

# A Teen's Legal Guide to Foster Care in Oregon

Developed in collaboration with:  
The Juvenile Rights Project  
The Marion County Circuit Court  
The Clatsop County Circuit Court  
and  
The Oregon Judicial Department's  
Juvenile Court Improvement Project

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<http://www.ojd.state.or.us/osca/cpsd/courtimprovement/jcip>

# Foster Care

## Foster Care Bill of Rights

These are your **RIGHTS** in foster care.  
If you feel your rights have been violated  
Contact your attorney, caseworker,  
CASA (Court Appointed Special Advocate),  
or foster parent right away.

As a youth in foster care, you have these **RIGHTS**:

- To know your rights in foster care, to receive a list of those rights in written form and to know how to file a complaint if your rights are violated.
- To be told why you came into foster care and why you are still in foster care.
- To live in a safe and healthy home where you are treated with respect, with your own place to store your things, and where you receive healthy food, adequate clothing, and appropriate personal care products, like toothpaste, a hairbrush, soap, and shampoo.
- To have your personal belongings with you, and they move when you move.
- To have caring foster parents or caretakers who are properly trained, have received background checks and screenings, and who receive adequate support from the Agency.
- To be placed in a home with your brothers and sisters when possible, and to maintain regular and unrestricted contact with siblings when separated (including help with transportation), unless the court orders otherwise.

- To attend school and participate in extracurricular, cultural, and personal enrichment activities.
- To have your privacy respected and protected.
- To be protected from physical, sexual, emotional or any other abuse, including corporal punishment (hitting or spanking as a punishment) and being locked in your room (unless you are in a treatment facility).
- To receive medical, dental, vision and mental health services.
- To refuse to take medications, vitamins or herbs, unless prescribed by a doctor.
- To have regular ongoing visits with your parents and other relatives unless prohibited by the court or unless you don't want to.
- To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by the court.
- To have regular contact with your caseworker, attorney, and *CASA* and to be allowed to have confidential conversations with such individuals.
- To be told by your caseworker and your attorney about any changes in your case plan or placement and receive honest information about the decisions the Agency is making that affect your life.
- To attend religious services and activities of your choice and to preserve your cultural heritage.
- To be represented by an attorney in court, have fair hearings and court review of decisions, so that your best interests are safeguarded.
- To be involved in the development of your case plan and to object to any of the provisions of the case plan during case reviews, court hearings and case planning conferences.
- To attend court and speak to a judge about what you want to have happen in your case.
- To have a plan for your future, including a plan for leaving foster care at some time after you turn 18, and to be provided services to help you prepare to become a successful adult.

## Department of Human Services (DHS)

Department of Human Services is also called DHS. It is the state's health and human services agency. Its mission is to help people become independent, healthy and safe. It is supposed to protect Oregon children from abuse and neglect through child-protective services, foster care, and adoption programs. Marion County's DHS office is located at 2045 Silverton Rd. in Salem, phone 503.378.6800.

If you are in foster care, you have the right to have a DHS caseworker. Your caseworker has responsibilities to you, and you should know what they are.

Caseworker responsibilities:

- ◆ To see you face-to-face at least once a month
- ◆ To call you on the telephone and return your phone calls
- ◆ To refer you to counseling or other services if you need help
- ◆ To figure out the best permanent plan for you and help achieve it
- ◆ To help you create an independent living plan if you're at least 16
- ◆ To refer you to an Independent Living Program if you're at least 16
- ◆ To arrange visits with your parents and brothers and sisters unless the judge has ordered no visits
- ◆ To tell you when your court hearings are scheduled and help you get to court on time
- ◆ To tell the judge what you want the judge to know
- ◆ To treat you with respect and courtesy

**Teens in foster care have a RIGHT to get what every child needs: enough food, clean clothes, a clean bed, adequate housing and the attention of people who will listen to them.** Your foster parent(s) are given a payment to cover the costs of your room, your food, clothing, extra needs and an allowance for you.<sup>1</sup> Your bedroom should be well lighted, heated and have good air circulation; it should have an outside window and be within call of a responsible adult. You should have your own bed and drawer and closet space.

**Teens in foster care have a RIGHT to be treated with dignity and respect, especially in regard to their background, family, race, culture and religious heritage.** You must be given opportunities to attend religious services of your choice if you desire. You may not be forced to participate in your foster parents' religious activities if you do not wish to do so. If you are Native American or come from a Southeast Asian Refugee family you have special rights to remain with relatives or members of your tribe or cultural community if at all possible.

