YOU have rights too!
This youth rights packet is dedicated to young adults in placement who:

• were not informed of their rights;
• did not understand their rights;
• did not know how to appropriately advocate for their rights and;
• especially, for those who experienced their rights being violated.

According to a Youth Rights Training Video completed in 2009, out of eleven former foster youth, ten youth had their rights violated, out of those ten, only five reported it, out of those five, only three youth had their reported violated rights resolved.

This packet was created to educate young adults, and everyone that touches the lives of young adults, about youth rights in placement so that overall quality of care in placement improves. Many times young adults transition between different placement types and systems where their rights can change. Our goal was to create one document that explained youth rights in a way that the majority of people can understand regardless of what placement and/or system young adults are in.

This was an ambitious undertaking and could not have been completed without the collaboration of many different agencies. We would like to acknowledge and extend our heartfelt gratitude to the following that have made the completion of this Youth Rights Packet in Placements possible:

Leecia Welch, Johanna Robinson, and everyone else at the National Youth Law Center that helped to make sure that the laws in this rights packet are accurate and referenced correctly. This packet would not be the great tool that it is today without the endless hours you devoted to it. http://www.youthlaw.org/

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Elisa Herrera for your support in getting this project started.
This is a product of the Placer County Youth Empowerment Support Program. You are welcome to use these materials as appropriate for your location. Please reference the “You Have Rights Too” packet when using the material in other publications. If you have any questions regarding this document, please contact the following:

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Placer County Mental Health Services Act (MHSA): http://www.campaignforcommunitywellness.org
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Available in PDF format at: www.youthempowermentsupport.com
How to Find the Legal Reference
How to Find the Legal Reference:

At the end of each right you will see a small number. This number is called an end note and it references where in the law that right comes from. At the end of each section in the packet, the end notes and codes are listed. Look for the same small number and you will find the law that the right comes from referenced. See example below:

Example:

RIGHTS SECTION:

- Enough clothes and healthy food.\(^3\)

(Your food preferences should be considered and honored if possible. For example if you are vegetarian, vegan, have allergies, or can’t eat certain foods because of your religious preference.)

LEGAL REFERENCE SECTION:

\(^3\) CAL. WELF. & INST. CODE § 16001.9(A)(1); CAL. CODE REGS. TIT. 22, §§ 83072(C)(9) (SMALL FAMILY HOMES), 84072(C)(14) (GROUP HOMES), 89372(C)(1) (FOSTER FAMILY HOMES).
Youth Rights in Foster Homes, Group Homes, and Shelters
You have the right to live in a safe, comfortable home with:

• Enough clothes and healthy food. (Your food preferences should be considered and honored if possible. For example if you are vegetarian, vegan, have allergies, or can’t eat certain foods because of your religious preference.)

• Your own private place to store your things.

• A clothing allowance. (If you are in a foster home, there is an additional amount of money for your clothes. However, no matter where you live, you are entitled to adequate clothing.)

• An allowance. (If you are in a group home.)

• The right to manage your own money and have a bank account if you are old enough. (Unless your case plan says you cannot. Also, the most you can have in your bank account is $10,000.)

• A phone that you can use to make confidential calls without being monitored. (Unless a judge says you cannot.)

You have case plan rights. You can:

• Give input about what you want to happen in your case plan.

• Review your case plan if you are 12 or older.

• Get a copy of your case plan if you are 12 or older.

• Have your case plan explained to you in a way you can understand.

• Be told about any changes in your case plan or your placement. (A case plan is a report your social worker makes explaining your current and future plans.)

You have rights regarding court and your court records. You can:

• Go to court and talk to the judge. (You are encouraged to talk to your attorney first so you don’t say something against your own interests.)

• Be notified of all your court hearings if you are 10 or older.

• See and make a copy of your court report.

• Keep your court records private from the general public.

(Unless the judge says otherwise. NOTE: Your social worker, probation officer, the judge, your attorney, and CASA worker will generally have access to most of your court records.)

