

State of Montana
Department of Public Health and Human Services
Child and Family Services Division

THE POLICY OF THE STATE OF MONTANA REGARDING RIGHTS OF YOUTH IN FOSTER CARE

It is the policy of the state of Montana that Child and Family Services Division (CFSD) will adequately address the expectations listed below for all youth in foster care. Also, foster youth age 14 and older will have the opportunity to meet with the CPS staff assigned to their case to review this list and have the expectations explained to the youth in a developmentally and age appropriate manner. Youth age 14 and older will receive a copy of these rights along with contact information for the Foster Care Program Officer. If a youth believes their rights have been violated or impeded they will be informed to contact the Foster Care Program Officer, who will be responsible to follow-up on their concerns.

As a child/youth in foster care I have the right to the following

Physical, Mental and Emotional Health to Include:

- Having an identified physician provide appropriate medical and dental care, including examinations and treatment, as needed.
- Receiving psychiatric, psychological, and counseling services, including diagnosis and treatment, as determined necessary by CFSD.
- Being provided healthy foods that meet dietary needs and in portions that are appropriate for the foster youth's age and activity level.
- Having age and developmentally appropriate input and consultation on all treatments provided and medications administered.
- Being prescribed and administered medications only as necessary and to not be over medicated.
- Being afforded the opportunity to successfully parent children of their own while in foster care and not be pressured to get an abortion or place a child for adoption.
- Not being exposed to secondhand smoke in the foster parents' home or vehicle. This is not intended to interfere with Native American ceremonies involving tobacco.

Education to Include:

- Being afforded the opportunity to attend school and to keep up with course work in order to allow the foster youth to graduate high school with their graduating class.
- Whenever possible, ensuring continued attendance at the same school even if the youth is placed in multiple settings.
- Being afforded the opportunity to explore postsecondary educational opportunities with the assistance from CFSD staff, foster parents, facility staff, contracted service providers and other parties as identified by the youth.

Contact w/ Family & Visitation to Include:

- Whenever possible, placing foster youth with their siblings who are also in foster care. If foster youth are not placed with siblings they will be told why in a developmentally and age appropriate manner.
- Providing information and regular updates, in an age and developmentally appropriate manner, on the foster youth's birth family. This includes information on siblings and extended family.

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- Being permitted and encouraged to have regular contact visitation birth family unless the court or the treatment plan does not allow visits. This includes visits with siblings in different foster care placements and those residing with the birth parents.
- CFSD staff providing a developmentally and age appropriate explanation to the foster youth in instances where visits with parents or siblings cannot take place for safety reasons or because the court or treatment plan do not allow for visits.
- CFSD staff continuing to actively search for a foster or kinship placement that will allow foster youth and their siblings to be placed together.

Court and Case Planning to Include:

- CFSD staff providing a developmentally and age appropriate explanation on: why the youth is in foster care, the court process and the reunification or other permanency plan for the child.
- CFSD staff providing an explanation of any restrictions placed on the child by the court or as part of the treatment plan and documenting those restrictions in the case record.
- Being afforded the opportunity to attend status hearings, permanency hearings, or other hearings where placement issued will be discussed and to speak to the judge or provide written information to the court regarding placement decisions and where the youth is living.
- Being afforded the opportunity, in a developmentally and age appropriate manner, to actively participate in creation of case plans, service planning and permanency plans.
- Being afforded the opportunity, in a developmentally and age appropriate manner, to actively participate in meetings where services regarding the youth's physical, mental and emotional health are being discussed.
- Having the opportunity to meet routinely with CASA/GAL assigned to the youth's case.
- Being provided a copy or summary of case plans and treatment plans for the youth's review.
- Being afforded the opportunity to ask someone, who is not the CPS worker or the foster parent, to support the youth in their participation of meetings and court hearings.

Transition Planning to Include:

- Providing foster youth, age 14 and older, a copy of their credit reports each year. Also, the youth will be provided an explanation of the contents of the report and CFS staff will work with credit reporting agencies to resolve any inaccurate or incorrect information on the youth's credit reports.
- Transition planning will occur prior to aging out of care and the youth must be actively engaged and involved in the transition planning.
- Being provided education, by a medical professional, regarding medications, medical needs and medical history prior to exiting foster care.
- Providing all foster care youth aging out of care with the following: an official or certified copy of their United States birth certificate, a social security card issued by the Commissioner of Social Security, health insurance information, a copy of their medical records, and a driver's license or identification card issued by the State of Montana.

Safety and Discipline to Include:

- Providing services to foster youth in an environment that is free of stigma, anger and hateful treatment due to actions of their biological parents. Remembering that the actions of adults, not the youth, are the cause of the youth being removed from their home and entering foster care.

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- Being placed in a foster home or facility that is safe, free from abuse, neglect, exploitation, and harassment from any person in the household or facility.
- Being provided discipline in a manner that is appropriate to the youth's level of maturity, developmental level, and medical condition to provide the youth with an explanation of why they are being disciplined.
- Ensuring discipline does not include: withholding of prescribed medications, the use of restraint, seclusion, corporal punishment, threat of corporal punishment or being placed in a locked room.
- Be provided discipline that is free of any harsh, cruel, unusual, unnecessary, demeaning, or humiliating punishment. This includes being shaken, hit, spanked, threatened, or forced to do unproductive work. This also includes being denied: food, sleep, access to a bathroom, mail, or family visits.
- Ensuring no foster youth is subjected to verbal abuse, derogatory remarks about themselves or members of their family, or threats to expel the youth from the foster home or facility.
- CFSD ensuring no youth in out-of-home placement is deprived of meals, mail, or family visits as a method of discipline.
- Ensuring no foster youth is punished for bed wetting or any other toilet training issue.

Normalcy to Include Clothing, Reasonable and Prudent Parenting Standard:

- Providing an opportunity to participate in activities that are age and developmentally appropriate.
- Actively participating, in a developmentally and age appropriate manner, in major decisions that affect the youth's life.
- Being made aware of the on-site designated staff in congregate care facilities who are trained in and can authorize the application of the reasonable and prudent parenting standard.
- Ensuring each youth is supplied with their own clothing suitable to the youth's age and size.
- Ensuring the clothing provided to the youth is comparable to the clothing of other youths in the community.
- Ensuring the youth is given appropriate choice in the selection of their clothing.
- Being immediately given all personal belongings, including clothing, whenever the youth moves out of a foster home or facility as a result of a change in placement or exiting care.

Privacy and Personal Space:

- Ensuring a space in the home is provided to display the youth's socially appropriate creative works and symbols of identity.
- Allowing the youth to keep all money earned or received as a gift and if the youth chooses to open a bank account.
- Allowing the youth to refuse to make public statements showing their gratitude to a foster home or agency.
- Providing each youth with personal space, safe and appropriate sleeping arrangements, and an adequate space to store clothes and belongings.
- Ensuring the youth has reasonable access to their personal space, belongings, house or residence.
- Ensuring a level of privacy including keeping a personal journal, sending and receiving unopened mail, making and receiving private phone calls, unless an appropriate professional or a court says that restrictions are necessary and is in the youth's best interests.