**Teens in foster care have a RIGHT to be safe from being hurt by their foster parents, staff or other children where they live.** No one may physically, sexually, or mentally abuse you. No one may hit, kick or shove you, or encourage another to do so. No one may touch your private parts or make you touch theirs. No adult may cuss at you, call you names or put you down. If you think you have been abused, talk to your caseworker, your attorney or your *CASA*.

**Teens in foster care have a RIGHT to have fair rules concerning their behavior.** If you do not obey your foster parents' rules, you may be subject to REASONABLE DISCIPLINE, including: "time out" in your room for a short period of time; being required to do additional chores, so long as the work is not hazardous to your health and does not interfere with your education or unreasonably limit your recreational activities; and you may be "grounded" or have other privileges like watching your favorite TV program taken away.

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<sup>1</sup> The payment may not be enough money to actually cover all your expenses. Many foster parents contribute some of their own money to the expenses of their foster children.

**Teens in foster care have a RIGHT to be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule and coercion.** No one is allowed to spank, slap, hit, shove or shake you. You cannot be deprived of food, clothing or sleep. You cannot be disciplined for the misbehavior of another child in the home (group discipline). You cannot be disciplined in a way which humiliates or degrades you. You cannot be denied visits with your parents or threatened with removal from the foster home because of your misbehavior. No one is allowed to verbally or emotionally abuse you.

**Teens in foster care have a RIGHT not to be locked in any room, building, or facility premises.** Your foster parents or the staff at your group home can give you a curfew, or tell you to go to your room, but they cannot lock you in.

**Teens in foster care have a RIGHT not to be placed in any restraining device or be tied up,** unless your physician has determined that a postural support or protective device is necessary to correct a medical problem or to prevent you from hurting yourself.

**Teens in foster care have a RIGHT to be involved in major decisions affecting their life.** You have the right to be in court when important decisions are being made about your future. You have the right to be represented by an attorney and to call the attorney who represents you. You have the right to talk privately to your attorney. You have the right to ask the Judge to review and change decisions made by your caseworker about your placement, visitation and treatment.

**Teens in foster care have a RIGHT to wear their own clothes.**  
**Teens in foster care have a right to keep their own belongings.** Things you brought with you, gifts you receive or things you buy while in foster care belong to you as long as they are not harmful or illegal. You have the right to earn and keep your own money.

**Teens in foster care have a RIGHT to medical, dental, psychological and psychiatric care.** You must be allowed to see a doctor or nurse if you are sick, to ask them questions, or to talk about how any medicine is making you feel. You also have the right to have services, care and supports to meet your needs and help you overcome any problems you have as a result of your past experiences.

**Teens in foster care have a RIGHT to go to school.** You must be encouraged and given reasonable opportunities to participate in school, sports, cultural and neighborhood activities. If you are handicapped or have a special problem with learning, you have the right to receive appropriate free education, and the Judge must appoint an educational advocate to make sure that you do.

## **YOUR FOSTER HOME OR GROUP HOME'S RESPONSIBILITIES**

- ◆ 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 caseworker.
- ◆ 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.

# Questions and Answers About Foster Care

## **What is foster care?**

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

When you are in foster care, you may live in a shelter home, a foster 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. (OAR 413-070-0610).

## **How do children and youth get into foster care?**

In most cases, children and youth are placed in foster care after they have been removed from their homes when a Judge finds their parents cannot properly care for them. In some cases, parents voluntarily arrange for their children to be placed in foster care.

**Where will I be sent to live once I am placed in foster care?**

There are several different types of placements where you may be sent, depending on the circumstances of your case.

***Kinship care*** is a home with relatives other than your parents. DHS and the Judge will try and place you with a family member whenever possible. If your relatives agree to take care of you, they will have to become foster parents.

***A foster home*** is a family, where you live with foster parents, their children, if they have any, and other foster children (not exceeding a total of 8 children). (ORS 418.950)

***A group home*** is a residence where you live with other children. Some group homes are family group homes, with group home parents, but they will also have other staff, who will help take care of you. Many group homes have paid staff who usually do not live in the group home. Services are provided to you in a group setting, though group homes should be as family-like as possible.



If you need special help that you cannot get while living in a regular foster home or group home, you may also be sent to a hospital or a residential treatment facility for a period of time before you return to foster care.

**What is "custody"?  
How does DHS get legal custody?**

**"Legal" custody** is the right and responsibility to make the decisions about you, including where you live and decisions relating to your health, education, and what is best for you. Children or youth who are in foster care are in the legal custody of DHS.

