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Director

**County of Los Angeles**  
**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

425 Shatto Place, Los Angeles, California 90020  
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September 20, 2007

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Dear FFA and/or GH Service Providers and Prospective Contractors:

**ADDENDUM NUMBER ONE TO REQUEST FOR STATEMENT OF QUALIFICATIONS  
(RFSQ) #CMS 07-021/023 FOR FOSTER FAMILY AGENCY/GROUP HOME FOSTER CARE  
SERVICES**

Addendum Number One is issued by the County of Los Angeles Department of Children and Family Services (DCFS) to all holders of the Foster Family Agency/Group Home Foster Care Services RFSQ #CMS 07-021/023 released on August 31, 2007. Addendum Number One amends sections of the RFSQ as provided below.

A prospective contractor's failure to incorporate the requirements of this Addendum Number One may result in the statement of qualifications not being considered, as determined at the sole discretion of the County.

The following changes/additions are being made to the RFSQ:

- I. RFSQ, Section 2.0, General Information, Sub-sections 2.0 Scope of Work, 2.1 Overview of Solicitation Document, and 2.3 Terms and Definitions are renumbered as follows:

**~~2.0~~    2.1    Scope of Work**

DCFS and Probation are seeking qualified agencies to provide FFA and/or GH Foster Care Services for the target population categories as described in the Section 1.0 Introduction, Sub-section 1.3, Target Populations.

Prospective Contractors may submit a Statement of Qualifications (SOQ) for one or more programs. Prospective Contractors must indicate on the Contractor's organization Questionnaire/Affidavit (reference Section 3.0 Instructions to Prospective Contractors, Sub-section 3.7 Preparation and Format of the SOQ, Sub-paragraph 3.7.3) which program (s) he/she is attempting to qualify.

*"To Enrich Lives Through Effective and Caring Service"*

**2.4**    **2.2**    **Overview of Solicitation Document**

This RFSQ is composed of the following parts:

- §    **SECTION 1.0 – INTRODUCTION:** Specifies the purpose, DCFS Mission Statement, target populations, and funding requirements of the FFA and GH Master Contracts.
- §    **SECTION 2.0 - GENERAL INFORMATION:** Specifies the prospective Contractor's minimum qualifications, provides information regarding some of the requirements of the Master Contracts and explains the solicitation process.
- §    **SECTION 3.0 - INSTRUCTIONS TO PROSPECTIVE CONTRACTORS:** Contains instructions to prospective Contractors on how to prepare and submit their Statement of Qualifications (SOQ).
- §    **SECTION 4.0 - STATEMENT OF QUALIFICATIONS (SOQ) REVIEW/SELECTION/QUALIFICATION PROCESS:** Explains how the SOQ will be reviewed, selected and qualified.
  
- §    **APPENDICES:**
  - ∅    **A - REQUIRED FORMS:** The forms contained in this section must be completed and included in the SOQ.
  - ∅    **B - REQUIRED DOCUMENTS:** The documents listed in this section must be included in the SOQ.
  - ∅    **C - TRANSMITTAL FORM TO REQUEST A SOLICITATION REQUIREMENTS REVIEW:** The transmittal form in this section is to be sent to DCFS if requesting a Solicitation Requirements Review.
  - ∅    **D - COUNTY OF LOS ANGELES POLICY OF DOING BUSINESS WITH SMALL BUSINESS:** County policy.
  - ∅    **E - LISTING OF CONTRACTORS DEBARRED IN LOS ANGELES COUNTY:** The Contractors listed here are not allowed to contract with the County for a specific length of time.
  - ∅    **F - SAMPLE FFA MASTER CONTRACT:** This is a sample of the FFA Master Contract for Foster Care to be utilized for this solicitation. The terms and conditions shown in the Master Contract are not negotiable.
  - ∅    **G - FFA EXHIBITS:** The exhibits listed here are referenced in the FFA Master Contract for Foster Care.
  - ∅    **H - SAMPLE GH MASTER CONTRACT:** This is a sample of the Master Contract for GH Foster Care Services to be utilized for this solicitation.

The terms and conditions shown in the Master Contract are not negotiable.

- Ø I - **GH EXHIBITS:** The exhibits listed here are referenced in the Master Contract for GH Foster Care Services.
- Ø J - **BACKGROUND AND RESOURCES: CALIFORNIA CHARITIES REGULATION:** An information sheet intended to assist Nonprofit agencies with compliance with SB 1262 – the Nonprofit Integrity Act of 2004, and to identify available resources.
- Ø K - **IRS NOTICE 1015:** This Sheet provides information on Federal Earned Income Credit.
- Ø L - **SAFELY SURRENDERED BABY LAW:** County program
- Ø M - **JURY SERVICE ORDINANCE:** County policy

## **2.2 2.3 Terms and Definitions**

Throughout this RFSQ, references are made to certain persons, groups, or departments/agencies. For convenience, a description of specific definitions can be found in *Appendix F, Sample FFA Master Contract and/or Appendix H, Sample GH Master Contract, Part I, Section 2.0, Definitions.*

- II. RFSQ, Section 3.0, Instructions to Prospective Contractors, Sub-section 3.3 RFSQ Timetable, is amended to read as follows:

### RFSQ Release and Initial SOQ Submission Review Period:

- |   |  |   |
|---|--|---|
| Ø | Release of RFSQ  | August 31, 2007   |
| Ø | Request for a Solicitation Requirements Review Due           | September 17, 2007                                      |
| Ø | Written Questions Due ( <i>optional</i> )                    | <del>September 18</del> <u>November 20</u> , 2007       |
| Ø | Prospective Contractor's Conference Date ( <i>optional</i> ) | <del>September 25</del> <u>November 27</u> , 2007,      |
| Ø | Questions and Answers Released                               | <del>October 12</del> <u>December 21</u> , 2007         |
| Ø | SOQ due by (Pacific Time)                                    | 6:00 PM, <del>October 26</del> <u>January 31</u> , 2008 |

- III. RFSQ, Section 3.0 Instructions to Prospective Contractors, Sub-section 3.5 Contractors' Questions, is amended to read as follows:

Prospective Contractors may submit written questions regarding this RFSQ by mail, fax or e-mail to the Contracts Analyst identified below. All questions must be received by **5:00 PM, ~~September 18~~ November 20, 2007**. All questions, without identifying the submitting firm, will be compiled with the appropriate answers and issued as an addendum to the RFSQ. The addendum will be posted on DCFS' Website at [www.lacdcfs.org/contracts/index.html](http://www.lacdcfs.org/contracts/index.html), and the County's Website at <http://camisvr.co.la.ca.us/lacobids/>

When submitting questions, please specify the RFSQ section number, paragraph number, and page number and quote the passage that prompted the question. This will ensure that the question can be quickly found in the RFSQ. County reserves the right to group similar questions when providing answers.

Questions may address concerns that the application of minimum requirements, evaluation criteria and/or business requirements would unfairly disadvantage prospective Contractors or, due to unclear instructions, may result in the County not receiving the best possible responses from prospective Contractor.

Questions should be addressed to:

Name: Felicia Carreker  
Address: Department of Children and Family Services  
Contracts Administration  
425 Shatto Place, Room 400  
Los Angeles, California 90020  
  
Fax #: (213) 380-4623  
e-mail address: [ffagh@dcfs.lacounty.gov](mailto:ffagh@dcfs.lacounty.gov)

- IV. RFSQ, Section 3.0 Instructions to Prospective Contractors, Sub-section 3.6 Prospective Contractor's Conference (optional) is amended to read as follows:

A Prospective Contractors Conference will be held to discuss the RFSQ. The conference is optional for prospective Contractors, however, attendance is highly recommended. It is also recommended that prospective Contractors bring a copy of the RFSQ to the conference for reference. County staff will respond to questions from prospective Contractors. The conference is scheduled as follows:

**Date: ~~September 25~~ November 27, 2007**

**Time: 9:00 AM until the last question or 12:00 PM  
whichever is sooner**

**Address: Arboretum of Los Angeles County  
Ayers Hall  
310 North Baldwin Avenue  
Arcadia, CA 91007**

- V. RFSQ, Section 3.0 Instructions to Prospective Contractors, Sub-paragraph 3.8.5 is amended to read as follows:

3.8.5 The deadline for submission of the SOQ is ~~October 26~~ January 31, 2008 at 6:00 PM, local time. It is the sole responsibility of the submitting prospective Contractor to ensure that its SOQ is received before the submission deadline. Submitting prospective Contractors shall bear all risks associated with delays in delivery by any person or entity, including the U.S. Mail. No facsimile (fax) or electronic mail (e-mail) copies will be accepted. SOQs received after the submission deadline will not be reviewed for the initial contract term effective for 2008.

VI. RFSQ, Appendix F, Sample FFA Master Contract, Table of Contents, List of Exhibits is amended to read as follows:

#### **LIST OF EXHIBITS**

Exhibit A	Statement of Work (DCFS)
Exhibit A-I	Foster Youth Bill of Rights
Exhibit A-II	<del>Intentionally Left Blank</del> <u>Legal Rights of Teens in Out of Home Care</u>
Exhibit A-III	Intentionally Left Blank
Exhibit A-IV	Foster Youth Rights
Exhibit A-IVa	Personal Rights – Children’s Residential Facilities (LIC. 613B)
Exhibit A-V	Foster Child’s Needs and Case Plan Summary
Exhibit A-Va	Needs and Services Plan/Quarterly Report Template
Exhibit A-VI	Clothing Standard
Exhibit A-VII	Agency Placement Agreement
Exhibit A-VIII	Special Incident Reporting Guide for Foster Family Agencies
Exhibit A-IX	Requirements for Medical/Dental Exams for Placed Children
Exhibit A-X	Administration of Psychotropic Medicines to DCFS Supervised Children
Exhibit A-XI	Emancipation Preparation Goal Contract
Exhibit A-XII	Foster Family Agency Monthly Report
Exhibit B	Foster Family Agency’s Program Statement
Exhibit C	Office of Management and Budget (OMB) Circular No. A-122
Exhibit C-I	Auditor-Controller Foster Family Agency Contract Accounting and Administration Handbook
Exhibit C-II	Auditor-Controller/Department of Children and Family Services Fiscal/Audit Phases, Fiscal/Audits of Foster Family Agency Foster Care Services Contractors
Exhibit D	Contractor Employee Acknowledgment and Confidentiality Agreement Form
Exhibit D-I	Contractor Non-Employee (Certified Foster Parent) Acknowledgment and Confidentiality Agreement
Exhibit E	Semi-Annual Revenue and Expenditure Report
Exhibit F	Health and Safety Code 1522
Exhibit G	DCFS 4389 (4/94) Declaration in Support of Access to Juvenile

	Record (WIC 827) Including Additional Confidentiality Issues and CWS Handbook Procedural Guide 0500-501.20
Exhibit H	Welfare and Institutions Code Section 16001.9
Exhibit I	Welfare and Institutions Code Section 16010 and CWS Handbook Procedural Guide 0600-510.15
Exhibit J	Statement of Dangerous Behaviors (DCFS)
Exhibit K	Intentionally Left Blank
Exhibit L	Notice to Employees Regarding Federal Earned Income Credit (FEIC)
Exhibit M	Payment Resolution Notification
Exhibit N	DCFS Foster Family Agency Contract Investigation/Monitoring/Audit Remedies and Procedures
Exhibit O	Jury Service Program Certification and Los Angeles County Code 2.203 (Jury Service Program)
Exhibit P	Contractor's Certification of Compliance with Child, Spousal and Family Support Orders
Exhibit P-I	Contractor's Certification of Compliance with all Federal and State Employment Reporting Requirements
Exhibit Q	Contractor's Equal Employment Opportunity (EEO) Certification
Exhibit R	FYI 02-08 Quality of Life
Exhibit S	Safely Surrendered Baby Law Fact Sheet
Exhibit T	Overpayments
Exhibit U	Charitable Contributions Certification
Exhibit V	County's Administration
Exhibit W	Service Delivery Sites
Exhibit X	Family Visitation Guidelines
Exhibit Y	Contractor's Obligation Under the Health Insurance Portability and Accountability Act (HIPAA)
Exhibit Z	Discharge Summary for DCFS: Foster Family Agency
Exhibit AA	Intentionally Left Blank
Exhibit BB	Intentionally Left Blank
Exhibit CC	Contractor's Administration

