

A Teen's Legal Guide to Foster Care in Oregon



**Juvenile Rights Project, Inc.
401 NE 19th Ave., Suite 200
Portland, OR 97232
(503) 232-2540**

Created by Julie McFarlane
Updated by Megan G. Thompson
Last updated August 2007

Your attorney:

Phone # _____

Your caseworker:

Phone # _____

INTRODUCTION ---

A Teen's Legal Guide to Foster Care in Oregon tries to answer some of the questions you might have about your legal rights, foster care, and going to court. A second handbook, *A Survival Guide for Teens Aging Out of Foster Care*, answers questions about emancipation and independent living.

Please let us know if you think there are other topics we should cover in this guide. We'd like to hear your opinions. 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.

Special thanks go to the Youth Law Center for giving **Juvenile Rights Project, Inc. (JRP)** permission to base this Guide on their booklet, "Legal Rights of Teens in Out-of-Home Care," which is based on California law. We also wish to acknowledge the work of law clerk Jennifer Wagner for her research in adapting the California booklet to Oregon law and practice.

This guide is copyright-free. JRP grants permission for this guide to be reproduced. Copies of this guide may be obtained at the JRP website, www.jrplaw.org.

Julie H. McFarlane
Senior Attorney

What's Inside

FOSTER CARE.....	5
ROLE OF THE COURTS.....	18
ADOPTION.....	29
GUARDIANSHIP.....	31
VISITATION.....	33
CONFIDENTIALITY AND YOUR RECORDS.....	35
PREGNANCY.....	37
EMANCIPATION PLANNING & INDEPENDENT LIVING SERVICES.....	39
MONEY.....	40
RELIGION.....	42
DRIVING.....	43
COMPLAINTS.....	48
DEFINITION INDEX.....	49

FOSTER CARE ---

- **Teens in foster care have a right to have a caseworker.** Your caseworker, who works for the Department of Human Services, Child Welfare (we'll shorten this to DHS from now on),¹ should see you and talk with you regularly, usually once a month. You have the right to telephone your caseworker, and your caseworker should return your phone calls. Your caseworker must write up your case plan, and must try to provide for your needs that are not provided for by your foster parents.

Your caseworker's responsibilities include:

- Extending to you courtesy and respect.
- Meeting with you regularly, usually once a month.
- Calling you once a month if there will be no visit, and returning calls to you.
- Arranging for services to meet your needs while you are in placement.
- Choosing the least restrictive and most appropriate placement for you.

¹ DHS used to be known as SCF or SOSCF (State Office for Services to Children and Families) before its name was changed. It previously was called CSD (Children's Services Division). People often refer to DHS by its old names.

- Formulating a permanent plan for you.
 - Arranging visits with parents and siblings, unless the judge has restricted or denied visits.
 - Informing the judge of your situation and making requests to the judge.
 - Providing services for independent living after you turn 16, if not sooner.
-
- **Teens in foster care have a right to have what every child needs: enough food, clean clothes, a clean bed, adequate housing, and the attention of people who will listen.** Your foster parent(s) are given a payment to cover the costs of your room, food, clothing, extra needs, and an allowance.² 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, drawer, and closet space.
 - **Teens in foster care have a right to be treated with dignity and respect, especially with regard to 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

² 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.

participate in your foster parents' religious activities if you do not wish to do so. If you are American Indian (ORS 418.627) or come from a refugee family (ORS 418.937), 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 Court-Appointed Special Advocate (CASA).
- **Teens in foster care have a right to fair rules concerning their behavior.** If you do not obey your foster parents' rules you may be subject to **reasonable discipline**, including being given a "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 being "grounded" or having other privileges like watching your favorite TV program taken away.
- **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 that 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.** 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.** You cannot be restrained 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 lives.** 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 with 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. You should try to work out your concerns with your caseworker before you ask to go before the judge.

- **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 questions, or to talk about how any medicine is making you feel. You also have the right to have services, care, and support to meet your needs and help you overcome any problems that you've developed 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 have a disability or 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.
- **Teens in foster care have a right to stay in the same school.** If you move foster homes and your new home is in a new

school district, you have the right to stay in your old school as long as it is in your best interests to do so. Your caseworker will assist you to make sure you have transportation to your old school. (ORS 339.133(5)(a))³.