**"Physical" custody** is the right given to the person who is directly supervising you. Physical custody is given to foster parents and relatives you live with. There are two ways DHS can get legal custody of you:

- Voluntary placement
- Court placement

A **voluntary placement** is when parents agree to let DHS take care of their child. A **court placement** is when the social service agency asks the Judge for custody of a child because the child has been abused or neglected. For further discussion of the court process look at the section entitled **Role of the Courts**.

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

If the Judge decides to put you in DHS's legal custody, then the caseworker decides where you will live. If there is a disagreement about where you should live, the Judge can order your caseworker to place you in a certain type of placement, like foster care instead of a group home, but the Judge cannot say you must go to one particular foster home.

See the section on **foster care**.

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

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 caseworker and attorney. They may be able to help you work out whatever problems you have with the foster parent or group home staff. You may request to be moved or you can make 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 to inform you of how to file a complaint. If you live in a foster home, your caseworker or attorney can give you the address and phone number of where to file confidential complaints and how to do so. If your complaint is with your caseworker, you should consider talking to or sending a letter to the caseworker's supervisor. If you have an attorney, you should also talk to him or her.

**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. The reunification 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 caseworker, the district attorney and you, your attorney, and your parents' attorneys. The Judge makes the decision through a series of hearings that you have the right to participate in. This is discussed further in the section entitled Role of the Courts.

## What is a "case plan"?

Your case plan (ORS 419B.343)<sup>2</sup> is a written document that sets out specific steps your caseworker - who works for the Department of Human Services - Child Welfare (we'll shorten this to just DHS from here on)<sup>3</sup>, and your family will take to try to resolve the problems that led to your being removed from your home. DHS should complete a case plan within 60 days of your removal from home. (OAR 413-040-0040)<sup>4</sup> The case plan must take into account your best interests and special needs (OAR 413-070-064). See the box for what must be in the case plan. (OAR 413-040-0015 and ORS 419B.343).

The case plan should be updated whenever your placement changes and at least every six months (OAR 413-040-0045). Older foster youth should be part of the case planning process. Talk to your caseworker and your attorney about your participation.

## What is a transitional independent living plan?

It's a written plan for how you will get the skills and help you need to be able to live on your own. If you are at least 14 years old, the Judge will want to read your plan and discuss it with you.

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This is the place in the books of Oregon laws that talks about case plans. This is called a "citation" and it stands for: Oregon Revised Statutes, Chapter 419B, Section 343

DHS used to be known as SCF or SOSCF (State Office for Services to Children and Families) before its name was changed to DHS. Before that change it was CSD (Children's Services Division). People often refer to DHS by its old names.

This citation stands for Oregon Administrative Rules. These are the official rules that govern DHS. You can access these rules online at: [www.dhsinfo.hr.state.or.us/Policy](http://www.dhsinfo.hr.state.or.us/Policy).

### **Can I see my case plan?**

Yes. Your case plan is in a report that is given to the Judge at the dispositional hearing and review hearings. This report is called the Court Report. Your case plan is also in a form that is sent to the Citizen Review Board and the Judge called the 147B. If you have an attorney, your attorney will get a copy of the Court Report and/or the 147B before each hearing or Citizen Review Board review. Your attorney should discuss what is in the report with you. You are also entitled to attend court hearings. The case plan is part of the court record of each hearing, so the report's contents will be discussed at each hearing. If you are under 12 and do not have an attorney and are concerned about what is in your case plan, ask your caseworker about it, or ask the Judge to give you an attorney.

## **CONTENTS OF THE CASE PLAN**

A case plan must have:

1. • The long-term goal for your welfare,
2. • A plan for your proper care,
3. • A plan for ensuring that you and your family receive services you need,
4. • Why those services are appropriate for you and your family,
5. • A visitation schedule for your parents and siblings, and
6. • A transitional independent living plan if you're 16 or older.

# ROLE OF THE COURTS

**Teens in foster care have a RIGHT to have services to reunite them with their family.** If your case plan is for you to be reunited with your family, both you and your parents must be provided with counseling and other services to make it possible for you to live together again.

**Teens in foster care have a RIGHT to have a permanent home.** If it is clear that you will not be able to live with your parents again, you have the right to have a permanent home found for you.

**Teens in foster care have a RIGHT to live in the least restrictive placement appropriate for their needs.** This means you cannot be placed in a locked facility unless there is no other alternative, and your placement should be as much like a regular family home as possible. It should be as close to home as possible.