VII. RFSQ, Appendix F, Sample FFA Master Contract, Part I Unique Terms and Conditions, Section 1.0 Applicable Documents, Sub-section 1.4 is amended to read as follows:

1.4 In the event of any conflict or inconsistency in the definition or interpretation of any word, responsibility, schedule, contents or description of any task, deliverable, product, service, or other work between this Contract, Statement of Work, and Exhibits, or among Exhibits, said conflict or inconsistency shall be resolved by giving precedence first to the Contract, Statement of Work, and Attachments according to the following priority:

Exhibit A	Statement of Work (DCFS)
Exhibit A-I	Foster Youth Bill of Rights

- Exhibit A-II ~~Intentionally Left Blank~~ Legal Rights of Teens in Out of Home Care
- Exhibit A-III Intentionally Left Blank
- Exhibit A-IV Foster Youth Rights
- Exhibit A-IVa Personal Rights – Children’s Residential Facilities (LIC. 613B)
- Exhibit A-V Foster Child’s Needs and Case Plan Summary
- Exhibit A-Va Needs and Services Plan/Quarterly Report Template
- Exhibit A-VI Clothing Standard
- Exhibit A-VII Agency Placement Agreement
- Exhibit A-VIII Special Incident Reporting Guide for Foster Family Agencies
- Exhibit A-IX Requirements for Medical/Dental Exams for Placed Children
- Exhibit A-X Administration of Psychotropic Medicines to DCFS Supervised Children
- Exhibit A-XI Emancipation Preparation Goal Contract
- Exhibit A-XII Foster Family Agency Monthly Report
- Exhibit B Foster Family Agency’s Program Statement
- Exhibit C Office of Management and Budget (OMB) Circular No. A-122
- Exhibit C-I Auditor-Controller Foster Family Agency Contract Accounting and Administration Handbook
- Exhibit C-II Auditor-Controller/Department of Children and Family Services Department Fiscal/Audit Phases, Fiscal/Audits of Foster Family Agency Foster Care Services Contractors
- Exhibit D Contractor’s Employee Acknowledgment and Confidentiality Agreement Form
- Exhibit D-I Contractor Non-Employee (Certified Foster Parent) Acknowledgment and Confidentiality Agreement
- Exhibit E Semi-Annual Revenue and Expenditure Report
- Exhibit F Health and Safety Code 1522
- Exhibit G DCFS 4389 (4/94) Declaration in Support of Access to Juvenile Record (WIC 827) Including Additional Confidentiality Issues and CWS Handbook Procedural Guide 0500-501.20
- Exhibit H Welfare and Institutions Code Section 16001.9
- Exhibit I Welfare and Institutions Code Section 16010 and CWS Handbook Procedural Guide 0600-510.15
- Exhibit J Statement of Dangerous Behaviors
- Exhibit K Intentionally Left Blank
- Exhibit L Notice to Employees Regarding Federal Earned Income Credit (FEIC)
- Exhibit M Payment Resolution Notification
- Exhibit N DCFS Foster Family Agency Contract Investigation/Monitoring/Audit Remedies and Procedures
- Exhibit O Jury Service Program Certification and Los Angeles County Code 2.203 (Jury Service Program)
- Exhibit P Contractor’s Certification of Compliance with Child, Spousal, and Family Support Orders

Exhibit P-I	Contractor's Certification of Compliance with all Federal and State Employment Reporting Requirements
Exhibit Q	Contractor's Equal Employment Opportunity (EEO) Certification
Exhibit R	FYI 02-08 Quality of Life
Exhibit S	Safely Surrendered Baby Law Fact Sheet
Exhibit T	Overpayments
Exhibit U	Charitable Contributions Certification
Exhibit V	County's Administration
Exhibit W	Service Delivery Sites
Exhibit X	Family Visitation Guidelines
Exhibit Y	Contractor's Obligation Under the Health Insurance Portability and Accountability Act (HIPAA)
Exhibit Z	Discharge Summary for DCFS: Foster Family Agency
Exhibit AA	Intentionally Left Blank
Exhibit BB	Intentionally Left Blank
Exhibit CC	Contractor's Administration

VIII. RFSQ, Appendix F, Sample FFA Master Contract, Part I Unique Terms and Conditions, Section 2.0 Definitions, Sub-section 2.41 is amended to read as follows:

2.41 "Program Statement" - means a comprehensive description of the FFA's program, attached as Exhibit B, in effect during the term of this Contract, written in accordance with the Program Statement guidelines of CCLD, ~~included in Exhibit A-II, Foster Family Agency (FFA) Program Statement Instructions, and Exhibit A-III, Los Angeles County Department of Children and Family Services (DCFS) Amendment to LIC. 9128 (6/99) for Foster Family Agency Contract Program Statement.~~

IX. RFSQ, Appendix F, Sample FFA Master Contract, Part I Unique Terms and Conditions, Section 4.0 Payment Rate, Sub-section 4.2 is amended to read as follows:

4.2 CONTRACTOR shall submit to COUNTY as part of their Program Statement a current budget (~~Exhibit A-III, Page 1, Item 6~~) for the work to be performed under this Contract. The line items shall provide sufficient detail to determine the Services to be delivered. The line items may be the same as the line items on the State of California Department of Social Services, Total Program Cost Display, Form FCR-12FFA form, Total Agency Cost Display. Projected expenses in CONTRACTOR's budget shall be periodically adjusted based on actual population and associated revenues. CONTRACTOR represents and warrants that the budget is true and correct in all respects, based upon information and belief available to CONTRACTOR at the time, and Services shall be delivered hereunder in accordance with the budget. If there is a shift in any line item budget category which exceeds fifteen percent (15%) of the amount budgeted for that category, CONTRACTOR shall notify COUNTY of such change. COUNTY reserves the right to reject any budget changes submitted by CONTRACTOR.

- X. RFSQ, Appendix F, Sample FFA Master Contract, Part I Unique Terms and Conditions, Section 6.0 Insurance Coverage Requirements, Sub-section 6.3 is amended to read as follows:

6.3 Workers' Compensation and Employer's Liability insurance providing workers' compensation benefits, as required by the Labor Code of the State of California or by any other state, and for which CONTRACTOR is responsible. ~~If CONTRACTOR's employees will be engaged in maritime employment, coverage shall provide workers' compensation benefits as required by the U.S. Longshore and Harbor Workers' Compensation Act, Jones Act or any other federal law for which CONTRACTOR is responsible.~~

In all cases, the above insurance also shall include Employers' Liability coverage with limits of not less than the following:

Each Accident:	\$1 million
Disease – policy limit:	\$1 million
Disease – each employee:	\$1 million

- XI. RFSQ, Appendix F, Sample FFA Master Contract, Part I Unique Terms and Conditions, Section 7.0 Invoices and Payments, Sub-section 7.3 is amended to read as follows:

7.3 Placements lasting less than a full month shall be prorated. Payment shall commence the day the child is placed with CONTRACTOR and terminate the day before the Placed Child is removed. When CONTRACTOR agrees to hold a bed open for a Placed Child, CONTRACTOR shall document the CSW's/DPO's ~~Contract~~ agreement to pay for the open bed in the Placed Child's record and shall request a written faxed confirmation from the County Worker. COUNTY will not pay for an open bed for a period in excess of seven (7) Days.

Should CONTRACTOR, after having a Placed Child admitted to a psychiatric or medical hospital, unilaterally decide not to take the Placed Child back, all foster payments made to CONTRACTOR to keep the space available for that Placed Child shall be returned immediately to COUNTY by CONTRACTOR, unless otherwise agreed to by COUNTY and CONTRACTOR in writing.

- XII. RFSQ, Appendix F, Sample FFA Master Contract, Part I Unique Terms and Conditions, Section 8.0 Notices, Sub-section 8.1 is amended to read as follows:

8.1 Unless otherwise specifically provided in this Contract, all notices to COUNTY shall be given in writing, sent by certified mail, return receipt requested, by enclosing the same in a sealed envelope addressed to the intended party and by depositing such envelope with postage prepaid in the United States Post Office

or any substation or public letterbox. All notices to COUNTY shall be sent by certified mail, return receipt requested in duplicate addressed to the following:

Department of Children and Family Services  
Contracts Administration  
Attention: Contract Administrator  
425 Shatto Place, Room 400  
Los Angeles, California 90020

Unless otherwise specifically provided in this Contract, all notices to CONTRACTOR shall be given in writing, by enclosing the same in a sealed envelope addressed to the intended party and by depositing such envelope with postage prepaid in the United States post Office or any substation or public letterbox. All notices to CONTRACTOR shall be sent to CONTRACTOR:

Attention: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

as indicated on Exhibit CC, Contractor's Administration, or such other person and/or location as may hereinafter be designated in writing by CONTRACTOR.

- XIII. RFSQ, Appendix F, Sample FFA Master Contract, Part I Unique Terms and Conditions, Section 10.0 County's Responsibility, Sub-section 10.1 is deleted and Sub-sections 10.2 through 10.14 are renumbered as follows:

~~10.1~~ COUNTY shall provide the CCLD, LIC 9128, and the DCFS Amendment to the LIC 9128 (Exhibit A-III), FFA Program Statement Guidelines, to CONTRACTOR.

~~10.2~~ 10.1 COUNTY shall carefully review for approval and acceptance CONTRACTOR's Program Statement and any Program Statement Amendments prior to and during the term of the Contract. In addition, COUNTY will monitor/audit CONTRACTOR for compliance with the rules and regulations related to FFA programs for Placed Children including the SOW. All programmatic audit reports and corrective action plans will be a matter of public record to the extent required by the California Public Records Act.

~~10.3~~ 10.2 CONTRACTOR shall be given reasonable access to appropriate COUNTY personnel. CONTRACTOR shall be given pertinent documentation, information, relevant to providing foster care services in accordance with COUNTY DCFS policy and court policy for confidentiality.

CONTRACTOR shall hold all such information in confidence pursuant to the provisions of Part I, Section 9.0 Confidentiality, in the body of this Contract.

- ~~40.4~~ 10.3 COUNTY shall provide CONTRACTOR with all available information about the Placed Child that may be released in accordance with applicable laws and regulations concerning confidentiality and the release of DCFS case records to service providers. This information may include court orders, court reports, medical, mental health information, educational and placement history information. The CSW will assist CONTRACTOR in obtaining all the necessary information. The information needed to assess the needs of the Placed Child shall include, but is not limited to: (1) the items identified in Title 22, Division 6, Chapter 1, Section 80070(b) and Chapter 8.8, Section 88070(a)(1)-(2); and (2) a description of dangerous propensities of the Placed Child as outlined in the California Department of Social Services, Manual of Policies and Procedures, Division 31, Section 31-310.16. COUNTY shall report to CONTRACTOR any additional information related to dangerous propensities learned subsequent to placement, in accordance with Exhibit J, Statement of Dangerous Behaviors.
- ~~40.5~~ 10.4 COUNTY shall arrange for a child to visit a potential placement prior to placement whenever possible. If CONTRACTOR, the child's CSW, and the child agree, the child may be placed at the time of the pre-placement visit.
- ~~40.6~~ 10.5 The CSW shall acknowledge that an orientation discussion with the Placed Child and the CSW was completed by signing the LIC 613B (Exhibit A-IVa.) This orientation includes the items designated in SOW, Part C, Section 3.0 Well-Being, Sub-section 3.1 Intake Requirements, Sub-paragraph 3.1.9 Orientation of Placed Children.
- ~~40.7~~ 10.6 The CSW shall provide CONTRACTOR, at the time of placement or within 24 hours, with a placement packet, including valid proof of Medi-Cal coverage and a signed DCFS 4158, Authorization for Medical Care for a Child Placed by Order of the Juvenile Court. If a child is placed during regular business hours without these items, CONTRACTOR shall immediately notify the Foster Care Hotline at (800) 697-4444. If a child is placed after regular business hours, CONTRACTOR shall call the Foster Care Hotline the following business day with the Placed Child's name and date of placement so that a placement packet may be obtained because COUNTY cannot fund the placement until the placement packet is issued.
- ~~40.8~~ 10.7 COUNTY shall be responsible for obtaining clothing available to the Placed Child within two days of placement and shall issue supplemental

funds in accordance with COUNTY regulations and limitations to meet the Placed Child's needs based on the Clothing Standard (Exhibit A-VI).

