuse.

YOUNG PARENTS

If you are pregnant or a parent in foster care, you have certain rights. When you are pregnant you have the right to a placement where you can get all of your maternity needs met (pre-natal medical care, education, counseling, etc.). That placement could be a foster home or a maternity residence, which is a group home for pregnant young women.

You have the right to continue your education while you are pregnant in a school setting that is right for you. That may be your old school or one closer to your placement. You should not be put in a special education class just because you are pregnant. If you go to school at a maternity residence, you have the right to books and materials that are at your grade level, and to have a teacher or tutor who can teach you at that level.

You have the right to know what the plan is for you after you give birth. You should ask your ACS caseworker and your social worker where you will be going. You should be able to visit placements that you may go to after you give birth (mother-child group homes or mother-child foster homes). You and your baby have the right to be placed together in a foster home or group home. The decision about what placement you go to should be made by the social workers, caseworkers, and case managers at case conferences. You have the right to attend your case conferences and you should!! If you want help preparing to go to a case conference or you want someone to go with you, call your lawyer or The Door at (212) 941-9090 and ask for “legal services.”

You may be asked to sign your baby into foster care “voluntarily.” A voluntary placement agreement is a legal contract which says that you are signing custody of your child over to ACS. You do not have to sign custody of your child over to ACS for your child to be placed with you. You should not sign a voluntary without talking to a lawyer first. If you have already signed one, you should ask your caseworker or social worker and lawyer why it was necessary. You may be able to take it back.

As a pregnant or parenting teen in foster care you also have the rights that you would have in any

placement in foster care. You should get an allowance, medical care, food, counseling or therapy (if you need or want it) visits with your family, etc. If your child is placed with you, ACS should provide financial assistance for your child to the foster parent or the facility. Your child does not have to be “voluntarily placed” to receive this assistance. Finally, you have the right to counseling, education, parenting skills, day care, medical care, and other services to help you live on your own or back with your family.

USEFUL PHONE NUMBERS

The Legal Aid Society

Manhattan: (212) 312-2260
Bronx: (718) 579-7900
Brooklyn: (718) 237-3100
Queens: (718) 298-8900
Staten Island: (718) 981-0219
Administration: (212) 420-6200

Lawyers for Children

(212) 966-6420

The Door - Legal Services Center

(212) 941-9090

Urban Justice Center/Foster Care Independence Project

(646) 602-5600
(646) 602-5634

Child Planning & Advocacy Now (C-Plan)

(212) 669-4955

ACS Children's Rights Unit

(212) 676-9421