**Teens in foster care have the RIGHT to be told of hearings about their case.** You have the right to attend hearings. You can state your opinion in court or have your attorney speak on your behalf. You can ask the Judge to talk to you in private. In some hearings you have the right to call witnesses.

**Teens in foster care have the RIGHT to be represented at any court hearing by an attorney.** If you cannot afford an attorney, you can ask the Judge to appoint you an attorney.

## Questions and Answers About Courts

**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 paper that requests that the court become involved in a child's life. Any person may file a petition with the juvenile court alleging that a child is in need of state involvement. (ORS 419B.230.)

A petition is generally filed in court by DHS for abused or neglected children or youth and will state - "allege" - the reasons that the DHS caseworkers think a child or youth needs protection. (ORS 419B.242). If the Judge agrees that there is enough information showing the child or youth needs protection at the hearing on the petition, called the jurisdictional hearing, the Judge can make the child or youth a "ward" of the court and order that the child or youth be placed or remain in foster care or other placements.

**What kinds of hearings are there?**

There are several kinds of hearings for children or teens who are or may become "wards of the court":

- **Shelter hearings**
- **Jurisdictional hearings**
- **Dispositional hearings**
- **Judicial review hearings**
- **Permanency hearings**
- **Termination of parental rights hearings**

The *shelter hearing* (ORS 419B.185) happens at the very beginning of a case when a child or youth has been removed from home by a caseworker because of an emergency. At this hearing, the Judge decides whether to let you go back home or to order you to stay in temporary foster care. The shelter hearing must take place no later than **twenty-four hours** after you've been removed from your home, unless this occurs during a weekend or judicial holiday. (ORS 419B.183). Even if the Judge lets you return home or to a relative, he or she may order DHS to supervise your care until the jurisdictional hearing.

At the *jurisdictional hearing* (ORS 419B.305), the Judge decides whether the allegations of the Petition are true. This hearing must usually be held no later than 60 days after the filing of the petition (ORS 419B.305). Both you and your parents have the right to have your own attorneys to advise you about your case and speak for you at this and other hearings. The Judge may listen to what people who know about your case have to say. These people are witnesses and they must swear to tell the Judge the truth. What they say is called testimony and it is part of the information or evidence the Judge considers in making decisions about your case. There may also be other evidence, like records from hospitals, schools, etc. If the Judge believes that some or all of the petition is true, he or she can make you a **ward** of the court. This means that the Judge or someone else, like your caseworker, will make decisions that used to be made by your parents. These decisions include where and with whom you will live, how often you will visit your parents, and whether you will have to participate in services, like counseling.

At the *dispositional hearing* (ORS 419B.325), the Judge decides where you should live while your parents try to solve their problems. This usually takes place at the same time as the jurisdictional hearing, but it can be scheduled for later. At this hearing, DHS gives a report on your situation to the Judge and the other people involved in your case<sup>5</sup>. The report makes recommendations for your care. It explains what your caseworker thinks should be done to help you return home. The report must also spell out what visitation between you and your family will occur while you are in foster care. Your case will be reviewed **at least every six months** at a *review hearing* (ORS 419A.106). The review of your case can be done by the Judge, or the Citizen Review Board may review it. A Citizen Review Board (CRB) is a small group of people (3 to 5 generally), who volunteer to help hear reviews of these cases and make decisions because there are not always enough Judges to hear all the reviews. To review your case, the Judge or CRB 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), what other services you or your parents should participate in, and a timeline for getting things done that must be completed in order for you to be reunited with your parents (ORS 419A.116). You and your attorney can and should participate.

The *permanency hearing* (ORS 419B.470) is a type of review hearing at which the Judge determines your future placement. It must be held no later than **14 months** after you were placed in foster care or 12 months after you were found to be under the jurisdiction of the court (ORS 419B.470). The first thing the Judge decides at a permanency hearing is whether you can return home. If the Judge doesn't allow you to return home, then there are four choices:

1. Schedule a second and final *permanency hearing* within six months. 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.
2. **Adoption.** (ORS Chapter 109) If the Judge finds you cannot go home and can be adopted, the Judge may terminate your parents' rights so that you can be adopted. This is discussed further in the section on **Adoption**.

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<sup>5</sup> You may be surprised at how many people are involved in your case. You will have a caseworker. There will probably be an attorney for you and for each of your parents. A District Attorney (an attorney who works for the State of Oregon) or Attorney General (another kind of attorney who works for the State of Oregon and speaks for your caseworker) will be involved in some, but maybe not all of your case. You may have a CASA (a Court Appointed Special Advocate) who helps tell the Judge what is in your "best interests" (best for you). And there may be other people that are granted permission to be involved in your case.