- ~~40.9~~ 10.8 The CSWs shall work cooperatively with CONTRACTOR to provide input to and approval of the Needs and Services Plans and updates in accordance with SOW, Part C, Section 3.0 Well-Being, Sub-section 3.3 Needs and Services Plan and Related Services, Sub-paragraphs 3.3.1 through 3.3.3.
- ~~40.10~~ 10.9 The CSWs shall include written reports from CONTRACTOR in the next court report.
- ~~40.11~~ 10.10 The CSW shall provide CONTRACTOR with a copy of each court report to the extent permitted by confidentiality laws.
- ~~40.12~~ 10.11 COUNTY will monitor for COUNTY's compliance with State laws, regulations and policies applicable to the visitation of children in placement.
- ~~40.13~~ 10.12 The CSWs shall obtain parental or Juvenile Court consent, as needed, for the Placed Child's medical and dental care, mental health treatment, and participation in recreational and school activities.
- ~~40.14~~ 10.13 CSW shall provide CONTRACTOR with a copy of the court authorization for psychotropic medication, when applicable, within one day of placement.
- XIV. RFSQ, Appendix F, Sample FFA Master Contract, Part I Unique Terms and Conditions, Section 17.0 Financial Reporting, Sub-section 17.6 is amended to read as follows:
- 17.6 The semi-annual expenditure report and total program cost display shall be mailed to:
- DCFS  
~~Out of Home Care Division~~ Fiscal Monitoring and Special Payments  
~~Financial Specialist~~ Administrative Services Manager III  
~~9320 Telstar Avenue, Suite 206~~ 425 Shatto Place, Room 304  
~~El Monte, CA 91731~~ Los Angeles, CA 90020
- XV. RFSQ, Appendix F, Sample FFA Master Contract, Part I Unique Terms and Conditions, Section 19.0 Records and Investigations, Sub-section 19.8 is amended to read as follows:
- 19.8 CONTRACTOR shall be responsible for annual or triennial financial audits, as applicable, of its agency and shall require Subcontractors to be

responsible for its annual or triennial financial audits, as applicable, when required by any governmental entity (e.g. Federal government, the California Department of Social Services (CDSS), COUNTY) to be conducted by an independent audit firm and in accordance with generally accepted governmental auditing standards. Within thirty (30) days after issuance of the audit reports, CONTRACTOR shall forward copies of such reports to: DCFS, Bureau of Finance and Administration, Accounting Division Fiscal Monitoring and Special Payments, at ~~725 South Grand Avenue, Glendora~~ 425 Shatto Place, Room 304, California ~~91740~~ 90020, Attention: Administrative Services Manager III, and to DCFS, Contracts Administration, 425 Shatto Place, Room 400, Los Angeles, California 90020, Attention: FFA Contract Analyst.

- XVI. RFSQ, Appendix G, Foster Family Agency Master Contract For Foster Care Exhibits, Exhibit A, Statement of Work, Part C – Service Tasks to Achieve Performance Outcome Goals, Section 3.0 Well-Being, Sub-section 3.1 Intake Requirements, Sub-paragraph 3.1.9 – Orientation of Placed Children is amended to read as follows:

3.1.9 Orientation of Placed Children

The CONTRACTOR shall provide each newly Placed Child, in an age-appropriate manner, a comprehensive overview of the CONTRACTOR'S Program and procedures as described in the CONTRACTOR'S Program Statement (Exhibit B), the LIC 613, Personal Rights form (Exhibit A- IVa), the Foster Youth Bill of Rights (Exhibit A-I), WIC Section 16001.9 (Exhibit H), and, for children 11 years old and older, the Legal Rights of Teens in Out of Home Care (Exhibit A-II). Such overview will include: (1) opportunities for achievement; (2) vocational and job training; (3) life-skills training; (4) recreation; (5) educational choices; (6) religious, spiritual, or ethical development in the faith of the Placed Child's or his/her parents' choice; (7) identification of Placed Child's FFA social worker; (8) Placed Child's clothing and weekly allowance; (9) Certified Foster Parent's house rules including discipline practices and grievance/complaint procedures; (10) school attendance requirements including school dress code and academic expectations; and (11) discharge procedures. The CONTRACTOR shall have the Placed Child or Placed Child's authorized representative sign an acknowledgement of completion of the orientation and the receipt of written copies of personal rights, Foster Youth Bill of Rights, the Legal Rights of Teens in Out of Home Care (11 years old and older), house rules, discipline practices, grievance/complaint procedures, and discharge procedures.

- XVII. RFSQ, Appendix G, Foster Family Agency Master Contract For Foster Care Exhibits, Exhibit A, Statement of Work, Part C – Service Tasks to Achieve Performance Outcome Goals, Section 3.0 Well-Being, Sub-section 3.2 Visitation

Plan, Sub-paragraphs 3.2.1 Family Visitation Guidelines, and 3.2.2, The TEAM, are amended to read as follows:

### 3.2.1 Family Visitation Guidelines

The Juvenile Court Visitation Committee of the Los Angeles County Superior Court has issued new requirements in a document called *Family Visitation Guidelines*, which is attached as Exhibit ~~Y~~X. The following requirements include, but are not limited to:

- (a) Family Visitation Plans (FVPs) shall be developed by a TEAM consistent with the dependency and criminal court orders [See Section 3.2.2 below];
- (b) The FVP must include detailed, specified information [See Exhibit ~~Y~~X, p. 12];
- (c) Caregivers, including FFA staff, are required to perform specified tasks [See Section 3.2.3 below];
- (d) Length and frequency of visitation should correspond to the child's age and developmental stage and be consistent with the family's permanency goal [See Section 3.2.4 below]; and
- (e) The FVP must provide for regular and frequent visitation between siblings, unless inappropriate [Exhibit ~~Y~~X, p. 21].

### 3.2.2 The TEAM

The TEAM may refer to the following program models: (1) Team Decision-Making [TDM]; (2) Family Group Decision-Making [FGDM]; (3) Permanency Planning Conferences; (4) Family Conferencing; (5) Meetings convened to specifically plan visitation; (6) Point of Engagement [POE]; and (7) Multidisciplinary Assessment Teams [MAT].

Each TEAM, with the exception of FGDM, shall include the following members: (1) TEAM Facilitator; (2) DCFS CSW, Emergency Response Worker and/or Supervising CSW; (3) parents/legal guardians; (4) care-givers [including residential facility representatives and FFA personnel]; (5) Children 10 years of age and older, unless inappropriate; and (6) other individuals to the extent possible and appropriate as listed in Exhibit ~~Y~~X, p. 7, including siblings.

- XVIII. RFSQ, Appendix G, Foster Family Agency Master Contract For Foster Care Exhibits, Exhibit A-II, Legal Rights of Teens in Out of Home Care is added, and is attached as Attachment A.
- XIX. RFSQ, Appendix G, Foster Family Agency Master Contract For Foster Care Exhibits, Exhibit E, Instructions for Completing Semi-Annual Expenditure Report, Section E. Total Accumulated Un-Expended AFDC-FC Funds, Agency Certification is amended to read as follows:

**E. Agency Certification**

Upon completing the Semi-Annual Expenditure Report, the Executive Director must sign and date the report at the bottom of Page 2. By signing this form, the Executive Director is certifying under penalty of perjury that all information contained in the report is correct, that the amounts are traceable to agency accounting records, and that all Los Angeles County AFDC- FC program funds were spent in accordance with County, State and Federal laws. The report must be submitted by the 60<sup>th</sup> calendar day after the end of the reporting period to:

DCFS  
~~Accounting Division~~ Fiscal Monitoring and Special Payments  
Attn: Administrative Services Manager III  
~~800 S. Barranca, 5<sup>th</sup> Floor~~ 425 Shatto Place, Room 304  
~~Covina, CA 91723~~ Los Angeles, CA 90020

XX. RFSQ, Appendix H, Sample GH Master Contract, Part I Unique Terms and Conditions, Section 6.0 Insurance Coverage Requirements, Sub-section 6.3 is amended to read as follows:

6.3 Workers' Compensation and Employer's Liability insurance providing workers' compensation benefits, as required by the Labor Code of the State of California or by any other state, and for which CONTRACTOR is responsible. ~~If CONTRACTOR's employees will be engaged in maritime employment, coverage shall provide workers' compensation benefits as required by the U.S. Longshore and Harbor Workers' Compensation Act, Jones Act or any other federal law for which CONTRACTOR is responsible.~~

In all cases, the above insurance also shall include Employers' Liability coverage with limits of not less than the following:

Each Accident:	\$1 million
Disease – policy limit:	\$1 million
Disease – each employee:	\$1 million

XXI. RFSQ, Appendix H, Sample GH Master Contract, Part I Unique Terms and Conditions, Section 8.0 Notices, Sub-section 8.1 is amended to read as follows:

8.1 Unless otherwise specifically provided in this Contract, all notices to COUNTY shall be given in writing, sent by certified mail, return receipt requested, by enclosing the same in a sealed envelope addressed to the intended party and by depositing such envelope with postage prepaid in the United States Post Office or any substation or public letterbox. All

notices to COUNTY shall be sent by certified mail, return receipt requested in duplicate addressed to the following:

County of Los Angeles  
Department of Children and Family Services  
Attention: Walter Chan, Manager  
Contracts Administration  
425 Shatto Place, Room 400  
Los Angeles, CA 90020

AND

Probation Department  
Central Placement Office  
1605 Eastlake Avenue, Room 512B  
Los Angeles, California 90033

Unless otherwise specifically provided in this Contract, all notices to CONTRACTOR shall be given in writing, by enclosing the same in a sealed envelope addressed to the intended party and by depositing such envelope with postage prepaid in the United States post Office or any substation or public letterbox. All notices to CONTRACTOR shall be sent to CONTRACTOR:—as indicated on Exhibit GG, Contractor's Administration,

Attention: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

or such other person and/or location as may hereinafter be designated in writing by CONTRACTOR.

XXII. RFSQ, Appendix H, Sample GH Master Contract, Part I Unique Terms and Conditions, Section 16.0 Financial Reporting, Sub-section 16.5 is amended to read as follows:

16.5 The semi-annual expenditure report for group homes that serve DCFS children shall be mailed to:

DCFS  
~~Accounting Division~~ Fiscal Monitoring and Special Payments  
Administrative Services Manager III  
~~725 South Grand Avenue~~ 425 Shatto Place, Room 304

~~Glendora, California 91740~~ Los Angeles, CA 90020

The semi-annual expenditure report for group homes that serve Probation children shall be mailed to:


Probation Department  
Central Placement Office  
Placement Out-of-Home Compliance Unit  
Supervising Deputy Probation Officer  
1605 Eastlake Avenue, Room 512B  
Los Angeles, California 90033

XXIII. RFSQ, Appendix H, Sample GH Master Contract, Part I Unique Terms and Conditions, Section 18.0 Records and Investigations, Sub-section 18.8 is amended to read as follows:

18.8 CONTRACTOR shall be responsible for annual or triennial financial audits, as applicable, of its agency and shall require Subcontractors to be responsible for its annual or triennial financial audits, as applicable, when required by any governmental entity (e.g. Federal government, California Department of Social Services (CDSS), COUNTY) to be conducted by an independent audit firm and in accordance with generally accepted governmental auditing standards. Within thirty (30) days after issuance of the audit reports, CONTRACTOR shall forward copies of such reports to: ~~DCFS, Bureau of Finance and Administration, Accounting Division at 725 South Grand Avenue, Glendora, California 91740~~ Fiscal Monitoring and Special Payments, 425 Shatto Place, Room 304, Attention: Administrative Services Manager III, and to DCFS, Contracts Administration, 425 Shatto Place, Room 400, Los Angeles, California 90020, Attention GH Contract Analyst, and to Probation at the Central Placement Office, Out-of-Home Compliance Unit, 1605 Eastlake Avenue, Room 512B, Los Angeles, California 90033, Attention: Supervising Deputy Probation Officer.

Except as provided by addendum, all other terms and conditions of the RFSQ remain unchanged.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter Chan". The signature is written in a cursive style with a horizontal line extending to the right.