Your foster home or group home's responsibilities include:

- Accepting you and treat you with dignity and respect.
 - Providing for your daily care.
 - Protecting confidential information about you.
 - Staying in regular contact with your caseworker.
 - Participating in hearings about your case.
 - Following your case plan.
 - Making sure you receive needed medical and dental care.
 - Being reasonable when providing discipline, which may include confining you in an unlocked area, charging fines, and restricting television, radio, or phone access.
- **The foster parent's or group home's job is to supervise you and keep you safe and healthy.** If you feel you are being discriminated against because of your sex,

³ This is called a citation. It stands for Oregon Revised Statutes, Chapter 339, Section 133(5)(a). You can find the Oregon Revised Statutes at <http://landru.leg.state.or.us/ors/>.

race, color, religion, or for any other reason, contact your caseworker, your attorney, or the Children's Ombudsman in the Governor's Advocacy Office. You can reach the Children's Ombudsman by calling **1-800-442-5238**.

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 or long-term 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, 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 413-070-0625(1)(f))⁴.

⁴ This citation stands for Oregon Administrative Rules. These are the official rules that govern DHS. You can access these rules at <http://arcweb.sos.state.or.us/banners/rules.htm>.

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 because a judge finds that 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?

Depending on the circumstances of your case, you may be sent to several different types of placements. **Kinship care** is a home with relatives other than your parents. DHS and the judge will try to place you with a relative 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. 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, although 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"?

"Legal" custody is the right and responsibility to make 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. Foster parents and relatives you live with have physical custody.

How does DHS get legal custody?

There are two ways that DHS can get legal custody of you:

- voluntary placement, or
- court placement.

DHS gets custody through a **voluntary placement** when parents agree to let DHS take care of their children. DHS gets custody through a **court placement** when it asks the judge for custody of a child because the child has been abused or neglected.

For further discussion of the court process, see the section called **Role of the Courts**.

Who decides where I will live?

If the judge decides to put you in DHS's legal custody, 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 that you must go to one particular foster home. For more information, see the section on **foster care**.

What if I don't get along with my 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 the problems. You may also request to be moved, or you can make a complaint. Every group home is required to have written complaint procedures, and 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, because they are required to tell you how to file a complaint. If you live in a foster home, your caseworker or attorney can give you the address and phone number to file confidential complaints and tell you 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 decides whether and when you return to your parent(s). If you are removed from your home, your parent(s) will have to follow a "reunification plan" before you can return. The goal of 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 your parents' attorneys. The judge makes the decision through a series of hearings. You have the right to participate in these hearings. This is discussed further in the section called **Role of the Courts**.

What is a "case plan"?

Your case plan (ORS 419B.343) is a written document setting out specific steps that your caseworker 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 413-040-0515). The case plan must take into account your best interests and special needs. (OAR 413-070-0640).

The case plan should include:

- the long-term goal for your welfare,
- a plan for your proper care,
- a plan for ensuring that you and your family receive the services you need,
- 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.

(OAR 413-040-0010 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 may be part of the case-planning process. Ask your caseworker or your attorney if you want to participate.

What is an independent living plan?

An independent living plan is a plan for how you will get the skills and help you need to be able to live on your own. This is discussed further in ***A Survival Guide for Teens***

Aging Out of Foster Care.

Can I see my case plan?

Yes. Your case plan is in a report, called the Report to the Court, that is given to the judge at the dispositional hearing and review hearings. Your case plan is also in a form, called the 147B, that is sent to the Citizen Review Board and the judge. If you have an attorney, your attorney will get a copy of the Report to the Court and/or the 147B Form before each hearing or Citizen Review Board review. Your attorney should discuss what is in the report with you. If you are over 12, you are also entitled to attend each court hearing. 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, do not have an attorney, and are concerned about what is in your case plan, you can ask your caseworker about it, or ask the judge to give you an attorney.

ROLE OF THE COURTS ---

- **Teens in foster care have a right to services to reunite them with their families.** 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 permanent homes.** If it is clear that you will not be able to live with your parents again, you have the right to a permanent home. If you are 16 or 17, you have the right to ask to be allowed to live independently or to be emancipated and treated like an adult.
- **Teens in foster care have a right to live in the least restrictive placements appropriate for their needs.** This means that you cannot be placed in a locked place unless there is no other alternative, and your placement should be as much like a regular family home as possible.
- **Teens in foster care have a right to be told of hearings about their cases.** 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.