3. **Legal guardianship.** (ORS 419B.370). The Judge will look at this option only if adoption is not an available option. See the section of this booklet called **Guardianship**.
4. **Other planned permanent living arrangement.** This choice often means that the Judge will order you to remain permanently in foster care or in a residential treatment program. The Judge will look at this option only if all the other options are not possible. After the permanency hearing, the Judge or the Citizen Review Board 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 a relative, or in DHS's custody for placement in a foster or a group home. You should tell the Judge your views on where you want to live.

### **"BEST" PLACEMENT**

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

- Be effective in guiding your behavior,
- Provide for your needs,
- Help make sure family visitation happens, and
- Keep you together with your siblings (unless the Judge says no contact).

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

Yes. You have the right to talk to the Judge about any decision that has to do with your placement or whether you will be returned to your parents. You can also ask the Judge to talk with you privately, "in chambers," without your parents in the room, although their attorney(s) will usually be there.

These are important hearings and you should plan to attend. If you are 12 or older, you may be required to attend the hearing unless you are excused by the Judge. If you attend the hearing, the Judge or others involved in your case may ask you questions.

You also have the right to ask the Judge to change, modify, or set aside any order s/he makes. That means that you can ask for hearings about your case (ORS 419B.449). Or if you are concerned about what is happening to you, you can ask the Judge to review your case. Your attorney can advise you and will help you request any hearings you need.

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

If you have an attorney, s/he will notify you. If you do not have an attorney, ask your caseworker to tell you when the hearings will take place. DHS must notify your foster parents of all hearing dates and times.

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

Yes. You have the right to have an attorney represent you (ORS 419B.195). Your attorney is responsible to do everything in his or her power to protect your interests. Your attorney should meet with you before the hearing to discuss your case. If you are old enough, your attorney should follow your directions and tell the Judge what you want the Judge to know.

**How do I get an attorney?**

An attorney will usually be appointed to you without you having to ask, but if not, ask the Judge to appoint an attorney for you. You can do this when you go to court or by writing a letter to the Judge. Because children usually do not have money to pay for an attorney, the attorney is paid by the State. Even though the attorney is paid by the State, s/he works for you. The Judge generally must appoint an attorney for you if you or your caseworker request one (ORS 419B.195).

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

Your attorney is responsible to investigate the facts of your case, interview people who witnessed what happened to you, and attend hearings and meetings on your case. Your attorney must interview you and advise you about your case. If you are old enough, your attorney must follow your wishes about the big issues in your case. At hearings and meetings, your attorney talks for you and argues for the things you want or the things necessary to protect your interests. Your attorney should meet with you before the hearing to discuss your case.

**Who else can attend these hearings?**

The juvenile court is open to the public and any person may attend. Your parents, their attorneys, your guardian or foster parents (if you are living with a foster family), your attorney, your caseworker, and your court appointed special advocate (CASA) (if you have one) will all be allowed to participate in the hearings. Once in awhile, other people are given special permission to participate in the hearing.

**What is a "Report to the Court"?**

A Court Report is a written report that your caseworker writes and gives to the Judge before the hearings about your situation. You and your attorney have a right to know what the report says at least 3 days before each review hearing.



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

### Department of Human Services

DHS prepares a case plan for you.



Your caseworker visits with you at least once a month and whenever you request a visit



DHS prepares a Court Report or a 147B for each hearing to help the Judge or CRB make a decision in your best interests.

### You

You stay in shelter care or temporary custody.



You stay in a relative's home, foster care, or group home.



You return home, are adopted, obtain a legal guardian, or are placed in another planned permanent living arrangement.

### The Judge

The Judge conducts a shelter hearing and a jurisdictional hearing to decide whether the court and DHS should stay involved in your case.



The Judge conducts a dispositional hearing to decide your case plan and your possible concurrent plan.



The Judge or CRB) reviews your case every six months.



No later than 12 months after the jurisdictional hearing, the Judge conducts a permanency hearing.

# ADOPTION

## What is adoption?

Adoption is a permanent plan option the Judge must consider when you cannot safely return to your parents. The reason adoption is preferred is that studies and experience have shown that children who cannot return to their parents are healthier, happier and more successful if they are adopted rather than left in foster care for a long period of time. More information about permanency planning is discussed in *Role of the Courts*.