• Tell the judge how you feel about your family, lawyer, social worker, probation officer and mental health provider, or anyone else involved with your case during dependency hearings. (You are encouraged to talk to your attorney first so you don’t say something against your own interests.)

• Tell the judge what you want to happen in your case during dependency hearings. (You are encouraged to talk to your attorney first so you don’t say something against your own interests.)

• Have a lawyer to represent you. (You will be assigned a lawyer by the court to represent you at dependency hearings, at no cost to you. If you want another lawyer of your own choosing, you would have to pay for his or her legal services.)

• Seal your records when you turn 18. (The cost to seal your records varies by county. If you are low income, some counties will not charge you to have your records sealed. For delinquency records, the probation department of the county where you committed the offense will generally assist you with this process. You will not be able to seal your records if you were convicted...
of certain serious offenses or if you have subsequently been convicted of any felony offense or misdemeanor offense involving moral turpitude. For sealing dependency records, you should be able to get assistance from the juvenile court clerk’s office in your county.)

You Have Health Rights.

You Can:

• See a doctor, dentist, eye doctor, or talk to a counselor if you need to.22

• Get the health care services that a doctor or clinician says you need (called “medically necessary”) if you have Medi-Cal (California’s health care program).23

(Most youth in foster care have Medi-Cal, but your social worker or lawyer would know if you have it if you are not sure.)

• Refuse to take medications, birth control, vitamins or herbs.24

(Unless a judge says you must. For youth who have been placed in foster care, only the juvenile court has the authority to decide that you must take psychotropic medication, and the court may only do so upon a physician’s request. The court may still decide that you must take the medication, but you have the right to participate in this process.)

• See the doctor privately about getting counseling if you are 12 or older and the doctor thinks you meet the requirements.25

(There are two requirements. First, the doctor must think you are mature enough to participate. Second, the doctor must think that without the mental health treatment you would present a danger of serious physical or mental harm to yourself or others OR that you are a victim of incest or child abuse. Note: the doctor can include your parent or guardian in the treatment if he or she thinks it would be best for you.)

• If you have serious mental health needs, you have a right to a treatment plan that addresses your needs.26

• If you are pregnant, you can choose to have your baby or an abortion.27

(No one can make you have the baby or have an abortion, and no one can make you give your baby up for adoption unless you are proven to be an unfit parent at a court hearing.)

• See the doctor privately for an abortion, birth control, or pregnancy at any age.28

• See the doctor privately for sexually transmitted diseases, HIV testing, or if you’ve been raped if you are 12 or older.29

• See the doctor privately about alcohol or drug treatment if you are 12 or older.30

(Note: the doctor can include your parent or guardian in the treatment if he or she thinks it would be best for you. If a judge finds that you are a danger to yourself or others as a result of drug use, the judge may order you into a facility for 72-hour treatment and evaluation. After three days, you will either be released or placed in a facility for 14-day intensive treatment depending on whether the doctor decides you continue to be a danger to yourself or others because of drug use.)

• Review and get a copy of the health care records for services or treatment that you can get on your own.31

(You can also request your mental health records, but if a health care provider determines that seeing these records would be harmful to you, they can refuse your request.)

• Receive age appropriate pregnancy prevention information.32

• Keep your medical history private

(Note: Under some circumstances, your case worker, probation officer, or the court may be able to access these records.)