Questions and Answers about the Role of The Courts

What is a juvenile court?

Juvenile court is a court of law that is in charge of child abuse and neglect cases and 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.)

DHS usually files a petition in court for abused or neglected children or youth that states, or "alleges," the reasons that DHS caseworkers think a child or youth needs protection. (ORS 419B.242). If the judge agrees that there is enough information showing that 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 types of hearings for children or teens who are or may become wards of the court:

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

TYPES OF 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 **24 hours** after you've been removed from your home, unless you were removed 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 continue your case and order DHS to supervise your care until the jurisdictional hearing.

At the ***jurisdictional hearing*** (ORS 419B.305), the judge decides whether the allegations in the petition are

true. This hearing must usually be held no later than **60 days** after the filing of the petition (ORS 419B.305(1)). Both you and your parents have the right to an attorney 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 that the judge considers in making decisions about your case. There may also be other evidence, like records from hospitals or schools.

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 that the judge gives authority to, such as your caseworker, will make decisions that your parents used to make. 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 can be scheduled for later. It is called a dispositional hearing because the judge “disposes” of your case.

During this hearing, DHS gives a report on your situation to the judge and the other people involved in your case.⁵

⁵ You may be surprised by how many people are involved in your case. You will have a caseworker. You and each of your parents will probably have an attorney. A District Attorney (an attorney who works for the State of Oregon) or Attorney General (an 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 Court-Appointed Special Advocate (CASA) who helps tell the judge what is in

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 be while you are in foster care.

Your case will be reviewed **at least every 6 months** at a **review hearing** (ORS 419A.106). The judge can conduct the review of your case, or he or she can give it to a Citizen Review Board. A Citizen Review Board (CRB) is a small group of about 3-5 people 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, 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 or your attorney can participate.

At the **permanency hearing** (ORS 419B.470), the judge determines your future placement, though really every hearing is supposed to look at this goal. This hearing 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(2)).

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, there are four choices. First, the judge may schedule a **second and final permanency hearing within six months**. The judge will schedule a second permanency hearing only if it's

your "best interests" (best for you). Other people may also be granted permission to be involved in your case.

possible that you may be able to return to your parents in the next 6 months. At that hearing, the judge will send you home or select one of the following options.

Second, if the judge finds that you cannot go home and can be adopted, he or she may terminate your parents' rights so that you can be **adopted**. (ORS Chapter 109.304 – 109.410) This is discussed further in the section on **Adoption**.

Third, a judge will consider **legal guardianship** (ORS 419B.376) only if adoption is not an available option. See the section of this booklet called **Guardianship**.

Finally, if none of the other options are possible, a judge may consider an **alternative permanent planned living arrangement**. This choice generally means that the judge will order you to remain permanently in foster care. After the permanency planning hearing, the judge or the Citizen Review Board will continue to review your case every 6 months.

If you are over age 16, or over age 14 and have an independent living plan, the court will review your transition plan. The court must determine whether the plan is adequate to ensure your successful transition to independent living and determine whether DHS has involved you in the development of the plan.

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 group home. You should tell the judge your views on where you want to live.

A judge will also decide whether you can visit with

your parents and other family members while you are in foster care and what types of services you and your family may need to be reunited

“BEST” PLACEMENT

In deciding where and with whom 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.

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

Yes. You have the right to make a statement 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 proceedings, and you should plan to attend. In some counties, if you are 12 years 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 to answer questions.

You also have the right to ask the judge to change, modify, or set aside any order he or she makes. This means that you can ask for hearings about your case. (ORS 419B.449). 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, he or she will notify you. If you do not have an attorney, ask your caseworker to tell you when the hearings will take place.

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

You have the right to have an attorney represent you at the jurisdictional hearing and the dispositional hearing. (ORS 419B.195). At a hearing concerning termination of parental rights, the court should appoint an attorney for you if doing so is necessary in order to advocate for your position.

How do I get an attorney?

If the judge doesn't automatically appoint an attorney for you, ask him or

her to do so. 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 state pays the attorney. Even though the state pays the attorney, he or she works for you.

What is the attorney supposed to do?