Unlike guardianship, which is temporary, adoption is legally permanent. Once you are adopted, you are part of the family that adopts you. You cannot be removed from an adoptive home unless the Judge determines that your adoptive parents are not properly taking care of you. Legally, you become the "child" of your adoptive parents (ORS 109.050).

Many adoptions of older children are "**open adoptions**." An open adoption is one where your biological parent(s) keep some of their rights, like the right to visit you and have information about how you are doing. First, your parents' rights must be terminated or they give consent to an adoption (ORS 109.312). If you are over 14, you also must consent to the adoption (ORS 109.328). The adoptive parents file a petition with the court.

**What is required for adoption?**

The Judge approves the petition for adoption if s/he is satisfied that it is best for you (ORS 109.350). The Adoption Assistance Program provides benefits to people who adopt children from DHS (ORS 418.330). "Special needs" children are eligible for Adoption Assistance. 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. Adoption assistance pays for some of the adoptive parent(s) expenses, such as court costs associated with the adoption, medical insurance for the child, and regular payments to cover your needs (ORS 418.330).

## GUARDIANSHIP

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

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

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

*Guardianship* is one of the permanent plan options the juvenile Judge can order for you if you cannot be safely returned to your parents. 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 and often will have some relationship to you, like a relative or a family friend.

The Judge can end a guardianship if the guardian, you or your parent(s) request that it be ended and the Judge agrees. DHS cannot end a guardianship without the Judge's approval.

***Permanent Guardianship.*** This type of guardianship is permanent until you reach the age of 18. You will have review hearings every year, even if you're in a permanent guardianship.

**Can a Guardian get financial assistance?**

Like adoption assistance, financial assistance including medical insurance and regular payments for your expenses can be provided to a guardian.

**When does the guardianship end?**

The Judge decides when to end the guardianship. Many guardianships automatically end when you turn 18. The Judge may also end the guardianship sooner if you go back to court and get another order. It also will end in the case of your adoption or marriage.

# VISITATION

- **Teens in foster care have a RIGHT to access to telephones to make and receive confidential calls**, unless prohibited by court order or as a form of discipline. You can always, however, make and receive confidential calls (even if on discipline) to your caseworker or attorney.
- **Teens in foster care have a RIGHT to receive and send unopened mail**, unless prohibited by court order. You can always send and receive mail from your caseworker or attorney.
- **Teens in foster care have a RIGHT to have visits.** Unless your parents' rights have been terminated, you have the right to have regular visits with your parents unless the Judge has ordered no visitation. You also have the right to visit your brothers and sisters unless the Judge has determined that it is not in your interests or theirs to have visits. You have the right to be placed in foster care close to where your parents live so that they can visit you. Teens in foster care also have a right to have visits with their attorney.



## Questions and Answers About Visitation

**Can I visit my parents, grandparents and other relatives when I am in foster placement?**

Yes. You have a right to visit with your parents and grandparents unless there is some reason why it is not in your best interests. (OAR 413-070-0830). Your case plan spells out a visitation plan for visits that may include parents, siblings and other important family members.



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

Yes. DHS must allow you to keep in contact with your siblings as much as possible, unless it is against the best interests of you or your brother or sister (OAR 413-070-0830). Your case plan should specifically set out visitation arrangements for you and your siblings.

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

Talk with your caseworker and your attorney. Your caseworker may be able to change your visitation or s/he may need to ask for the Judge's approval first. You can also petition the Judge yourself to modify your visitation plan.

# CONFIDENTIALITY AND YOUR RECORDS

- **Teens in foster care have a RIGHT to confidentiality of all their records.**

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

Only those people directly involved in your case. Also, the caseworker can share information with those people who need it in order to take care of you (ORS 409.225). For example, your caseworker could tell your foster parents about your medical history so they can make sure that you get the care you need. But your caseworker 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 permission. In some cases, you might also have to get the consent of your parents, guardian, caseworker, or the Judge to release the information.

**Can I look at my school records?**

Yes. If you're under 18, you need the permission of your parent(s), caseworker, or a Judge. After you turn 18 you can look at them yourself (OAR 581-021-0270). Ask a guidance counselor or principal about what you need to do.

**Can I look at my Court records?**

Yes. You have the right to look at your court records (ORS 419A.255). Your attorney or "authorized representative" (anyone who has legal authority to act on your behalf) has access to these and other records.