WALTER CHAN, Manager  
Contracts Administration

Attachment (1)

WC:RML:fc

# LEGAL RIGHTS OF TEENS IN OUT-OF-HOME CARE

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REVISED AUGUST 2004

Youth Law Center  
417 Montgomery Street, Suite 900  
San Francisco, CA 94104

(415) 543-3379

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## INTRODUCTION

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This booklet covers some of the areas of the law that might concern a person in out-of-home care. ***Legal Rights of Teens in Out-of-Home Care*** tries to answer some of the questions you might have about your out-of-home care, courtroom appearances, group home, foster home, and emancipation.

After reading ***Legal Rights of Teens in Out-of-Home Care***, if you think there are other topics that should have been covered, or other things that should have been emphasized, please let us know. We'd like your opinion.

The rights explained in this booklet are your *legal* rights. Just knowing your rights is not enough -- using your rights with common sense will help you get along even better. There is a lot of practical advice available from books, magazines, peers, and social workers that you can put to use. We know we can't cover it all, but we hope we've given you a good start.

If you have trouble understanding what certain words mean, find them in the ***Index*** at the end of this booklet. It lists some of the complex words and phrases used here and the page number that has a definition for each word. Endnotes are also available in this booklet to help you find the laws that guarantee your rights.<sup>1</sup>

Special thanks to the youth who helped in the production of this manual: Kashi Hernandez, Kamiza Sutton, Phyllis Carter, Amanda Ott, Tracy Fallon, Annie Devi, Mike Van Vorce, T.J. Sargent, Taneeka Blackburn, Susana Lopez, Marvin Hurd, Conyey Brown and Myeshia Grice.

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## OUT-OF-HOME CARE

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### What is out-of-home care?

Out-of-home care, also called foster care, is a 24-hour state-supervised living arrangement for children and youth who are in need of temporary or long-term substitute parenting. The goal of out-of-home care is to protect and care for you when your parents cannot. While you are in care, a social worker will attempt to reunify you with your family, if possible. If being with your family is not possible, then a social worker will try to find you another permanent place to live.

When you are in out-of-home care, you may live in a public shelter, a foster home, a relative's home, or a group home. You have a right to live in the "least restrictive" and most family-like place that can meet your needs and to live as close to your family as possible.<sup>2</sup>

### How do children and youth get into out-of-home care?

In most cases, children and youth are placed in out-of-home care after they have been removed from their home and a court has found their parents cannot care for them. In some cases, parents voluntarily arrange for their children to be placed in out-of-home care.

### Who decides whether and when I return to my parent(s)?

The judge. If you are removed from your home, your parent(s) will have to follow a "reunification plan" before you can return. This plan is to make sure that you will be safely cared for at home.

In deciding whether to return you to your home, the judge will get input from many people, including your social worker, probation officer, and attorney. The judge makes the decision through a series of hearings in which you have the right to participate. See the section called ***Role of the Courts***.

### What is a "case plan"?

Your case plan<sup>3</sup> is a written document that sets out specific steps the social service agency and your family will take to try to resolve the problems that led to your being removed from your home. The county child welfare department must complete a case plan within 30 days of your removal from home.<sup>4</sup> It must take into account your best interests and special needs.<sup>5</sup> See the box on the next page for what must be in the case plan.<sup>6</sup>

The case plan must include your health and medical records.<sup>7</sup> It should be updated whenever your placement changes<sup>8</sup> and at least every six months.<sup>9</sup> In some counties, older foster youth are part of the case planning process. Ask your social worker if you want to participate.

## CONTENTS OF THE CASE PLAN

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A case plan must have:

- the long-term goal for your welfare,
  - the type of foster care where you will be placed,
  - why that placement is appropriate for you,
  - a plan for your proper care,
  - a plan for ensuring that you and your family receive services,
  - why those services are appropriate for you and your family,
  - a visitation schedule for your parents and siblings, and
  - a transitional independent living plan if you're 16 or older.
- 
- 

### What is a transitional independent living plan?

It's a plan for how you will get the skills and help you need to be able to live on your own. Your social worker must give you information about and the opportunity to participate in the independent living plan.<sup>10</sup> See the section called ***Independent Living*** for more details.

### Can I see my case plan?

Yes, if you are over 10. It is part of the court record of each hearing, so you can get a report of its contents at each hearing.<sup>11</sup>

## ROLE OF THE COURTS

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**What is a juvenile court?**

A juvenile court is a court of law that is in charge of child abuse and neglect cases, as well as delinquency cases.

**What is a juvenile court petition?**

A petition is a request that the court become involved in a child's life. There are three kinds of petitions, named after numbered sections of California law, the Welfare and Institutions Code:

- **300 Petition**
- **601 Petition**
- **602 Petition**

A **300 Petition** is filed by the county child welfare department for abused or neglected children and youth and will state -- "allege" -- the reasons - that county child welfare department workers think a child needs protection.<sup>12</sup> If the court agrees with the petition - "sustains" -- at the jurisdictional hearing, the child becomes a "dependent" of the court.

A 300 petition is filed because of your parents' behavior. The following two petitions will be filed because of your behavior.

A **601 Petition** is filed by the Probation Department and alleges that a child has either run away, been truant from school four or more times within one school year, violated curfew, or regularly disobeyed his or her parents.<sup>13</sup> These are violations that are unlawful because of your age, your "status" as a minor. If the court finds the petition is true, the youth becomes a "ward" of the court and is known as a "status offender." (Some counties treat runaways under Section 300.)

A **602 Petition**, filed by the District Attorney's Office, alleges that a child has committed an act that would be considered a crime if it had been committed by an adult.<sup>14</sup> Like the 601 Petition, if the court sustains this petition, the result is that the youth becomes a ward of the court as a delinquent.

This booklet does not discuss the court process for wards. However, the court may place wards in foster homes and group homes and in those placements wards have many of the same rights as dependents.

**What kinds of hearings are there?**

There are several kinds of hearings for young people who are or may be "dependents."

- Detention hearing
- Jurisdictional hearing
- Disposition hearing
- Dependency status review
- Permanency planning hearing
- Termination of parental rights hearing

The *detention hearing*<sup>15</sup> happens at the very beginning of a case when a youth has been removed from home by a social worker because of an emergency. The judge decides whether to let you go back home or to order you to stay in temporary foster care. The detention hearing must take place no later than three days after you've been removed from your home. Even if the judge lets you return home or to a relative's home, he or she may order the Department to supervise your care.

If you are placed in emergency or temporary foster care, then the judge must set a hearing date within 15 days of the time you enter temporary placement. If you're at home, the hearing must be within 30 days of the filing of the petition.<sup>16</sup> These hearings can be postponed if all the lawyers agree.

At the *jurisdictional hearing*,<sup>17</sup> the judge decides whether the allegations of the 300 Petition are true (sustained). Both you and your parents have the right to an attorney at this hearing. The judge may hear witnesses and other evidence. If the judge sustains the petition, you become a dependent of the court. The next step is to decide what should happen to you.

At the *disposition hearing*,<sup>18</sup> the judge decides where you should live while your parents try to solve their problems. It can take place at the same time as the jurisdictional hearing, but can be scheduled for later.

For the hearing, the Department files a report on your situation,<sup>19</sup> called a "social study." The report makes recommendations for your care. It must also explain what should be done to help you return home. The report must also spell out visitation by relatives. The family members and lawyers involved in the case have a right to a copy.<sup>20</sup>

The court reviews your case at a *dependency status review*, at least every six months.<sup>21</sup> The court will look at reports and decide whether the reasons you got into foster care still exist, if your placement is right, whether your case

plan is being followed, and whether your parents are following the reunification plan (if there is one).<sup>22</sup> You or your lawyer can participate.<sup>23</sup> You also are entitled to get notice of the review at least 15 days ahead of time.<sup>24</sup>

The *permanency planning hearing*<sup>25</sup> determines your future placement, though really every hearing is supposed to look at this goal. It must be held no later than 12 months from the date that you entered care. The first thing the judge decides is whether you can return home. If the judge doesn't allow a return home, then there are four choices:

- *Schedule a second and final permanency planning hearing in about six months.*<sup>26</sup> The judge will do this only if it's possible that you may be able to return to your parents in the next six months. At that hearing, the judge will send you home or select one of the following options.
- *Adoption.*<sup>27</sup> See the section on **Adoption**.
- *Legal guardianship.*<sup>28</sup> The judge will look at this option only if adoption is not an available option.<sup>29</sup> See the section of this booklet called **Guardianship**.
- *Long-term out-of-home care.*<sup>30</sup> The judge will look at this option only if all the other options are not possible.

If the court finds you cannot go home but you can be adopted, the court will terminate your parents' rights.

After the permanency planning hearing, the court will continue to review your case every 6 months.

**Can a judge decide where and with whom I live at these hearings?**

Yes. If you can't live with your parents, a judge can place you with either a relative, or in a foster or a group home. You should tell the judge where you want to live.<sup>31</sup>

## “BEST” PLACEMENT

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In deciding where and with which person you should live, the judge will look at each candidate’s moral character and ability to:

- be effective in guiding your behavior,
  - provide for your needs,
  - facilitate visitation, and
  - keep you and your siblings together
- 

A judge will also decide whether you can visit with your parents and other family members while you are in out-of-home care and what types of services you and your family may need to be reunified.

**Can I go to hearings where the judge makes decisions about my future?**

Yes. You also have the right to make a statement to the court about any decision that has to do with your placement or whether to return to your parents.<sup>32</sup> You can also ask the judge to talk with you privately, "in chambers," without your parents around.

You also have the right to petition the juvenile court yourself to change, modify, or set aside any order it makes. That means that you can ask for hearings about your case. This includes hearings to end the court's jurisdiction and involvement.<sup>33</sup>

Of course, your attorney will help you do these. Even adults cannot do them on their own. You can also just go to observe -- you don't have to say anything unless you choose to.

**How do I find out about these hearings?**

If you are 10 or older, the court must notify you in writing of the date, time, and place of each hearing.<sup>34</sup>

**Can I have an attorney to represent me at these hearings?**

Yes. You have the right to have an attorney represent you. Your attorney is responsible to do everything in his or her power to protect your interests.<sup>35</sup>

**How do I get an attorney?**

The court must appoint an attorney for you, unless the judge believes that you would not benefit by having an attorney. If you don't have an attorney and think that you need one, tell the judge what you think. The judge must give the specific reasons why you would not benefit from having an attorney if the judge does not appoint an attorney for you.<sup>36</sup>

**What is the attorney supposed to do?**

Your attorney is responsible for investigating facts, interviewing witnesses, making recommendations to the court concerning your welfare and participating in later court proceedings to represent your interests. This responsibility exists for issues directly involved in the court proceedings and those outside of that scope. Also, your attorney must interview you and take into account your wishes when making his or her recommendations to the court.<sup>37</sup>

The same attorney who represents you at the detention hearing is responsible for representing you at all later hearings unless she or he is relieved by the court for not doing an acceptable job in protecting your interests or unless the court substitutes another attorney.<sup>38</sup>

**Who else can attend these hearings?**

Your parents, their attorneys, your guardian or foster parents (if you are living with a foster family)<sup>39</sup> and their attorney, your social worker, and your court-appointed special advocate (CASA) can all attend the hearings. Any blood relative who cares about your case can also attend.<sup>40</sup> Non-relatives who are not legal guardians but who have been taking care of you on a day-to-day basis can also attend.<sup>41</sup>

**What is a "social study"?**

A social study is a written report that your social worker writes and gives to the judge before the hearings about your situation in out-of-home care. You or your attorney have a right to know what the report says at least 10 days before each status review hearing.<sup>42</sup>

## WHAT HAPPENS WHEN YOU ARE REMOVED FROM YOUR HOME FOR ABUSE OR NEGLECT

### COUNTY CHILD WELFARE DEPARTMENT (CCWD)

### YOU

### THE COURT

CCWD prepares a case plan  
for you

You stay in emergency  
placement or temporary  
custody

The court conducts a  
detention hearing and a  
jurisdiction hearing to  
decide whether it and the  
CCWD should stay involved  
in your case

Your social worker visits you  
at least once a month and  
whenever you request a visit

You stay in kinship care,  
foster care, or group home

The court conducts a  
disposition hearing to  
decide your permanent and  
temporary placements

CCWD prepares a social  
report for each hearing to help  
the court make a decision in  
your best interests

The court (or CCWD)  
reviews your dependency  
status every six months

You return home, are  
adopted, obtain a legal  
guardian, or are placed in  
long-term out-of-home care

No later than 12 months  
after the disposition  
hearing, the court conducts  
a permanency planning  
hearing

## TYPES OF PLACEMENTS

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**Where will I be sent to live once I am placed in out-of-home care?**

There are several different types of placements where you may be sent, depending on the circumstances of your case. A *foster home* is a family setting, where you live with foster parents and up to 5 other foster children. A *group home* is a residence where you live with other children. Most group homes have paid staff who usually do not live there. Services are provided to you in a group setting, though group homes should be as family-like as possible. *Kinship care* is a home with relatives other than your parents. The court will try and place you with a family member when possible.