Your attorney is responsible for investigating the facts of your case, interviewing people who witnessed what happened to you, and attending 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?

Because the juvenile court is open to the public, 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 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 hearings.

What is a “Report to the Court”?

A Report to the Court is a written report that your caseworker writes and gives to the judge before the hearings about your situation. You or 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	YOU	THE JUDGE
DHS prepares a case plan for you.	You stay in shelter care or temporary custody.	The judge conducts a shelter hearing and a jurisdictional hearing to decide whether the court and DHS should stay involved

		in your case.
Your caseworker visits you at least once a month and whenever you request a visit.	You stay in kinship care, foster care, or group home.	If so, the judge conducts a dispositional hearing to decide your temporary placement and your concurrent plan (future placement).
DHS prepares a Report to the Court or a 147B Form for each hearing to help the judge or CRB make a decision in your best interests.		The judge (or CRB) reviews your case every 6 months.
	You return home, are adopted, obtain a legal guardian, or are placed in an alternative planned permanent living arrangement.	No later than 14 months after the disposition hearing, the judge conducts a permanency hearing.

ADOPTION ---

What is adoption?

Adoption is the most preferred permanent plan option that the judge must consider when you cannot be safely returned 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 the section called **Role of the Courts**.

Unlike guardianship, which can be 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 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).

Most adoptions of older children are now “**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.

What is required for adoption?

First, your parents' rights are terminated or they give consent to an adoption. (ORS 109.312). If you are over 14, you must also consent to the adoption. (ORS 109.328). Your adoptive parents file a petition with the court. The judge approves the petition for adoption if he or she is satisfied that it is best for you. (ORS 109.350).

What is adoption assistance?

The Adoption Assistance Program provides benefits to people who are interested in adopting "special needs" children from DHS. (ORS 418.330(1)(a)). A "special needs" child is one who would be unlikely to be adopted, due to age or background, without financial assistance. All children over the age of 3 are considered "special needs" children. Adoption assistance pays for some of the adoptive parents' expenses, such as court costs associated with the adoption, medical insurance for the child, and regular payments to cover the child's needs. (ORS 418.330(2)).

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 a foster parent after finding that your parents are unable to take care of you properly. DHS selects the foster parent to care for you. Your foster parent is not legally responsible for you; the judge and DHS are responsible. DHS can remove you from your foster parent's care without the judge's approval.

A **legal guardian** has legal custody of you and is responsible for you. Your guardian stands in the place of your parent in providing for your needs, such as food, clothing, shelter, medical care, and education. Your guardian can make medical and educational decisions for you. Generally, once you have a legal guardian you no longer are in the legal custody of DHS and do not have a caseworker.

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. Your legal guardian

will be an adult and often will be someone, like a relative or a family friend, who already has a relationship with you. Most guardianships are not permanent. 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. There is also a **permanent guardianship** which your parents cannot try to end. This form of guardianship is difficult to obtain.

Can a guardian get financial assistance?

Your guardian can receive financial assistance, including medical insurance and regular payments for your expenses. This financial assistance is similar to adoption assistance.

When does the guardianship end?

The judge decides when to end the guardianship. Many guardianship orders 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 will also end if you become adopted or married.

VISITATION

- **Teens in foster care have a right to make and receive confidential calls**, unless prohibited by court order or as a form of discipline. You can, however, always 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, or unless the judge has ordered no visitation, you have the right to have regular visits with your parents. Unless the judge determines that it is not in your interests or theirs to have visits, you also have the right to visit your brothers and sisters. You have the right to be placed in foster care close to where your parents live so that they can visit you. You also have the right to visit with your attorney.

Questions and Answers About Visitation

Can I visit my parents, grandparents, and other relatives when I am in a 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 siblings. (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 he or she may need to ask for the judge's approval first. You can also petition the judge yourself to modify your visitation plan. This is discussed further in the section called **Role of the Courts**.

CONFIDENTIALITY AND YOUR RECORDS

- Teens in foster care have a right to the confidentiality of all their records.

Questions and Answers About Confidentiality and Your Records

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

Only those people directly involved in your case can look at your records or get information about your case. (ORS 409.225(1)). Your caseworker can also share information with people who need it in order to take care of you. 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. (ORS 409.225(3)(a)). Your caseworker shouldn't discuss it with people who don't need to know your medical history.

