

	<b>GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL</b>			
	<b>Chapter:</b>	(13) Independent Living Program	<b>Effective Date:</b>	October 2015
	<b>Policy Title:</b>	Youth Rights and Responsibilities		
	<b>Policy Number:</b>	13.7	<b>Previous Policy #:</b>	NA

### CODES/REFERENCES

Preventing Sex Trafficking and Strengthening Families Act of 2014 (P.L. 113-183)  
O.C.G.A. § 49-5-3

### REQUIREMENTS

Each youth in foster care who has attained the age of 14 years shall have the following rights:

1. The right to fair and equitable treatment by the Division of Family and Children Services (DFCS), foster parents, and other partners in the care of children in foster care;
2. The right to information regarding their heritage and cultural background;
3. The right to be safe from abuse, neglect and exploitation;
4. The right to know why they are in the child welfare system;
5. The right to have their educational needs met;
6. The right to have their health needs met;
7. The right to family and community connections, including visitation, telephone calls, etc.<sup>1</sup>;
8. The right to have regular, ongoing opportunities to engage in age or developmentally appropriate activities as defined in O.C.G.A. Section 49-5-3;
9. The right to have intensive, ongoing efforts made to reunify them with their birth family (i.e. parents or relatives) or to secure a safe, permanent home;
10. The right to participate in the development of the case plan and to review, sign, and receive a copy of the case plan. One member of the case planning team may be designated to be the youth's advisor/advocate, with respect to the application of the reasonable and prudent parent standard to the youth;
11. The right to choose up to two members of the case planning team who are neither their foster parent nor caseworker<sup>2</sup>;
12. The right to participate in Juvenile court proceedings regarding their family;
13. The right to receive the services needed to help them transition to adulthood;
14. The right to receive a free copy of their consumer credit report (see policy [13.6 Independent Living Program: Credit Reports for Youth in Foster Care](#));
15. The right to receive an official or certified United States birth certificate, Social Security card, driver's license or identification card, health insurance information, and medical records upon exiting foster care at age 18 or above<sup>3</sup>; and
16. The right to receive an age appropriate description of their rights, and a personal copy.

<sup>1</sup> Unless the court determines unsupervised visitation is not in the child's best interest (O.C.G.A 15-11-112).

<sup>2</sup> DFCS may reject an individual selected by a youth if it has good cause to believe that individual would not act in the best interest of the youth.

<sup>3</sup> This right applies only to youth who have been in foster care for at least six months prior to their exit.

17. The right to have a personal advocate to support them through the grievance process.

Each youth in foster care who has attained the age of 14 years shall have the following responsibilities:

1. The responsibility to treat themselves and others with dignity and respect;
2. The responsibility for their own choices, decisions, actions and behaviors;
3. The responsibility to try to learn from their mistakes so they can make positive choices in their lives;
4. The responsibility to try to the best of their ability in school, to take full advantage of educational opportunities and achieve their educational needs;
5. The responsibility to cooperate with services recommended to meet their health needs;
6. The responsibility to set and keep safe boundaries with family members, friends, acquaintances, and others with whom they maintain connections;
7. The responsibility to do their best to communicate openly with others when they have a problem;
8. The responsibility to ask for help when they need it, even when they have trouble asking for help; and
9. The responsibility to make amends if their actions harm others.
10. The responsibility to make every effort not to cause harm to themselves or others and to speak up when they feel their rights have been violated.

The rights of youth with respect to education, health, visitation, court participation, the right to be provided with a consumer report, and the right to stay safe and avoid exploitation are sanctioned by federal and/or state law and shall be incorporated into the Written Transitional Living Plan (WTLP) for all applicable youth. This applies to the initial WTLP and all subsequent updates.

## **PROCEDURES**

The Social Services Case Manager (SSCM) will:

1. Explain these rights and responsibilities to each youth in foster care age 14 years or older including those receiving Extended Youth Support Services (EYSS).
2. Explain these rights and responsibilities to each youth in foster care within 30 calendar days after they attain 14 years of age or within 30 calendar days of their return to foster care after opting out at age 18 or older.
3. Give each youth the opportunity to ask questions about any of the rights or responsibilities the youth does not clearly understand.
4. Continue to review the rights and responsibilities with the youth until the youth has a clear understanding of each of them.
5. Ask youth age 14 years and older to provide signed acknowledgement that they have been provided an explanation of their rights and that they understand their rights.
6. Ensure these rights are included as part of each youth's WTLP.
7. Provide youth age 14 years and older with a copy of the document listing their rights and responsibilities.
8. Explain the grievance procedure to the youth and assist them in submitting a grievance as needed.
9. When appropriate, encourage youth to make efforts informally to address concerns and attempt to resolve the issues prior to filing of a formal grievance. This may include discussion with:

- a. The offending person or their supervisor to attempt to come to resolution;
- b. An individual that the youth trust;
- c. The youth's Guardian Ad Litem or CASA.