**What is "custody"?**

"Legal" custody is the right and responsibility to make the decisions relating to your health, education, and welfare.

"Physical" custody means the place you live and who is directly supervising you.

**How does the social service agency get legal custody?**

There are two ways the state social service agency can get legal custody of you:

- voluntary placement<sup>43</sup>
- court placement<sup>44</sup>

A *voluntary placement* is when parents agree to let the social service agency take care of their child. A *court placement* is when the social service agency asks the court for custody of a child because the child has been abused or neglected.

See the section of this booklet on ***Role of the Courts*** to get more information on the court process.

**Who makes the decision where I will go to live?**

The social worker usually decides.<sup>45</sup> For example, a social worker decides which foster home to send you to or whether you should live in a group home. A judge can overrule the social worker and decide that you should live with a relative. A judge may also decide that your placement is not appropriate and order the social worker to find a new placement for you. See the section on ***Out-of-Home Care***.

**What if I don't get along with the foster parent, the group home staff, or my social worker?**

Talk to the person you don't get along with. Many times you can solve even big problems through honest discussion. You should also tell your social worker. If this doesn't work, you may want to consider filing a complaint. Every group home is required to have written complaint procedures. You cannot be punished for filing a complaint. The home's grievance procedures should be posted in a location accessible to you. If not, ask one of the staff what to do - they are required by law to inform you of how to file a complaint.<sup>46</sup> If you live in a foster home, your foster parents must give you the address and phone number of where to file confidential complaints and how to do so.<sup>47</sup> If your complaint is with your social worker, you should consider talking to or sending a letter to the worker's supervisor. If you have an attorney, you should also talk to him or her.

## GUARDIANSHIP

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**What is the difference between a foster parent and a legal guardian?**

A *foster parent* is licensed by the state. A court may place you with foster parents after finding that your parents are unable to take care of you properly. The agency selects the foster parent to care for you. The foster parent is not legally responsible for you. The court and the child protection agency are responsible. The agency can remove you from the home of the foster parent without court approval.

A *legal guardian* has legal custody of you. The guardian stands in the place of your parent to provide for your physical needs, such as food, clothing, shelter, medical care, and education. The guardian can make medical and educational decisions for you.

**What is a guardianship?**

Guardianship is one of the permanent plan options the juvenile court can order for you if you cannot be safely returned to your parents.<sup>48</sup> See the section on ***Role of the Courts***. A guardianship suspends the rights and responsibilities of your parents and gives legal authority and responsibility to care for you to a responsible adult who becomes your legal guardian. The legal guardian will be an adult who has some relationship to you, like a relative or a family friend. Guardianship is not permanent. The court can end a guardianship. The agency cannot end a guardianship without court approval.

**When does the guardianship end?**

When you turn 18. It also may end sooner if you go back to court and get another order.<sup>49</sup> It will also end in the case of your adoption, marriage, or entrance into active duty with the armed forces of the United States.<sup>50</sup> You, your parent, or the guardian can petition the court to end a juvenile court guardianship.

## ADOPTION

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### What is adoption?

Adoption is the first permanent plan option the court must consider when you cannot be safely returned to your parents.<sup>51</sup> See the section on ***Role of the Courts*** for more information about permanency planning.

Unlike guardianship, which is only temporary, adoption is legally permanent. Once you become adopted, you are part of the family that adopts you. You cannot be removed from an adoptive home unless the court determines that your adoptive parents are not properly taking care of you. Legally, you become the “child” of your adoptive parents.<sup>52</sup>

### What is required for adoption?

First, your parents’ rights are terminated or they give consent to an adoption.<sup>53</sup> If you are over 12, you must also consent to the adoption.<sup>54</sup> The adoptive parents file a petition with the court. The court approves the petition for adoption if it is satisfied that your interests will be promoted by the adoption.<sup>55</sup>

### What is adoption assistance?

The Adoption Assistance Program provides benefits to prospective parents who are interested in adopting children from the child welfare department.<sup>56</sup> A “special needs” child is one who would be unlikely due to age or background to get adopted without financial assistance. All children over the age of 3 are considered “special needs” children.<sup>57</sup> If your prospective parents qualify, they will receive reimbursement for some expenses, such as court costs associated with the adoption,<sup>58</sup> as well as regular payments to cover your needs.<sup>59</sup>

## INDEPENDENT LIVING

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### What is an Independent Living Skills Program or ILSP?

This is a program to help you develop the skills you need to be on your own. It is offered to youth 16 years old and older. The program must be described in a *written transitional independent living plan (ILP)*,<sup>60</sup> which is part of your case plan. The ILP, designed by your social worker, should be appropriate for your age and abilities. Employment must be a part of the plan unless physical or mental difficulty makes it inappropriate.<sup>61</sup> The reasons must be in the case plan.

Many counties also offer special group programs to help encourage independent living skills. These should be available to every youth in foster care, age 16 and older, who wants to participate.

These Independent Living Programs are a great way to meet with other youth in out-of-home care who are in situations similar to your own. They also will help you prepare and apply for college, including letting you know about special financial aid programs available for students who were in out-of-home care. These programs will also help you find, interview for, and stay in a job.

### Who is eligible for these Independent Living Programs?

Anybody who is 16 or over can attend ILSP events. Some counties allow younger children to participate. Ask your social worker about it.

### What is transitional housing?

It is a type of placement that's available to youth 16 to 18 years old who are in Independent Living Programs.<sup>62</sup> So far, it's available in only a few counties in California, but should be available to more youth soon. There are three different kinds of transitional housing. You can:

- live with an adult in an apartment,
- live in your own apartment, with a supervising adult who lives in the building, or
- live in your own apartment with supervision by the Department.

## VISITATION

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**How often should my social worker be visiting?**

Usually once a month. In the first month of placement, your social worker should visit at least two or three times.<sup>63</sup> If you're in a long-term, stable placement, visits can be less frequent, but never less than once every six months.<sup>64</sup> If you're in a group home, your social worker must visit you every month.<sup>65</sup> If you ask to see your social worker, he or she must come to see you.

**Can I visit my parents, grandparents and other relatives when I am in out-of-home placement?**

Yes. You have a right to visit with your parents<sup>66</sup> and grandparents<sup>67</sup> unless there is some reason why it is not in your best interests. Your case plan spells out a visitation plan for visits that may include parents,<sup>68</sup> grandparents, siblings,<sup>69</sup> and other important family members. The judge can order visitation for anyone who has an interest in your welfare.

**I'm in a different placement than my brother/sister. Can we visit each other?**

Yes. The court must allow you to keep contact with siblings as much as possible, unless it is against the best interests of you or your brother or sister.<sup>70</sup> Your case plan should specifically set out visitation arrangements for you and your siblings.<sup>71</sup>

**What if I would like to change the arrangement for visiting with my family?**

Talk with your attorney and social worker. At the next hearing, tell the judge how you feel. You can also petition the court yourself to modify your visitation plan. See the section of this booklet called *Role of the Courts*.

## CONFIDENTIALITY AND YOUR RECORDS

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### Who can look at my records or get information about my case?

Only those people directly involved in your case. Also, the social worker can share information with those people who need it in order to take care of you.<sup>72</sup> For example, your social worker could tell your foster parents or group home staff about your medical history so they can make sure that you get the care you need. But your social worker shouldn't tell anyone who doesn't need to know that information.

If you want others to look at your records, you can give your consent, or permission. In some cases, you might also have to get the consent of your parents, guardian, social worker, probation officer, or the juvenile court to release the information.

### Can I look at my school records?

Yes. If you're under 16, you need the permission of your parents, case worker, or a judge. After you turn 16 or finish the 10th grade, you can look at them yourself.<sup>73</sup> Ask a guidance counselor or principal about what you need to do.

### Can I look at my other records?

Yes. You have the right to look at your court records.<sup>74</sup> You do not have a clear right to look at the records kept by your foster parents or group home. However, your attorney or "authorized representative" (anyone who has legal authority to act on your behalf) has access to those records.<sup>75</sup> Ask your social worker or probation officer.

### Can I get my juvenile court record sealed?

Yes. You can seal your records if you are a dependent (300), status offender (601), or delinquent (602). You can get them sealed:

    • five years after your last juvenile court contact. That means five years after the juvenile court jurisdiction ended or the first time you were ordered to appear before your probation officer, whichever is later.

or

    • after you turn 18,

**but,**

Ú if you've committed certain serious crimes, you will not be able to seal your records.<sup>76</sup>

Because of time limits on destruction of records, it may not be worthwhile to seal Section 300 records (See the chart on the next page).

**How do I get my juvenile court records sealed?**

Your records won't be sealed automatically. *You* must do something to get them sealed. All that's usually necessary is for you to call the probation department of the county you went to court in. They'll tell you what you need to do to seal your record.

**What will I have to do when I get them sealed?**

An official will interview you. Be sure to give them a list of all agencies and counties you've had contact with, that you can remember. The official will ask you questions about any criminal activity since you had contact with the juvenile court, like "have you been arrested?" Be honest -- they will run a computer check on the information you give. If your record is "clean," the court will seal your record.

**What can I say to people who ask me if I have a juvenile court record?**

If you are a dependent, you do not have a juvenile court record. If you are a ward, after your juvenile court records are sealed, you can *totally deny* having a record. In other words, the law says that you can say that those juvenile offenses never happened. You can also deny having a sealed record. You can even deny being arrested, detained, or having any contact with the juvenile court.<sup>77</sup> This rule is to help you avoid the stigma of having been involved with the juvenile court.

**After my records are sealed, can anyone look at them?**

Only with your permission. If you want someone to look at your record, you'll have to ask the court to let it happen.<sup>78</sup> Keep in mind it could take months to seal your whole record. This is the time it takes for the court to call all the agencies with information about you.

**Will the records ever be destroyed?**

Yes. But when they're destroyed depends on whether you had them sealed and what your juvenile court status was.

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**WHEN RECORDS ARE DESTROYED**

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<b>Juvenile Court Status</b>	<b>When Records Are Destroyed</b>
Section 300 <i>Dependent</i>	At age 21, or 5 years after they're sealed, whichever comes first.
Section 601 <i>Status Offender</i>	Sealed records destroyed after 5 years. Unsealed records destroyed at age 28.
Section 602 <i>Delinquent</i>	For certain serious crimes, records cannot be destroyed. At age 38 for all other records.

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**How do I get a California identification card?**

Go to the local Department of Motor Vehicles (DMV) office. It's listed in the phone book. You'll need a social security number (though you don't have to bring the card) and a certified birth certificate. It will cost you \$20.00.

**What if I don't have a social security number?**

If you do not qualify for a social security number because of your immigrant status, the requirement is waived. See the section on ***Immigrant Status***.

**What if my parent(s) have my birth certificate but won't give it to me?**

Get another copy. There's no law against having several copies.

**How can I get a certified copy of my birth certificate?**

Call the vital statistics office in your birth state for instructions on how to request one. Each state is a little different, so make sure you understand what they'll need. It may take a few weeks, unless you go in person. It will cost from \$10 - \$20. If you were born in California, the number is (916) 445-2684, and the fee is \$15.00.

**Does the DMV accept anything other than a certified birth certificate?**

Yes. They also accept several other documents, including your US Passport, Certificate of Naturalization or Citizenship, or a Permanent Resident Card.