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, 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), your case worker, 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, listed in the phone book or at http://www.oregon.gov/ODOT/DMV . An identification (I.D.) card currently costs \$29. You’ll need either two pieces of “primary” identification, such as a birth certificate, a social security card, or certain U.S. immigration documents, or one piece of “primary” and two pieces of “secondary” identification, such as a student I.D. or certain court documents. If these pieces of I.D. don’t list your current address, you will also need proof of your residence, such as a letter mailed to you in the last 60 days from a state agency or certain other sources. For more about these requirements, see the DMV website. 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. If you were born in Oregon, you can find instructions at http://www.oregon.gov/DHS/ph/chs/order/faqs.shtml#orderhow . In Oregon, you can order it online, by phone, by fax, or in person, and the fee ranges from \$15 - \$32.50 depending how you order it. If you go in person, bring a piece of identification with you, such as a driver’s license or an Oregon I.D. card.
What if my parent(s) won’t give me my birth certificate?	Get another copy. There is no law against having several copies.

PREGNANCY

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

Not necessarily. Your caseworker decides 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. First, if you become the custodial parent of the baby, the baby will stay with you in your placement. Second, if your caseworker files a petition to have the baby become a dependent of the court, 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, 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 I become pregnant and I want an abortion, how do I get one?

If you become pregnant, the Oregon Health Plan will cover your abortion if you want one. An abortion is considered a sensitive service and 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.

Emancipation Planning and Independent Living Services

By the time you are 16, you and your case worker 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. This plan is often called a Transition Plan. 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 that you will need, including preparing for and applying for college, preparing for and applying for employment, and developing 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 case worker 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.

Foster youth have a right to remain in DHS care until age 21. DHS may not dismiss your case before age 21 unless there has been case planning for a successful transition to independent living. DHS must involve YOU in making this case plan. **The case may not be dismissed unless you have safe and stable housing and are unlikely to become homeless as a result of the dismissal.** (ORS 419B.337(6)).

MONEY

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

Questions and Answers About Money

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

There is no established right to an allowance or money for 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 designated for monthly clothing expenses. Your foster parent(s) or group home can decide how you get the allowance or clothing money. You should receive your allowance for completion of chores or for good behavior. Your allowance can be withheld if you do not do your chores or your behavior is poor. If you are not receiving an allowance or getting new clothes once in awhile, talk to your caseworker.

Your caseworker may also be able to get you a clothing voucher to help when you have grown out of all your clothes or when you do not have sufficient clothes for some other reason.

When can I get a job?

There are no longer general age limits on employment for children and youth, and you also are no longer required to obtain a work permit to start work. You may, however, be restricted from working in certain types of dangerous jobs. To get a job, you will need to have your social security number and be able to convince an employer that you are mature and responsible enough to be hired. Ask your 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.

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

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

RELIGION

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

Questions and Answers About Religion

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 attend. (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 arrange transportation to and from your place of worship, provided it is within a reasonable distance. You can be prevented from attending religious services if there is a very strong reason for not allowing you to go. For example, foster parents can refuse you permission to go to services if you seriously misbehaved on a prior occasion, but they cannot refuse you permission simply because they don't want you to go. Your caseworker should match you with foster care providers who 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 turn 16 years old, provided that you have held a learner's permit for at least 6 months, pass a safety practice test, pass a driving test, and prove that you are enrolled in school. If you have no outstanding Department of Motor Vehicles (DMV) suspensions or judge-ordered restrictions, your provisional license becomes a full license when you turn 18 years old. 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 after you receive your provisional license, or until you turn 18, you may only have people over the age of 20 or immediate family members as passengers in the car. For the duration of your provisional license, 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.

Licensed drivers under 18 who commit traffic violations or get into accidents face harsher consequences than older drivers. If you are under 18 and you commit two traffic violations or get into two accidents, the DMV will restrict your license for 90 days. If you get into a third crash or get a third violation, the DMV will suspend your license for 6 months.

Starting January 1, 2008, several new laws create other harsh consequences for teen drivers. If you are between 18 and 20 and you commit a drug or alcohol offense, your driver's license will be suspended. If you are found guilty of a minor in possession (MIP) offense while driving, you commit a Class A violation. An MIP alone is a Class B violation. If you are found guilty of an MIP, the court may order treatment and assessment; the court is required to order treatment and assessment if this is not your first MIP. Finally, if you are under 18 and you use a mobile device, such as a cell phone, while driving, you commit a Class D violation.

