



Children in Foster Homes

The Law

When young people cannot live at home they are often placed in a residential facility. A residential facility means any group home, family foster home or other publicly supported out-of-home facility. When placing a child in a residential facility, the agency placing the child must give consideration to the child's race or ethnic heritage.

WHAT IS THE PROCEDURE FOR PLACING A CHILD IN A RESIDENTIAL FACILITY?

A child can be placed in a residential facility if the parents voluntarily agree to it or if the court orders an out-of-home placement.

In both voluntary and involuntary types of placements, social services prepares a case plan within 30 days after the child is placed in a residential facility. It must be signed by the parents or guardian, the social service agency responsible for placement, and if possible, the child. The parents have a right to legal counsel and the child has a right to a guardian ad litem. The case plan must include the following:

- a. The specific reasons for placement, including a description of the problems in the home of the parent that caused the removal.
- b. The specific actions taken by the parent to eliminate or correct the problems and the time period during which the actions were taken.
- c. The financial obligations of the parent, if any.
- d. The visitation rights and obligations of the parents.
- e. The supportive services to be provided to the parent, the child and the residential facility.
- f. The date the child is expected to return home.
- g. What efforts will be made to reunite the family?
- h. Notice to the parent that placement of the child may result in termination of parental rights, but only after a hearing.



Rights of Youth in Foster Care

1. You have the right to what every person needs: enough food, clean clothes, a clean bed, decent housing and the attention of people who will listen to you.
2. You have the right to be safe from being hurt by foster parents, caregivers or other children. Foster parents, caregivers and other children may not physically, sexually, or verbally abuse you. They cannot use physical punishment (hitting, slapping, spanking, pinching, shaking, or kicking) to discipline you.
3. You have the right to medical and dental care. Your social worker should make sure that your medical needs are met. You must be allowed to see doctors if you are sick, to ask them questions, and to talk to them about how medicine is making you feel. Confidential information and medical care for pregnancy, birth control and drug problems should be available to you.
4. You have the right to go to school and join in some school activities. If you have special problems with learning, you have the right to receive special education services.
5. You have the right to have visitors and make telephone calls during certain hours. You also have the right to send and receive mail. As part of your case plan, you should have home visits with family or friends. Contact with certain people may be restricted for your own safety.
6. You have the right to live in an unlocked place unless the court has ordered you into a locked place.
7. You have the right to apply for foster care benefits until the age of 21. Six months before your eighteenth birthday you should talk with your social worker about getting foster care benefits from the time you turn 18 until you reach age 21, or about other plans for moving toward independence.
8. You have a right to preserve your heritage. You have the right to live in a home that is supportive of your religious, racial, cultural, and ethnic identity. If possible, placement should be with a family member or someone from your community.
9. You have the right to reasonable rules about your behavior. If you are unable to control you behavior, discipline may be used. For example, you can be “grounded” or given chores. You have the right not to be punished too severely. You should not be denied meals, sleep, mail, or family visits. If time-out is used as method of discipline, it can’t be for more than one hour. You can’t be isolated in a locked room.
10. You have the right to have a social worker. Your social worker should talk with you regularly. If they don’t, call their supervisor.



11. You have the right to a case plan written by you, your parents and social worker to meet your needs and plan for your future. Your social worker should discuss the plan with you and ask you to sign it. You have the right to discuss it with your parents and ask for changes in it. You have the right to ask for a lawyer to help prepare it. The plan should be reviewed every six months.
12. You have the right to ask for independent living. This results in both freedoms and responsibilities. There is no established process for emancipation in Minnesota. However, young people over age 15 in court as “children in need of protection or services” can ask to live on their own. If you are over age 15, your case plan should include transitional services to help you move toward independent living.
13. You have the right to a permanency decision. After you have been placed out of your home for 12 months, the judge must make a permanency decision to
 - Return you to a parent, or
 - Transfer legal custody to a relative, or
 - Terminate your parents’ rights and authorize adoption, or
 - Authorize long-term foster care, if you are 12 or over, or you would be together with a brother or sister who is 12 or over.
14. You have the right to appeal any decision made by the local social services agency about your services or plans for your future. If you disagree with your case plan and cannot get it changed, you can ask for a state hearing to review the plan. You can start an appeal by writing to your social worker or the Department of Human Services.
15. You have legal rights in court. You have the right to be in court and to give your opinion when important decisions are being made about your future. Permanent decisions about what should happen to you should be made within 12 months of placement. You have the right to know about important County Social Services decisions regarding your case. You have the right to be represented in court by a lawyer.

This law sheet was adapted from “Rights of Youth in Foster Care”, published by the Legal Aid Society of Minneapolis.

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Activity: Case Plan

Develop a modified case plan for each of the following cases. Use the "Case Plan" form provided. When developing a case plan try to determine what would be necessary in order for things to change.

CASE 1: Maria has been in trouble with the courts since she was 12 years old. At that time she refused to go to school and the school filed a truancy petition. She was put on probation for truancy. Maria's parents tried to get her to go to school by taking away privileges if she did not go to school and get good grades. They would try to follow through with their consequences, but Maria would not listen to them and did whatever she wanted. As Maria entered high school, she started getting into more trouble. She seemed to be hanging with a group that was always in trouble. She was caught shoplifting and continued to truant. When she was 16 she was caught driving a stolen car. Her parents had given up trying to control Maria, and she was allowed to do what she wanted. Maria went to court and was placed in a correctional facility for girls.

CASE 2: Alison is an eight-year-old who lives with her mother. There have been several neglect reports made by concerned neighbors and school officials. At school Alison is always tired, dirty, hungry and as a result unable to attend to her schoolwork. She is absent at least twice a week and returns without an excuse. When the mother is called, she usually says that her daughter was sick. The reports made by neighbors and others in the community have expressed concern that she is often left alone. The mother drinks and when she is at home with her daughter, Alison is left unattended. Alison runs wild in the neighborhood. Child Protection has conducted several investigations, and case plans have been written. The mother does not appear to follow the case plans. After the last report the child protection worker arrived at the home at 6:00 in the evening. Alison was home alone. The court decided that it would be best if Alison were placed in a temporary foster home.

CASE 3: Jason was born addicted to cocaine. His mother did not receive any prenatal care and both she and Jason tested positive for cocaine at delivery. The baby was taken at birth and placed in foster care.