## EDUCATION

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**Do I have a right**

**to go to school?**

Yes.<sup>79</sup> You have a right and a responsibility to go to school. You

also have a right to the same school resources, services and extracurricular activities as other students in your school.<sup>80</sup>

**Who can make educational decisions for me?**

Your parents (or legal guardian) keep the right to make educational decisions for you unless the juvenile court specifically limits their right to make educational decisions or terminates all of their parental rights. Whenever the juvenile court limits the right of a parent to make educational decisions, the court must choose a responsible adult to make educational decisions for you. If you are student receiving special education services and the court can't find a responsible adult to make educational decisions for you, it will ask your school district to appoint a surrogate parent.<sup>81</sup> However, the court and the school may not choose your social worker, probation officer or someone who works for your current group home placement or school to make educational decisions for you.<sup>82</sup>

**Can my foster parents make educational decisions for me?**

When the court is deciding on a responsible adult, or the school district is deciding on a surrogate parent, they will probably choose your foster parent, relative caregiver, or court appointed special advocate (CASA). If the school district can't find a surrogate parent for you out of the possibilities above, then it can pick someone of its own choice.<sup>83</sup> The court will also consider other adults in your life like relatives, family friends, or mentors willing to make those decisions for you.

**Do I have to go to certain schools because I am in out-of-home care?**

You have a right to go to a public school in your district, unless either your Individualized Education Program (IEP) or the person responsible for making educational decisions for you says different.<sup>84</sup>

**Do I have to change schools if my placement changes?**

You have the right to stay in your school if it is in your best interest, even when where you're living changes. But, if you do move to a new placement, the school district's foster care liaison may think it is in your best interest for you to also change schools. You and the person in charge of making your educational decisions must be given the liaison's reasons in writing. If both you and the person in charge of your

educational decisions disagree with the recommendations, then you will stay in your current school until the disagreement is resolved.<sup>85</sup>

**If I change schools,  
can my new school make me  
wait for any reason to enroll ?**

No. You have a right to be immediately enrolled in your new school, *even if*:

§ the school has not yet received your proof of residency or immunization, health or academic records,

§ you do not have your school uniform yet,

**and/or**

§ you still owe fines at your old school.<sup>86</sup>

**Will I lose credits for the work  
I did at my old school if I  
change schools?**

The school you transfer to must give you full or partial credit for work you completed. Your old school is responsible for providing to your new school a record of your grades, classes taken, attendance and any credits earned.<sup>87</sup>

Once it has been decided that you are going to change schools, your case worker or probation officer will notify your old school of your last day of attendance and ask them to figure out your class credits and grades.<sup>88</sup> Within two days of being notified, your old school must send your new school your information, including your grades, classes you've taken, immunization records, and your special education plan (if you have one).<sup>89</sup>

**Can schools punish me or  
lower my grades for absences?**

It depends on the reason you were absent. A school cannot punish you or lower your grades for absences because of a :

§ school transfer

§ foster care placement change

§ court appearance

**or**

§ court ordered activity.<sup>90</sup>

If you were sick, attended a funeral of a family member, or had a dental or medical appointment, including an appointment for a sensitive health service that does not require an adult's permission (see section on **Health Care**), the school must excuse your absence. The school must give you a reasonable amount of time to complete any work you missed for any excused absence and the school must give you full credit for work if you successfully complete it.<sup>91</sup>

Just be sure to bring your school a note from your caregiver, social worker, probation officer, the court or your doctor excusing your absence.

## HEALTH CARE

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- Do I have a right to health care?** Yes. You have a right to basic health care, which includes medical, dental, vision and mental health services.<sup>92</sup>
- Do I ever have to take medications?** No. You have the right to say no to all medications and chemical substances not authorized by a doctor.<sup>93</sup>
- Who can I talk to if I want to see a doctor or nurse?** Talk with your care provider (foster parent, guardian or a group home staff member). If there is a problem talking to your care provider, you can also talk with your social worker, probation officer or attorney.
- Do I need an adult's permission for all health care services?** No. Although your parent, caregiver or the court must give permission for you to get most of your health care services, you can give permission for and confidentially receive certain "sensitive health care services". Sensitive services are those that you may be embarrassed or scared to talk to your caregiver or other adults in your life about. The law allows you to make decisions about these services because it is more important for you to get treatment than not get treatment because you are afraid or embarrassed to get permission.
- What sensitive health services can I get on my own?** You do not need an adult's permission for any medical services that have to do with preventing or treating pregnancy, including getting birth control or an abortion or having a baby.<sup>94</sup> See the section on ***Pregnancy***.
- You also do not need an adult's permission if you are 12 years old or older and the services are related to treatment of:
- § sexually transmitted diseases(STD's), HIV/AIDS, hepatitis, tuberculosis and other serious infectious, contagious, or communicable diseases<sup>95</sup> ;
  - § drug or alcohol use,<sup>96</sup>
  - § rape<sup>97</sup> or sexual assault;<sup>98</sup>
- or**
- § mental health conditions, but only for outpatient counseling services and only if a doctor finds that you

are mature enough to make the decision and you present a danger to yourself or others without the treatment.<sup>99</sup>

To find services for anything talked about above, you can talk to a nurse at the Teenage Health Resource Line at (888) 711-TEEN. You can also call the California Youth Crisis Line at (800) 843-5200. Both lines are confidential, so no one else will find out what you talked about.

**How is my health care paid for?**

When you are first placed in a foster home, kin, or group home placement, you should be automatically enrolled in Medi-Cal or your county's substitute health insurance program. Your health care needs will be paid for through one of these two programs and you will not need to pay for any services as long as you are in, or covered by, the foster care system in California.

**Can I still get Medi-Cal when I leave foster care when I turn 18?**

If you are in the foster care system when you turn 18, you can continue to use Medi-Cal until you turn 21.<sup>100</sup> Continuing under Medi-Cal is not, however, automatic; it depends on you staying in California and the state finding out three things from you:

- 1) your current address,
- 2) if you want to continue under Medi-Cal, and
- 3) if you will be getting any other health insurance.

If you are going to turn 18 soon and leave the foster care system, but no one has talked to you to find these things out, call your social worker or call your county's Medi-Cal eligibility worker to set up an appointment.<sup>101</sup>

## PREGNANCY

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**If I become pregnant, will they transfer me automatically from my foster or group home?**

Not necessarily. It is up to your caseworker and the court to decide whether or not you get transferred to a new placement. The decision is based on how well your current placement is working, and whether or not it is equipped to support a pregnant teen.<sup>102</sup>

**If I have the baby while in out-of-home care, will they take it away from me?**

If you have the baby while in out-of-home care, there are two things that might happen. One, you might become the custodial parent of the baby, and then the baby stays with you in your placement. Two, your caseworker might file a petition to have the baby become a dependent of the court. If this happens, the baby may stay with you in your placement, under the official care of your foster parents, or it may be put in a completely separate placement. If the Department files a petition, you'll be able to get a free lawyer to represent you.

**Do I need my parents' permission to put the baby up for adoption?**

No. Voluntary adoption, however, requires the consent of both parents of the new baby.

**If I become pregnant and I want an abortion, how do I get one?**

If you become pregnant, Medi-Cal will cover your abortion if you want one. An abortion is considered a sensitive service that you can get without the permission of a parent, guardian, caregiver or the court, and it will be provided to you at no cost.

**Can my parents or boyfriend make me have an abortion or keep me from having one?**

No. It is your choice alone. If you need someone to talk to about this important decision, call 1-800-230-PLAN to get in touch with a Planned Parenthood counselor in your area.

## MONEY

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**Do I have a right to an allowance or money for clothing?**

If you are in a group home, you have a clear right to an allowance unless your case plan says that you shouldn't receive it.<sup>103</sup> There is not, however, a clear right to an allowance for youth in foster homes. Your group home or foster home can keep your money in a safe place for you so long as you have access to it.<sup>104</sup>

**When can I get a job?**

You can legally start a job when you turn 16, and even sooner in special cases. There are restrictions on the number of hours you can work per day and per week and the type of work you can do. Ask your Independent Living Skills Program (ILSP) worker or school about how to find a job and get a work permit.

**Can my foster parents or group home keep me from working?**

Yes, but they must have a good reason. The reason must be in your case plan if you are 16 or older.<sup>105</sup> If you are able to work responsibly, your group home or foster home should cooperate in your employment.

**Is there a limit on how much I can save?**

Yes. Any savings that you plan to use to prepare to leave or when you leave foster care may not exceed \$10,000 including interest. This type of savings account is called an emancipation account. The government may not make you use any of your savings in this account to help pay for your foster care placement.<sup>106</sup>

You may also save money in a different account than your emancipation account. However, any money over \$1,000 that is placed in this account may be used by the government to help pay for your foster care placement.

**What is an emancipation account?**

The emancipation account is an ordinary bank account that you open, or any adult opens on your behalf, for the specific purpose of saving money that you earn through a job, participation in an ILSP program, or any other source detailed in your written transitional independent living plan to help you make it on your own when you leave the system.

**How do I set up an emancipation account?**

Your ILSP worker will help you with this. You can set up an emancipation account by opening, or having an adult open an account in your name with a bank or savings and loan institution that is insured. This account should be separate from any account you keep for basic spending money. The money that you deposit in this account must be from work or other sources that are part of your written independent living transitional plan. The money in this account must be used for purposes related to the goal of emancipation or when you leave foster care. If you need to withdraw money from this account while you are still in foster care, your social worker must agree in writing that the reason you need to withdraw the money is related to the goal of emancipation and place the written approval of the withdrawal in your case file.

## RELIGION

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**Can my foster parents or group home make me go to a church, temple, or mosque?**

No. You do not have to attend religious services that you do not wish to.<sup>107</sup>

**Can my foster parents or group home keep me from going to my church, temple, or mosque?**

No. You have a right to attend religious services of your choice. Your foster parents or group home must help you to arrange transportation to and from your place of worship provided it is within a reasonable distance. The only other way you can be prevented from attending religious services is if there is a very strong reason for not allowing you to go. Foster parents, for example, can refuse to take you to services if you seriously misbehaved on a prior occasion. They cannot, however, refuse to take you to services simply because they don't want to. Your social worker is supposed to help match you to foster care providers who will understand your religious needs.<sup>108</sup>

## DRIVING

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### **When can I get a driver's license?**

You may get a learner's permit, which allows you to drive with a driver who is at least 25 years old, when you turn 15-1/2 years old.<sup>109</sup> You may be eligible for a provisional license after you have held a learner's permit for at least 6 months, completed 50 hours of supervised driving, including 10 at night, completed driver's education and training and finished 6 hours or more of behind the wheel instruction.<sup>110</sup> Your provisional license becomes a full license when you turn 18 years old if you have no outstanding Department of Motor Vehicles suspensions or court ordered restrictions.

### **What are the requirements of a provisional license?**

For the first 6 months (or until you turn 18) you may not have a passenger in your car who is under the age of 20 years old unless you also have a licensed driver who is at least 25 years old in the car as well. For the first 12 months (or until you turn 18), you may not drive between midnight and 5:00 a.m. unless a licensed driver who is at least 25 years of age is in the car. There are exceptions to this restriction when reasonable transportation facilities are inadequate and the operation of the vehicle becomes necessary due to immediate family, employment, medical, and school needs. Licensees must carry a statement from the appropriate school official, employer, doctor, or parent/ guardian while driving.<sup>111</sup>

### **How can I get a driver's license?**

The rules differ depending on your age. Once you turn 18, you can simply apply at the Department of Motor Vehicles (DMV), which is listed in the phone book's government section. If you want a license before you turn 18, you'll have to apply for a learner's permit and get your guardian or biological parent to sign a form. You can also get the signature of a grandparent, adult sibling, aunt, uncle, or a foster parent who is living with you. None of these people are required to sign for you. The person who signs will be responsible for damages if you have an accident. In some cases, out-of-home care providers are not permitted by the county or their own rules to sign for you. There is no right to have a license. (See page 25 for steps to apply for your learner's permit).