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 DMV. 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, although none of these people is required to sign for you. The person who signs the form must accompany you when you take the test for your license. Remember, 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 he or she is willing to sign for you, your caseworker will let your foster parents know. 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 the person who is teaching you needs to check with his or her insurance company. If you will only be driving your foster parent or guardian's car, you can be covered by his or her insurance once you have your license. Be

prepared for it to cost a lot of money if your foster parent or guardian adds you to his or her 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, such as gas, oil, repairs, etc. Also, by adding you to an existing insurance policy, your foster parent or guardian takes the risk that his or her insurance rates will go up for several years if you have an accident. If your foster parent or guardian is unwilling to add you to his or her insurance, or if you want to buy your own automobile, you will have to obtain your own insurance coverage. Expect to pay considerably more for your own insurance coverage. Beware! Getting insurance is very expensive, often with a large up-front charge.

Getting a Learner's Permit if You're Under 18

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

- Be at least 15 years old.
- Obtain approval of the Child Welfare manager that oversees your case (your caseworker's boss).
- Complete a DMV form, and your parent, guardian, foster parent, or relative who lives with you must sign the form.
- Pass the traffic law and road sign

test.

- Present proof of your identity and address, a social security number, and a certified birth certificate.
- Pay a fee of \$18.00.
- Return to the insurance agent, pay the initial fee, and fill out more forms.
- Pass a test on the rules of the road.
- Pass an eye test and your driving test.
- Provide proof of school enrollment or completion.

For more information about these requirements, go to

<http://www.oregon.gov/ODOT/DMV/TEEN/permit.shtml>.

If your caseworker signs, you must:

- Obtain approval of the Child Welfare manager that oversees your case (your caseworker's boss).
- If you don't have one already, get an I.D. card from your local Department of Motor Vehicles (DMV) office. See the section called **Confidentiality and Your Records** for information about how to get an I.D. card.
- 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. Your caseworker will need to sign the application forms.
- Pass the same tests and pay the same fee as listed in the previous section.

COMPLAINTS

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

Questions and Answers about Complaints

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

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

- Ask your attorney to set up a review hearing and ask the judge to help you;
- Ask for a grievance review through DHS - your case worker or attorney can help you;
- Call the Children's Ombudsman in the Governor's Advocacy Office and explain your concerns. This office may be able to help you with any problems or concerns you have about your care, treatment, or services while in foster care. The toll free number is **1-800-442-5238**.

DEFINITION INDEX

The number refers to the page number which has a definition for the word.

<i>Adoption</i>	29
<i>Alternative Permanent Planned Living Arrangement</i>	23
<i>Case Plan</i>	15
<i>Court Placement</i>	13
<i>Dispositional Hearing</i>	21
<i>Foster Care</i>	11
<i>Foster Home</i>	12
<i>Foster Parent</i>	31
<i>Group Home</i>	12
<i>Independent Living Plan</i>	16
<i>Jurisdictional Hearing</i>	21
<i>Juvenile Court</i>	19
<i>Juvenile Court Petition</i>	19
<i>Kinship Care</i>	12
<i>Legal Custody</i>	13

<i>Legal Guardian</i>	31
<i>Open Adoptions</i>	29
<i>Out-of-Home Care</i>	See <i>Foster Care</i>
<i>Permanency Hearing</i>	22
<i>Permanent Guardianship</i>	32
<i>Physical Custody</i>	13
<i>Report to the Court</i>	27
<i>Reunification Plan</i>	15
<i>Review Hearing</i>	22
<i>Shelter Hearings</i>	20
<i>Voluntary Placement</i>	13
<i>Ward</i>	19

This guide is a product of the Juvenile Rights Project, Inc. (JRP).

This guide is copyright-free. JRP grants permission for this guide to be reproduced. Copies of this guide are available at the JRP website: www.jrplaw.org.

If you have questions or suggestions, contact:

Juvenile Rights Project, Inc.
401 NE 19th Ave., Suite 200
Portland, OR 97232
(503) 232-2540



Last updated August 2007

MY NOTES