**How do I get an Oregon identification card?**

Go to the local Department of Motor Vehicles (DMV) office at 705 West Marine Drive in Astoria (phone 325-3951). You'll need three pieces of identification, a social security card, a certified birth certificate and a student I.D. You should also bring a piece of mail that has been sent to you in the past 30 days. It will cost you \$29.00. There is no minimum age requirement to obtain an I.D. card.

**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. If you were born in Oregon, the number is (503) 731-4108, and the fee ranges from \$20 to \$27 depending on whether you order by phone or go to the office in person. If you go in person, you need to bring a piece of identification with you - a driver's license or Oregon identification card will work.

**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.

# PREGNANCY

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

Not necessarily. It is up to your caseworker to decide whether or not you are 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.

**If I have the baby while in foster care, will they take it away from me?**

There is a significant risk that this will happen. If you have the baby while in foster care, there are two things that might happen. One, you might become the custodial parent of the baby, and the baby will stay with you in your placement. Two, your caseworker might file a petition to have the baby become a ward 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 your baby is placed separately from you, you will only have 12 months to do what is required to get your baby back, or risk having your baby placed for adoption. If DHS files a petition, you'll be able to get an attorney to represent you as the parent.

**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 you become pregnant, the Oregon Health Plan may cover an abortion if you want one. An abortion is considered a sensitive service and will be provided to you at no cost.

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

# Emancipation Planning and Independent Living Services

By the time you are 16, you and your caseworker should have completed a plan for what you will do after you leave foster care, and how you will acquire the skills to get you there. You may start making this plan when you are 14. At 14 you may also begin to receive Independent Living Services. These services help you develop skills you will need, including preparing and applying for college, preparing and applying for employment, and day to day living skills. Through your independent living planning, you will be able to access funds available to foster youth and former foster youth for housing and education. Your caseworker may refer you for Independent Living Program (ILP) services at age 14 and must refer you by age 16. You will be assigned an ILP case manager, who will help you obtain the services and skills you need.

## **ILP Skills Training (ILP-S)**

If you are over 14 but not yet 21 years of age, are currently in foster care or have been in foster care for 180 days since your 14<sup>th</sup> birthday and need ILP services to become self-sufficient and independent, you qualify for ILP Skills Training. If you would like to access this resource to help you with food management, health, housekeeping, money management, community resources, legal skills and transportation, just tell your caseworker and s/he should refer to you to an ILP Skills Training program in your area. Contact your caseworker for a referral.

## **Independent Living Subsidy Program (ILSP)**

If you are 16 or older, currently enrolled in ILP skills training, in foster care and in a program of education and/or employment full-time (40 hours/week), state funds may be available to help you with your monthly expenses. The IL Subsidy provides up to \$449 monthly to help you pay living costs, such as housing and transportation. This amount may be received for up to 12 months.

## **ILP Chafee Housing Program (ILP-CH)**

If you were in foster care on your 18<sup>th</sup> birthday, are currently enrolled in an ILP or will be shortly and are involved in a full-time (40 hours weekly) employment and education plan, you should qualify for the Chafee Housing program. The Chafee Housing program is a federal grant that offers assistance with room and board until you turn 21. The current maximum amount of money that can be awarded to one person is \$6,000, or roughly \$2,000 each year. Contact your caseworker for more information.

## **Chafee Education and Training Voucher (ETV)**

If you are between the ages of 14 and 21 and have been in foster care for at least 180 days (after your 14<sup>th</sup> birthday if 16 or older) and you want to go to college, you may be eligible for up to \$5,000 yearly from the Chafee Education and Training Voucher. This money can go to such things as GED testing, SAT preparation, tutoring, room and board, transportation, tuition and books and supplies. This ETV may be accessed until the age of 23 if received at age 21. Contact your caseworker for further information. For a flyer, go to <http://www.fosterclub.com/education/oregon/pdf>. For application and materials, you can contact your caseworker or access the information at <http://www.osac.state.or.us/chaffeeetv.html>.



# MONEY

- **Teens in foster care have a RIGHT to keep and spend their own money.**



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

There is no established right to an allowance or money to be spent on clothing. However, part of the monthly payment your foster parent(s) or group home receive for your expenses is designated for a small allowance and another small part is for monthly clothing expenses. Your foster parent(s) or group home can decide how you get the allowance or clothing money. Allowance should be for completion of chores or for good behavior and can be withheld if chores are undone or behavior is poor. If you are not receiving an allowance or getting new clothes once in awhile, talk to your caseworker. In addition, your caseworker may be able to get you a clothing voucher to help when you have grown out of all your clothes or for some other reason you do not have sufficient clothes.