› Pregnancy: Your health care provider is not allowed to tell your parent or legal guardian that you are pregnant without your consent.33

› Contraception: Your health care provider is not allowed to tell your parent or legal guardian that you are using contraception (birth control) without your consent.34
› Abortion: Your health care provider is not allowed to tell your parent or legal guardian about your abortion without your consent.\(^{35}\)

› Rape Services: If you are 12 or older, your health care provider is not allowed to tell your parent or legal guardian about your treatment for rape without your consent.\(^{36}\)

› AIDS/HIV Testing and Treatment: If you are 12 or older, your health care provider cannot tell your parent or legal guardian about your testing or treatment for AIDS and HIV without your consent.\(^{37}\)

› Diagnosis and Treatment for Sexually Transmitted Diseases: If you are 12 or older, your health care provider cannot tell your parent or legal guardian about your diagnosis of or treatment for a sexually transmitted disease without your consent.\(^{38}\)

› Mental health: If you are 12 or older, your health care provider cannot tell your parent or legal guardian about your counseling services if you requested them privately.\(^{39}\)

You Have School Rights.
You Have the Rights:
• To go to school and continue your education.\(^{40}\)
• To remain in the same school for the duration of the school year when you enter foster care or your placement changes, if it is in your best interest and is a possibility.\(^{41}\)
• To go to after school activities right for your age and development level.\(^{42}\) (Unless a judge says you cannot.)
• To be immediately enrolled in a new school after placement.\(^{43}\) (Even if there are outstanding fees, fines, or other items due at the old school or if you do not have the clothing or records normally required by the new school.)
• To receive partial or full credit for work completed at other schools.\(^{44}\)
• To not be punished for missing school to attend a court hearing, a court related activity, or because of a placement change.\(^{45}\)
• To have your school records sent to your new school within two business days when you move to a new placement.\(^{46}\)
• To get help with school if you need it.\(^{47}\) (For example, get a tutor.)
• To access the same academic resources, services, extracurricular activities, and enrichment activities as other youth.\(^{48}\)
• To receive special education services (like counseling or more support in school) if you qualify.\(^{49}\)
• To attend a public school.\(^{50}\) (Unless your educational needs require another educational placement or if it is in your best interest to attend another school.)
• To not be searched by school officials unless they have reasonable suspicion or a good and legal reason that you did something wrong.\(^{51}\)
• To not be suspended for more than 5 days in a row unless you are being recommended for expulsion.\(^{52}\) (Suspension is when your school punishes you for something you did by temporarily sending you home. Unless expulsion is pending.)
• To have your behavior corrected by a less severe means than suspension wherever possible.\(^{53}\)
• To fight an expulsion from school at a hearing with witnesses, evidence, and an attorney or other adult advocate.\(^{54}\) (Expulsion is when you are being kicked out of the entire school district for one semester or year as punishment for something you did.)
• To have an expulsion hearing within 30 days of the time the school said you misbehaved.\(^{55}\) (The district governing board may conduct the hearing, or the district
can appoint a panel or hearing officer to conduct the hearings. The school must tell you the date of the hearing at least 10 days before they hold the hearing.)

Your placement worker can extend your foster care payments so you can stay in your foster home or group home until you turn 19 if you are on track to complete high school or vocational training, or get your high school equivalency certificate (also known as your GED) by then.56

**You Have Friends and Family Rights. You Can:**

- Live with a family member unless it is not in your best interest.57
  (Family must be considered and given priority when deciding which placement is in your best interest. They will have to meet certain criteria before you can live with them, including having a criminal background check and a home visit by your social worker.)58

- Be asked by your social worker about your preference for placement.59

- Be asked by your social worker about other relationships that are important to you and how to keep up those relationships.60
  (After being placed in the foster care system for six months or longer.)

- Contact siblings and other family members.61
  (Unless a judge says you cannot.)

- Send and receive unopened mail.62
  (Unless a judge says someone else can open your mail. If you are in a group home they can search your mail for contraband and scan it for inappropriate content)

- Make and receive confidential phone calls.63

- Contact people who are not in the system.64
  (For example, friends, church members, teachers, and others unless a judge says you cannot.)

- Live with your siblings unless it is not in your best interest.65

- Identify and maintain relationships with appropriate individuals who are important to you, as long as it is in your best interest.66
  (Unless a judge says you cannot.)

- Visit with and contact your parents, brothers, sisters and other family members.67
  (Unless a judge says you cannot.)