**What if I can't get a parent, guardian, relative, or foster parent to sign for my driver's license?**

If no one will sign, you can get your probation officer or social worker to sign. They'll tell your foster parents that they're signing for you.<sup>112</sup>

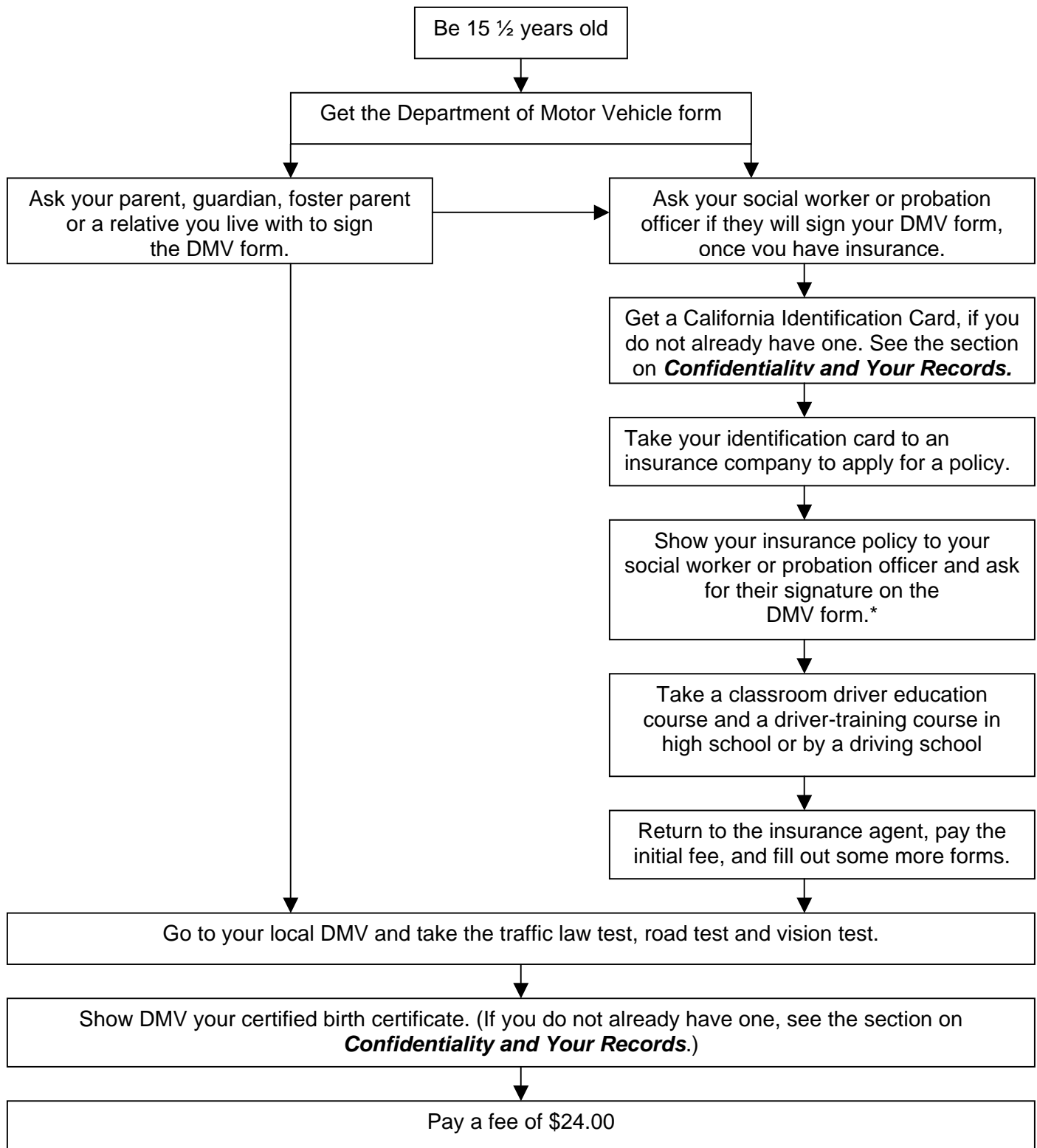
But to have your probation officer or social worker sign, you must have auto insurance -- *before you can get a license*. The probation officer, social worker, or county agency will not be responsible for damages from any accident.

**How do I get auto insurance?**

If you have a parent, guardian, relative, or foster parent sign for your license, his or her insurance should cover you. The person who signs should talk to his or her insurance agent to make sure that you are covered under his or her insurance policy.

If you have your social worker or probation officer sign, the easiest way to get insurance is by calling the California Automobile Assigned Risk Plan toll free at 1-800-622-0954. Beware! Getting insurance is very expensive, often with a large up-front charge.

## GETTING A LEARNER'S PERMIT FOR DRIVING IF YOU'RE UNDER 18



\* Remember, if your probation officer or social worker signed your DMV form, you need to be extra sure to keep your insurance payments up to date. The insurance company will terminate your policy if you're late in paying. If it does, it will tell the DMV, which will take away your license.

## IMMIGRANT STATUS

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**Can I be denied services while I'm in a foster home or group home placement just because I'm an immigrant?**

No. You must have fair and equal access to all available services and you may not be discriminated against or harassed just because you are an immigrant.<sup>113</sup>

**If I'm undocumented can I get a green card because I've been placed in a kin, foster or group home placement?**

Maybe. Children who have been abused, neglected or abandoned, and are eligible for placement in long-term-foster care because they cannot be reunified with their parents may be eligible for a green card by applying for Special Immigrant Juvenile Status (SIJS).

**What is Special Immigrant Juvenile Status?**

SIJS makes it possible for a dependents and wards of the juvenile court to become a permanent resident of the United States (i.e. get a green card).<sup>114</sup> To get the full benefits of this status, you must also apply for Permanent Resident Status.

If your application for SIJS and Permanent Resident Status are approved, you can stay in the United States permanently, work here, qualify for in-state tuition at colleges, and apply for US citizenship in five years.

**Can I apply for SIJS?**

To apply for SIJS, these things **must** be true:

- 1) you are under 21,<sup>115</sup>
- 2) you are not married,<sup>116</sup>
- 3) you have been declared a dependent of the juvenile court or have been placed in out-of-home care by the juvenile court<sup>117</sup> and remain under juvenile court jurisdiction<sup>118</sup>
- 4) your juvenile court judge has decided you are eligible for long term foster care,<sup>119</sup> and that parental unification is not possible<sup>120</sup>
- 5) the judge's decision regarding your eligibility for long term foster care was because of a specific finding of abuse, neglect or abandonment,<sup>121</sup>
- Continued...
- 6) the judge has decided it is in your best interest

not to be returned to your home country<sup>122</sup>

**and**

- 7) the juvenile court judge has signed an order confirming all of the above

**Are there risks in apply for SIJS?** Yes. A SIJS application alerts the immigration authorities that you are not lawfully in this country and may cause the government to try to remove (deport) you from the United States if your application is denied.

**What sorts of things could cause my Permanent Resident Status application to be denied?** Even if you meet the beginning application requirements, your application could be denied for other reasons, including if you have a record with drugs or crime, are HIV positive, or have been deported before. If you fall into any of these categories, your application could be much more risky and you should talk to an experienced immigration lawyer before you apply.

**Are there any other ways to parent, get my green card?** Yes, there are several. You might be able to have your adoptive parent or stepparent apply for you if they are a US citizen and even if you don't live with them. You might also qualify for something called temporary protected status if you are from a country that is in a civil war or where a natural disaster happened. To figure out your options, you should talk to a lawyer with experience in immigration issues.

**How can I get help with Immigration issues?** Start by asking your social worker, CASA, probation officer or care provider to help you find someone with experience in immigration issues to assist you. You should also talk to the lawyer assigned to your juvenile court case and ask for help with the process. If your juvenile court lawyer does not know about these issues, he or she should help you find someone who does. If your lawyer is unfamiliar with SIJS or other immigration issues and resources, he or she can contact:

- § Immigrant Legal Resource Center (415) 255-9499
- § Pacific Juvenile Defenders Center (415) 863-3762 ext. 314

## **EMANCIPATION**

**What does "emancipation" mean?**

It means being free from the custody and control of your parents, guardians, the social service agency and the juvenile court.

**How can I get emancipated?**

You are automatically emancipated when you reach the age of "majority" -- that is, become an adult under the law -- at age 18.

There are three ways to be emancipated before age 18:<sup>123</sup>

- *By getting married.* This requires consent of your parent(s) or guardian(s) and the court.
- *By joining the armed services,* including the Air Force, Army, Coast Guard, Navy, and Marines. You'll need to be accepted by the service and get the consent of your parent or guardian to join.
- *By being declared emancipated by a judge.*<sup>124</sup>

**Do I qualify for emancipation by a judge?**

You must be at least 14, living independently and managing your own finances, including having a legal source of income and paying for your own necessities like food, clothing and housing. You won't qualify if you are living in a group home, foster home, temporary shelter or living in any other situation where someone else supports you. Even if you meet the basic requirements for emancipation, a judge may refuse to declare you emancipated if the judge decides emancipation is "contrary to your best interest," or in other words, not good for you.

## LEGAL EMANCIPATION

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You'll have to show or convince a judge that:

- you're at least 14 years old,
  - you live separate and apart from your parents willingly with their consent of acquiescence,
  - you manage your own finances,
  - you have your own legal source of income, and
  - emancipation is not contrary to your best interests.
- 

**How can I get a judge to**

You will need to show the judge that you meet the basic

**declare me emancipated?**

requirements and convince the judge that emancipation is a good option for you. You will need to fill out some forms with the court. There is a court filing fee that varies depending on the county (usually between \$100 and \$200). You can ask the court to waive the fee, but that usually doesn't reflect well on your ability to support yourself financially. Your local Superior Court Clerk, who is listed in the phone book, can provide you with the forms and information on emancipation, filing fees and fee waivers. The court designed the forms to make it easy for youth to go through an emancipation without help. However, the process may seem very complex, and an adult or an attorney may be a big help.

**Is emancipation my best option?**

Emancipation is not for everyone. Very few youth are able to meet the requirements for becoming emancipated before reaching the age of 18. Emancipation may not be necessary to get the things you need. If for example you need a different living situation, it may be a better option to try to get your placement changed or a different living arrangement approved by the court. (See *Types of Placements, Guardianship, Independent Living* and *Role of the Courts* sections in this booklet.) You already have the right to get counseling and treatment for things like contraception, sexually transmitted diseases, pregnancy-related treatment, and drug and alcohol abuse treatment without notice to or the consent of adult. Emancipation is a serious step and should be considered carefully.

**What changes when I get emancipated before 18?**

You'll be treated as an adult in certain ways. You'll no longer need parental consent or a signature of an adult to get medical or dental care, enter into binding contracts, move to a new residence, apply for a work permit or enroll in school or college.<sup>125</sup> Remember that you can currently do these things without emancipating, as long as you get the necessary signatures.

**What are the disadvantages to emancipation?**

By emancipating, you give up some things. Until you turn 18, your parents, or the Department of Social Services, must support you financially.<sup>126</sup> If you are emancipated, you give up the right to this financial support and you'll no longer be eligible for state out-of-home care. You'll be solely liable to pay for certain things, such as accidents and harm you cause.

**What *doesn't* change after emancipation?**

Even after you're emancipated, you'll still be treated as a minor in some ways. Emancipation won't let you drive before the age of 16.<sup>127</sup> At 16, you can get a driver's license without an adult taking financial responsibility for you if you have proof of insurance.<sup>128</sup> It also doesn't change the rules about statutory rape. Until you turn 18, you'll still need parental or court permission to get married.<sup>129</sup> You still won't be able to drink<sup>130</sup> or smoke.<sup>131</sup> You also won't be able to vote.<sup>132</sup>

## COMPLAINTS

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**What can I do if I think that something is wrong with my placement, care or services?**

You can call the State Foster Care Ombudsman's office and explain your concerns.<sup>133</sup> This office investigates complaints and is there to help you with any problems or concerns you have about your care, treatment or services while in foster care.<sup>134</sup> The toll free number is (877) 846-1602.