**When can I get a job?**

There are no general age limits on employment for children and youth. You are not required to obtain a work permit to start work. You may be restricted



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

from certain types of dangerous jobs. You will need to have your social security number and be able to convince an employer you are mature and responsible enough to be hired. Ask your Independent Living Program (ILP) case manager or school about how to find a job. If you are interested in working in a restaurant or fast food place, you will need a food handler's card, which your ILP caseworker can also help you with.

Yes, but they must have a **good reason**. If you are able to work responsibly, your group home or foster home should cooperate in your employment.

## RELIGION

- **Teens in foster care have a RIGHT to be free to attend religious services or activities of their choice and have visits from a spiritual advisor of their choice.**

**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 (OAR 413-200-0309).

**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 should 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 you permission to go to services if you seriously misbehaved on a prior occasion. They cannot, however, refuse you permission to go to services simply because they don't want you to go. Your caseworker is supposed to help match you to foster care providers who will understand your religious needs (OAR 413-200-0309).

## DRIVING

**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 21 years old, when you turn 15 years old. You may be eligible for a provisional license after you have held a learner's permit for at least 6 months, turn 16, you pass a safety practice test, pass a driving test, and prove that you are enrolled in school. Your provisional license becomes a full license when you turn 18 years old if you have no outstanding Department of Motor Vehicles suspensions or Judge-ordered restrictions. You must have the approval of the Child Welfare Manager that oversees your case (your caseworker's boss) to obtain a learner's permit (OAR 413-020-0150).

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

For the first 6 months (or until you turn 18) you may only have people over the age of 20 or immediate family members as passengers in the car. You may not drive between midnight and 5:00 a.m. unless you have a job that requires you to be driving at these hours. After the first 6 months, you may not have more than 3 non-family members in your car at one time under the age of 20.



**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 is required to sign for you. This person must accompany you when you go to take the test to be issued your license. There is no right to have a license.

**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 ask your caseworker to sign. If they are willing to sign for you, your caseworker will tell your foster parents that they're signing for you. But to have your caseworker sign, you must have auto insurance - *before you can get a license*. The caseworker will not be responsible for damages from any accident.

**How do I get auto insurance?**

In Oregon it is illegal to drive without auto insurance. While you have your learner's permit, you will usually be covered under the insurance of the person who is teaching you to drive, but whoever is teaching you needs to check with their insurance company. Once you get your license, if you will be driving your foster parent or guardian's car only, you can be covered on their insurance. Be prepared for it to cost a lot of money for your foster parent or guardian to add you to their insurance - \$60- \$100 per month or more! You must be prepared to pay

for this cost as well as the other costs of operating the car - gas, oil, repairs, etc. If your foster parent or guardian adds you to their insurance, they take the risk that their insurance rates will go up for several years because you have an accident. If your foster parent or guardian is unwilling to add you to their insurance, or if you want to buy your own automobile, you will have to obtain your own insurance coverage. Expect to pay considerably more than it costs to be included in your foster parent or guardian's policy. Beware! Getting insurance is very expensive, often with a large up-front charge.

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

**If a parent, guardian, foster parent, or relative who lives with you signs:**

1. Obtain approval of the Child Welfare Manager who oversees your case (your caseworker's boss).
2. Be at least 15 years old. .
3. You will need a social security number and a certified birth certificate.
4. Pass a test on the rules of the road.

**If your caseworker signs:**

- ◆ Obtain approval of the Child Welfare Manager who oversees your case (your caseworker's boss).

- ◆ If you don't have one already, get an *identification card* from your local Department of Motor Vehicles (DMV) office. You'll need a social security card, a certified birth certificate, and a third piece of identification. The cost is \$26.00.
- ◆ Take the card to an insurance agent to apply for a policy.
- ◆ Take the policy application forms to the DMV to get a temporary driving instruction permit. This is when you'd get your caseworker to sign.

## **COMPLAINTS**

- **Teens in foster care have a RIGHT to make written and verbal complaints about their care, placement, and services that they think are unfair or unsatisfactory.**

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

If you have talked to your case worker, case worker's supervisor, and your attorney to try to resolve the problem and still feel dissatisfied, you can do one of the following things:

1. Ask your attorney to set up a review hearing and ask the Judge to help you.
2. Ask for a grievance review through DHS - your case worker or attorney can help you.
3. Call the *Governor's Advocacy Office*, the *Children's Ombudsman*, and explain your concerns. This office may be able to help you with problems or concerns you have about your care, treatment or services while in foster care.

The toll free number is **1-800-442-5238**.

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