- Not be searched without “probable cause”.70
  (Unless you have been placed under arrest)

**You Have Religious Rights:**

- You have the freedom of religious practice.71
  (Practicing your religion includes doing almost anything because of your religion. Your foster home or group home can place restrictions on your practice of your religion if they have a very important reason to do so, like keeping you or someone else safe.)

- You have the right to attend religious services or activities of your choice.72

- No one can make you convert to another religion or make you go to religious services if you don’t want to.73

- You have the right to have visits from a spiritual advisor of your choice.74

- No one can discriminate against you or harass you because of your religion.75

**You Have Independant Living (ILP) Rights. You Can:**

- Be told about and go to Independent Living Program (ILP) classes and activities if you are the appropriate age, which is generally 16 years old or older.76
  (For each youth 16 years of age and older, the court shall determine
whether services have been made available to assist him or her in making the transition from foster care to independent living. Your social worker is required to provide foster youth with information about their rights, including ILP rights, every 6 months.)

- Be provided transportation to ILP services.  

- Participate in developing your Transitional Independent Living Plan (TILP), and be provided with a copy of it and any updates. (A TILP is a plan to help you prepare for emancipation. You write your first TILP with your social worker when you are 15 or 16 years old, and the plan should be updated every 6 months. Your ILP Coordinator will help you achieve the goals in the TILP.)

- ILP services cannot be used as a punishment or reward.  

- The social worker in the county where your court is must inform you about ILP services and make sure you get the services identified in your TILP.  

- The county where you live must provide the services, but the county where your court is located pays for the services.

You Have the Right to do Some Things on Your Own. You Can:

- Have your own emancipation bank account. (Unless your case plan says you cannot.)

- Work, unless the law says you are too young.

- Learn job skills right for your age.

- Make your own medical appointments for the services listed above that you can seek privately. (Such as counseling, abortion, birth control, family planning, and HIV or STD testing. You must be 12 or older and meet the other requirements listed above.)

You Have Other Rights Too. You Can:

- Make contact with your placement agency, social workers, attorneys, CASA worker, probation officers, Community Care Licensing or the ombudsman office. (No one can restrict your ability to call these people.)

- Be involved in decisions regarding your case plan or your permanent placement.

- Not be punished for making contact with someone or making complaints about your situation to attorneys, ombudspersons or state and local agencies.  

- Be treated with respect.

No One Can Legally:

- Lock you in a room or building.

- Abuse you physically, sexually, or emotionally for any reason.

- Punish you by physically hurting you, embarrassing you, or putting you down for any reason.

- Look through your things unless they have a good safety or legal reason to do so.

- Harass or discriminate against you because of, but not limited to, your sexual orientation, religious beliefs, race, color, or gender. (For example, no one can harass or discriminate against you because you are lesbian, gay, bisexual, transgender, or questioning, or because someone thinks you are.)

These rights may vary from placement to placement, level of care, due to probation terms and conditions and/or a change in the law. If you think your rights have been violated for any reason or have any questions you can find who you need to contact in the back of this packet.
2 Cal. Welf. & Inst. Code § 16001.9(a)(1); Cal. Code Regs. Tit. 22, §§ 83072(c)(9) (small family homes), 84072(c)(14) (group homes), 89372(c)(1) (foster family homes).

3 Cal. Welf. & Inst. Code § 16001.9(a)(3); Cal. Code Regs. Tit. 22, §§ 83072(c)(12) (small family homes), 84072(c)(17) (group homes), 89372(c)(5), (c)(6)(A) (foster family homes).

4 Cal. Welf. & Inst. Code § 16001.9(a) (18); Cal. Code Regs. Tit. 22, §§ 83072(c)(5) (small family homes), 84072(c)(10) (group homes), 89372(c)(1)(A) (foster family homes).