In addition to calling the Foster Care Ombudsman, you may make a written complaint.<sup>135</sup> The staff at your group home or your foster parents must tell you how and where to send you written complaint. You may speak to your social worker or attorney any time that you have a complaint or concern about your placement, care or services.<sup>136</sup>

## KNOW YOUR RIGHTS

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*With every right comes a responsibility to use the right fully without exploiting it. Respect the rights of others as you exercise yours. As you read the following pages, keep in mind that respect for others, cooperation, and courtesy go a long way in getting the things you need and want.*

### **You have the right to:**<sup>137</sup>

- § Live in a safe, healthy and comfortable home where you are treated with dignity and respect.
- § Be free from physical, sexual or mental abuse.
- § Be free from discrimination on the basis of race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability or HIV status.
- § Be given healthy food, adequate clothing, and individual storage space.
- § Not be locked in any room, building, or facility premises.\*
- § Receive medical, mental health, vision and dental services.
- § Refuse medications or chemical substances not authorized by a doctor.
- § Get sensitive health care services without an adult's permission.
- § Contact your family members. Visit and contact your brothers and sisters.\*\*
- § Make and receive confidential phone calls and send or receive unopened mail.\*\*
- § Go to school. Participate in school activities, religious services of your choice, and age appropriate extracurricular and social activities.
- § Have social contacts outside of the foster care system.
- § Keep your own money and have your own bank account.\*\*
- § Attend Independent Living Skills Programs if you are 16 or older.
- § Work if you are old enough by state law.
- § Attend your court hearing and speak to the judge. Review your case plan. Keep your court records confidential.
- § Contact your social worker or probation officer, attorney or CASA. See your social worker or probation officer once a month.
- § Make complaints to the Department of Social Services and Foster Care Ombudsperson without punishment.

\* Unless you are in a community treatment facility.  
\*\*Unless prohibited by a court order or your case plan.

## YOUR GROUP HOME OR FOSTER HOME'S RESPONSIBILITIES

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- › To accept you and treat you with dignity and respect.
- › To provide for your daily care.
- › To protect confidential information about you.
- › To keep in regular contact with your social worker or probation officer.
- › To participate in hearings about your case.
- › To follow your case plan.
- › To make sure you receive needed medical and dental care.
- › To be reasonable when providing discipline, which may include confining you in an unlocked area, charging fines, and restricting television, radio, or phone access.

## YOUR SOCIAL WORKER OR PROBATION OFFICER'S RESPONSIBILITIES

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- › To extend you courtesy and respect.
- › To meet with you regularly, usually once a month.
- › To call you once a month if there will be no visit. To return calls to you.
- › To arrange for services to meet your needs while you are in placement.
- › To choose the least restrictive and most appropriate placement for you.
- › To formulate a permanent plan for you.
- › To arrange visits with parents and siblings.\*
- › To ask you about significant adults in your life that you would like to stay in touch with and work to make those connections possible.\*\*
- › To inform the court of your situation and make recommendations to the court.
- › To provide services for independent living after you turn 16, if not sooner.

\* Unless prohibited by a court order or your case plan.

\*\* If you are 10 or older and in a group home.

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## USEFUL RESOURCES

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- **Office of the State Foster Care Ombudsman** (877) 846-1602

If you think there is something wrong with your placement, care or services, this office will help you with your complaint and may start an investigation depending on the circumstances.

- For help, call the **California Youth Crisis Line** (24 hours a day). (800) 843-5200

The Youth Crisis Line can answer questions about:

- food
- health care
- drug treatment
- child care
- where to stay
- where to get legal help

It's confidential. You can also call just to talk.

- **California Youth Connection (CYC)** (800) 397-8236

CYC is an organization to help you speak out about the needs of foster youth. CYC was started by foster youth in 1988 to give you a voice about issues that affect you. CYC members work on legislation, speak to the legislature and other policy makers, and work on statewide committees and in their own communities, to improve the foster care system. CYC is youth run and each year youth put on two statewide conference where CYC members from all over California come together to discuss issues. CYC builds leadership skills and gives you a network of current and former foster youth for peer support. You can join CYC at age 14 and remain a member until age 24. Many Independent Living Skills Programs have CYC chapters. To find out if there is one in your county, contact your county Independent Living Program or call the CYC statewide office.

- To get in touch with your local **independent living program**, call the number in your county.
- Other helpful numbers for your **county** include:  
(County agencies: please fill in names and numbers for the court, Medi-Cal, after care programs, CASA, and any other services you have found useful.)

\_\_\_\_\_ (Name)

\_\_\_\_\_ (Telephone Number)

\_\_\_\_\_ (Name)

\_\_\_\_\_ (Telephone Number)

\_\_\_\_\_ (Name)

\_\_\_\_\_ (Telephone Number)

## ENDNOTES

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1. The following abbreviations refer to California law:

BPC	Business & Professions Code
CC	Civil Code
EC	Education Code
FC	Family Code
HSC	Health & Safety Code
PeC	Penal Code
PrC	Probate Code
VC	Vehicle Code
WIC	Welfare & Institutions Code
CCR	California Code of Regulations
RC	California Rules of Court
DSSM	California Department of Social Services Manual of Policies and Procedures, Division 31, Child Welfare Services Manual

2. WIC 16000(a)
3. WIC 16501(a); 16501.1(a), (b), (c)
4. WIC 16501(a); 16501.1(d)
5. WIC 16501.1(c); DSSM 31-205
6. WIC 16501.1(f); DSSM 31-206
7. WIC 16010(a); DSSM 31-206
8. WIC 16010(c)
9. WIC 16501.1(d)
10. DSSM 31-525.61; 31-525.65; 31-525.72
11. WIC 16501.1(f)(12); 16001.9(a)(19); DSSM 31-040
12. WIC 300
13. WIC 601(a), (b)
14. WIC 602
15. WIC 315-16; 319
16. WIC 334
17. WIC 355; 356
18. WIC 358; RC 1451
19. WIC 358(b); 358.1
20. WIC 366.21(c)
21. WIC 364, 366(a)
22. WIC 366.21

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23. WIC 399
  24. WIC 293(a), (b); 366.21(b)
  25. WIC 366.21(f)
  26. WIC 366.21(g)(1)
  27. WIC 366.21(g); 366.26(b)(1),(2)
  28. WIC 366.21(g)(3); 366.26(b)(3)
  29. WIC 366.26(c): The court can consider guardianship only if the court finds that one of the following situations exist: (1) the child lives in a residential treatment facility; adoption is unlikely, and continuation of parental rights will not prevent finding the child a permanent family placement once the child leaves the facility; (2) the parents have maintained regular visitation and contact with the child and the child would benefit from a continuing relationship with the parents; (3) the child is at least 12 years old and the child objects to termination of parental rights; (4) exceptional circumstances prevent the child's current caretakers from adopting and the removal of the child would be seriously detrimental to the emotional well being of the child; or (5) at each and every hearing at which the court was required to consider reasonable efforts or services, the court found reasonable efforts at family reunification were not made or reasonable services were not offered or provided to parents.
  30. WIC 366.21(g)(2)
  31. WIC 399; 16001.9(a)(17)
  32. WIC 399; 16001.9(a)(17)
  33. WIC 353.1, 388
  34. WIC 293(a); 294(a); 295(a); 336; 349; 366.21(a), (b)
  35. WIC 349
  36. WIC 317(c)
  37. WIC 317(d), (e)
  38. WIC 317(d), (e)
  39. *In Re Kristen B.*, 187 Cal.App.3d 596, 608; 232 Cal.Rptr. 36, 43 (1986).
  40. RC 1412(f); *Charles S. v. Superior Court*, 168 Cal.App.3d 151, 156; 214 Cal.Rptr. 47, 50 (1985)
  41. RC 1412(e); *In re B.G.*, 11 Cal.3d 679, 114 Cal.Rptr. 444, 454 (1974); *In re Joshua S.*, 205 Cal.App.3d 119, 122; 252 Cal.Rptr. 106, 107 (1988).
  42. WIC 366.21(c)
  43. WIC 16507.4
  44. WIC 300, 319(e), 361.2(e)
  45. WIC 361.2; DSSM 31-405
  46. CCR 84072.2; WIC 16001.9(a)(8)
  47. CCR 89372(c)(15)
  48. WIC 366.21(g), 366.26(b)(3). For children who are not dependents in the juvenile court,

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guardianship proceedings are governed by PrCode §1500 et. seq. and are handled in the family or probate division of the Superior Court.

49. WIC 388, RC 1466(c)
50. PrC 1600(b); FC 7002(a), (b)
51. WIC 366.26(b)
52. FC 8616
53. FC 8604; 8605; 8606
54. FC 8602
55. FC 8612(c)
56. WIC 16115, *et seq.*
57. WIC 16120(a)(1)
58. WIC 16120.1
59. WIC 16121
60. DSSM 31-002(i)(1); 31-525; WIC 16001.9(a)(16)
61. DSSM 31-525; WIC 16001.9(a)(14)
62. WIC 16522
63. DSSM 31-320.2
64. DSSM 31-320.3; 31-320.4
65. DSSM 31-320.414
66. WIC 362.1(a); DSSM 31-340.2; WIC 16001.9(a)(6)
67. WIC 16507(a); DSSM 31-345; WIC 16001.9(a)(6)
68. WIC 16501.1(f)(5)
69. WIC 16501.1(f)(8)
70. WIC 16002(b); 16001.9(a)(7)
71. WIC 16002(b); 16501.1(f)(8); 16501.1(g)
72. WIC 10850(a); 22 CCR 84070; 80070(c); RC 1423(a),(b); WIC 16001.9(a)(21)
73. EC 49076(a)(6)
74. WIC 827(a), RC 1423; WIC 16001.9(a)(19)
75. 22 CCR 80070(d)(1)
76. WIC 389, 781(a)
77. WIC 781(a)
78. WIC 389(a), 781(a)
79. WIC 16001.9(a)(13)
80. EC 48853(g); WIC 361(a)(5), 726(b)(5)

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81. WIC 361(a)
  82. WIC 361(a)
  83. GC 7579.5
  84. EC 48853
  85. EC 48853.5
  86. EC 48853.5(d)(4)(B)
  87. EC 49069.5(d), (e)
  88. EC 49069.5(c)
  89. EC 49069.5(d), (e)
  90. EC 49069.5(h)
  91. EC 48205
  92. WIC 16001.9(a)(4)
  93. WIC 16001.9(a)(5)
  94. FC 6925 Minors may not give consent to sterilization procedures (permanent prevention of reproduction including vasectomies, tubal ligation, hysterectomies etc..).
  95. FC 6926
  96. FC 6929
  97. FC 6927
  98. FC 6928
  99. FC 6924 Minors may not consent to receive psychotropic medications, psychosurgery or shock treatment.
  100. WIC 14005.28
  101. All County Information Notice No. I-117-00
  102. WIC 16146
  103. 22 CCR 84077 (a)(2)
  104. 22 CCR 89372(c)(18)
  105. WIC 11008.15; 16001.9(a)(14); DSSM 31-525
  106. WIC 11155.5(a); 11401; 16001.9(11)
  107. 22 CCR 80072(a)(5), 89372(c)(17); WIC 16001.9(a)(10)
  108. 22 CCR 89173(c); DSSM 31-420.12
  109. VC 12509; 12814.6(a)(1)
  110. VC 12814.6
  111. VC 12814.6
  112. VC 17701

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113. WIC 16001.9(a)(22)
  114. INA § 101(a)(27)(J); 8 USC § 1101(a)(27)(J)
  115. 8 CFR § 204.11(c)(1)
  116. 8 CFR § 204.11(c)(2)
  117. INA § 101(a)(27)(J); 8 USC § 1101(a)(27)(J)
  118. 8 CFR § 204.11(c)(5)
  119. INA § 101(a)(27)(J); 8 USC § 1101(a)(27)(J)
  120. 8 CFR § 204.11(a)(1993)
  121. INA § 101(a)(27)(J); 8 USC § 1101(a)(27)(J)
  122. INA § 101(a)(27)(J); 8 USC § 1101(a)(27)(J)
  123. FC 7002
  124. FC 7002(c); 7120; 7122
  125. FC 7050(e)
  126. The obligation covers an 18-year-old unmarried child who is in high school and extends until the child completes the 12<sup>th</sup> grade or turns 19 years old, whichever happens first. FC 3901
  127. VC 12509; 12814.6(a)(3)
  128. VC 17705
  129. FC 302
  130. BPC 25658
  131. PeC 308
  132. United States Constitution, Amendment XXVI
  133. WIC 16164
  134. WIC 16164; 16165; 16001.9(a)(8)
  135. 22 CCR 84072.2; 87072(b)(2); DSSM 31-002(g)(1); 31-020; WIC 16001.9(a)(8)
  136. 22 CCR 84072.2; 87072(b)(4)
  137. WIC 16001.9(a)