**To file a grievance, youth will:**

1. Step One Grievance: Submit a written complaint electronically to the Independent Living Specialist (ILS) explaining which of their rights they feel have been violated and how. The ILS, in consultation with the local DFCS County Director and Region Director, will investigate the complaint and issue a written response to the youth within 10 business days.
2. Step Two Grievance: If the complaint is not satisfactorily resolved within 10 business days from the date the complaint is received by the ILS, submit a written complaint to the DFCS Division Director along with a copy of the original complaint filed with the ILS, the written response, and any other pertinent documentation to:

ATTN: Division Director  
Division of Family and Children Services  
2 Peachtree Street NW, Suite 19.490  
Atlanta, GA 30303

**NOTE:** If the Step Two Grievance is not filed within 10 business days of the response from the Step One Grievance, the grievance is considered closed.

3. Comply with any requests for additional information within three business days of receipt.
4. Accept the outcome from the DFCS Division Director as final and determinative of all issues.

**The ILS will:**

1. Acknowledge receipt of a Step One grievance in writing (i.e. email).
2. Investigate the grievance [i.e. staff with all pertinent individuals, including Child Placing Agency (CPA) personnel] and try to resolve all concerns during Step One of the grievance process.
3. Within 10 business days of receiving the complaint, send a written response to the youth indicating the proposed resolution or decision reached.
4. Upon request, assist the youth with filing a Step Two grievance.
5. Within three business days, comply with any requests from the office of the DFCS Division Director for additional information.
6. Accept the outcome from the DFCS Division Director as final and determinative of all issues.

**The DFCS Division Director or designee will:**

1. Acknowledge receipt of a Step Two grievance in writing (i.e. email).
2. Investigate the grievance and request additional information as needed.
3. Within 15 calendar days of receiving the complaint, determine what if any corrective action is warranted on the part of DFCS or the CPA.
4. Formally conclude the grievance process by notifying all parties of the final decision.

## **PRACTICE GUIDANCE**

### **Rights and Responsibilities**

The discussion of youth rights and responsibilities should occur in a manner that is most effective for each individual youth. During the discussion, words and terminology that make sense to the youth should be used. The case record should be documented if a child has cognitive, physical or behavioral challenges that would prevent the youth from fully appreciating the rights and responsibilities presented. A description of a related challenge or limitation should be recorded in SHINES.

### **Right to Information Regarding Heritage and Cultural Background**

Children who indicate that they are not aware of the racial identity and/or religious preference of their parent(s) should be provided with such information if known. Youth should be provided opportunity to participate in age and developmentally appropriate, cultural activities when possible.

### **Right to Know Why They are in the Foster Care System**

Youth should be encouraged to exercise their rights to participate in case plan development and attend juvenile court proceedings where reasons for foster care entry are addressed. Youth may also consult with their Social Services Case Manager (SSCM), Guardian Ad Litem (GAL) and/or Court Appointed Special Advocate (CASA) regarding reason(s) for removal from their parent or guardian. NOTE: Youth may NOT receive a copy of the related investigation or any other case record documentation that would violate laws regarding confidentiality as outlined in O.C.G.A 49-5-41.

### **Grievance Process**

There may be occasions in which youth feel they have not been treated appropriately by their caregivers or case managers. A formal grievance procedure has been developed for such occasions. However, youth should first seek to address their concerns informally by talking to the offending person, whether it is a caregiver, case manager, or a member of a private agency's staff. If necessary, youth should address the matter with that person's direct supervisor. Youth may also seek to talk to their Guardian Ad Litem or CASA worker. Youth should continue to seek resolution of their concerns through informal measures until reaching the point where youth feel a formal grievance is required.

Learning how to advocate for oneself is an important life lesson. We want to encourage youth to address their concerns in a constructive manner. The formal grievance process also affords youth the opportunity to learn how to accept decisions made by those entrusted with the authority to make them (e.g. parents, teachers, employers, judges, etc.). Moreover, the grievance process serves as a way for DFCS and CPAs to monitor business operations and customer service. We always need to know when someone or something within our system is not functioning properly so that necessary adjustments can be made.

The rights and responsibilities outlined in this policy section were developed in collaboration with a group of youth who have been through Georgia's foster care system and now serve in an advisory capacity.

## **FORMS AND TOOLS**

NA