6 Cal. Code Regs. Tit. 22, §§ 84072(c)(17) (group homes), 89372(c)(7) (foster family homes).

7 Cal. Welf. & Inst. Code § 16001.9(a) (11), 11155.5(a); Cal. Code Regs. Tit. 22, §§ 83072(c)(3) (small family homes), 84072(c)(8) (group homes), 89372(c)(18)(B) (foster family homes).

8 Cal. Welf. & Inst. Code § 16001.9(a)(9); Cal. Code Regs. Tit. 22, §§ 83072(c)(6) (small family homes), 84072(c)(11) (group homes), 89372(c)(16) (foster family homes).


14 Cal. Welf. & Inst. Code §§ 349, 399, 16001.9(a)(17); Cal. R. Ct. 5.530(b)(1); Cal. Code Regs. Tit. 22, §§ 83072(c)(24) (small family homes), 84072(c)(29) (group homes) 89372(c)(21) (foster family homes).

15 Cal. Welf. & Inst. Code §§ 290.1 – 295, 349, 16001.9(a)(17); Cal. R. Ct. 5.530(b)(1); Cal. Code Regs. Tit. 22, §§ 83072(c)(24) (small family homes), 84072(c)(29) (group homes), 89372(c)(21) (foster family homes); Cal. R. Ct. 5.530(b)(1).

16 Cal. R. Ct. 5.552(b)(1)(C).

17 Cal. Welf. & Inst. Code §§ 827, 10850, 16001.9(a)(22); Cal. Code Regs. Tit. 22, §§ 83072(c)(27) (small family homes), 84072(c)(32) (group homes), 89372(c)(24) (foster family homes); Cal. R. of Ct. 5.552, 5.830.

18 Cal. Welf. & Inst. Code § 16001.9(a)(17); Cal. Code Regs. Tit. 22, §§ 83072(c)(24) (small family homes), 84072(c)(29) (group homes), 89372(c)(21) (foster family homes); Cal. R. of Ct. 5.690(b), 5.785(b).

19 Cal. Welf. & Inst. Code § 16001.9(a)(17, 19); Cal. Code Regs. Tit. 22, §§ 83072(c)(24) (small family homes), 84072(c)(29) (group homes), 89372(c)(21) (foster family homes); Cal. R. Ct. 5.690(b), 5.785(b).


21 Cal. Welf. & Inst. Code §§ 389, 781; Cal. R. Ct. 5.830. For delinquency records, the probation department of the county where you committed the offense will generally assist you with this process. You will not be able to seal your records if you were convicted of certain serious offenses or if you have subsequently been convicted of any felony offense or misdemeanor offense involving moral turpitude. For sealing dependency records, you should be able to get assistance from the juvenile court clerk’s office in your county.


23 42 U.S.C. § 1396d(r)(5).

24 Cal. Welf. & Inst. Code § 16001.9(a)(5); Cal. Code Regs. Tit. 22, §§ 83072(c)(14) (small family homes), 84072(c)(19) (group homes), 89372(c)(9) (foster family homes); Cal. Fam. Code § 6925; American Academy of Pediatrics v. Lungren, 16 Cal. 4th 307 (1997). For youth who have been placed in foster care, only the juvenile court has the authority to decide that you must take psychotropic medication, and the court may only do so upon a physi-
cian’s request. Cal. Welf. & Inst. Code § 369.5(a). Also, there is a process for foster youth to work with their attorney to tell the court at a dependency hearing that you do not want to take psychotropic medication. Cal. R. Ct. 5.640. The court may still decide that you must take the medication, but you have the right to participate in this process.


30 Cal. Fam. Code § 6929. If a judge finds that you are a danger to yourself or others as a result of drug use, the judge may order you into a facility for 72-hour treatment and evaluation. After three days, you will either be released or placed in a facility for 14-day intensive treatment depending on whether the doctor decides you continue to be a danger to yourself or others because of drug use. Cal. Welf. & Inst. Code § 359.


40 Cal. Welf. & Inst. Code § 16001.9(a) (13); Cal. Code Regs. Tit. 22, §§ 83072(c)(20)(small family homes); 84072(c)25 (group homes), 89372(c)(18)(E) (foster family homes).


45 Cal. Educ. Code § 49069.5 (g, h).


47 Cal. Educ. Code §§ 42920(b), 42921(a) and 60851(f).

48 Cal. Educ. Code §§ 48850(a), 48853(g); Cal. Welf. & Inst. Code §§ 361(a), 726(b).


52 Cal. Educ. Code § 48911(a) (Unless expulsion is pending.)


57 Cal. Welf. & Inst. Code §§ 309(d), 319(f), 361, 361.3.


60 Cal. Welf. & Inst. Code §§ 366.1(g), 16501.1(i).

61 Cal. Welf. & Inst. Code § 16001.9(a)(6, 7); Cal. Code Regs. Tit. 22, §§ 83072(c)(1, 15) (small family homes), 84072(c)(1, 20) (group homes); 89372(c)(11 – 12, 14) (foster family homes).
62 Cal. Welf. & Inst. Code § 16001.9(a)(9); Cal. Code Regs. Tit. 22, §§ 83072(c)(7) (small family homes), 84072(c)(12) (group homes), 89372(c)(16) (foster family homes).

63 Cal. Welf. & Inst. Code § 16001.9 (a)(9); Cal. Code Regs. Tit. 22, §§ 83072(c)(6) (small family homes), 84072(c)(11) (group homes), 89372(c)(16) (foster family homes).

64 Cal. Welf. & Inst. Code § 16001.9 (a)(15); Cal. Code Regs. Tit. 22, §§ 83072(c)(22) (small family homes), 84072(c)(27) (group homes), 89372(c)(11 – 16) (foster family homes).


67 Cal. Welf. & Inst. Code §§ 362.1, 16001.9 (a)(6, 7), 16002; Cal. Code Regs. Tit. 22, §§ 83072(c)(1, 15) (small family homes), 84072(c)(20) (group homes), 89372(c)(11 – 12, 14) (foster family homes).

68 Cal. Const., art. 1, § 15.


71 Cal. Welf. & Inst. Code § 16001.9(a) (10); Cal. Code Regs. Tit. 22, §§ 83072(c)(18) (small family homes), 84072(c)(23) (group homes), 89372(c)(17) (foster family homes); Cal. Const., art. 1, § 4.

72 Cal. Welf. & Inst. Code § 16001.9(a) (10); Cal. Code Regs. Tit. 22, §§ 83072(c)(18) (small family homes), 84072(c)(23) (group homes), 89372(c)(17) (foster family homes).

73 Cal. Welf. & Inst. Code § 16001.9(a) (10); Cal. Code Regs. Tit. 22, §§ 83072(c)(18) (small family homes), 84072(c)(23) (group homes), 89372(c)(17) (foster family homes).

74 Cal. Welf. & Inst. Code § 16001.9(a) (10); Cal. Code Regs. Tit. 22, §§ 83072(c)(18) (small family homes), 84072(c)(23) (group homes), 89372(c)(17) (foster family homes).

75 Cal. Welf. & Inst. Code § 16001.9(a) (23); Cal. Code Regs. Tit. 22, §§ 83072(c)(11) (small family homes), 84072(c)(16) (group homes), 89372(c)(3) (foster family homes).

76 Cal. Code Regs. Tit. 22, §§ 83072(c)(23) (small family homes), 84072(c)(28) (group homes), 89372(c)(18)(A) (foster family homes); Cal. Welf. & Inst. Code §§ 366.21(f) (for each youth 16 years of age and older, the court shall determine whether services have been made available to assist him or her in making the transition from foster care to independent living), 16001.1(f) (4), 16001.9(a)(16) (social worker is required to provide foster youth with information about their rights, including ILP rights, every 6 months); Cal. Dep’t of Soc. Servs., Cal. Health & Human Servs. Agency, Manual of Policies and Procedures (MPP) § 310236(a).

77 MPP § 31236(g)(5).

78 MPP § 31236(a), (e).

79 MPP § 31236(g)(7).

80 MPP § 31236(g), (g)(2) & (g)(6).


82 Cal. Welf. & Inst. Code § 16001.9(a)(11); Cal. Code Regs. Tit. 22, §§ 83072(c)(3) (small family homes), 84072(c)(8) (group homes), 89372(c)(18)(B) (foster family homes).


84 Cal. Welf. & Inst. Code § 16001.9(a)(14); Cal. Code Regs. Tit. 22, §§ 83072(c)(21) (small family homes), 84072(c)(26) (group homes), 89372(c)(18)(D) (foster family homes).


86 Cal. Welf. & Inst. Code § 16001.9(a)(6); Cal. Code Regs. Tit. 22, §§ 83072(c)(6)(C) (small family homes), 84072(c)(11)(C) (group homes), 89372(c)(13-16) (foster family homes).

87 Cal. Welf. & Inst. Code § 16001.9(a)(19); Cal. Code Regs. Tit. 22, §§ 83072(c)(6)(C) (small family homes), 84072(c)(11)(C) (group homes), 89372(c)(13-16) (foster family homes).
88 Cal. Welf. & Inst. Code § 16001.9(a)(8); Cal. Code Regs. Tit. 22, §§ 83072(c)(16) (small family homes), 84072(c)(21) (group homes), 89372(c)(15) (foster family homes).

89 Cal. Welf. & Inst. Code § 16001.9(a)(1); Cal. Code Regs. Tit. 22, §§ 83072(c)(8) (small family homes), 84072(c)(13) (group homes), 89372(c)(2) (foster family homes).


91 Cal. Welf. & Inst. Code § 16001.9(a)(2); Cal. Code Regs. Tit. 22, §§ 83072(c)(10) (small family homes), 84072(c)(15) (group homes), 89372(c)(2) (foster family homes).

92 Cal. Welf. & Inst. Code § 16001.9(a)(2); Cal. Code Regs. Tit. 22, §§ 83072(c)(10) (small family homes), 84072(c)(15) (group homes), 89372(c)(4) (foster family homes).


Youth Rights in Boot Camps and Juvenile Detention Facilities (Juvenile Hall)
You Have the Right to Live in a Safe, Comfortable Facility With: 95

- Enough clothes and healthy food. 96
  (Your food preferences should be considered and honored if possible. For example, if you are vegetarian, vegan, have allergies, or can’t eat certain foods because of your religious preference.)

You Have Case Plan Rights. You Can:

- Give input about what you want to happen in your case plan. 97
- Review your case plan. 98
- Make a copy of your case plan. 99
  (A case plan is a report your probation officer makes explaining your current and future plans.)

You Have Rights Regarding Court and Court Records. You Can:

- Go to court and talk to the judge. 100
  (You are encouraged to talk to your attorney first so you don’t say something against your own interests. A dependency hearing is a court hearing where a judge makes decisions about where you will live and services you are entitled to when your parent or guardian has been accused of abuse or neglect. A delinquency hearing is a court hearing where the court makes decisions after you have committed a delinquent act – meaning you are under age 18 and have committed a crime.)

- Be notified of all your court hearings if you are 10 or older. 101
- Review and make a copy of your court report. 102
- Keep your court records private from the general public. 103
  (Unless the judge says otherwise. NOTE: Your social worker, probation officer, the judge, your attorney, and CASA worker will generally have access to most of your court records.)

- Tell the judge how you feel about your family, lawyer, social worker, probation officer and mental health provider, or anyone else involved with your case during dependency hearings. 104
  (You are encouraged to talk to your attorney first so you don’t say something against your own interests.)

- Have a lawyer to represent you. 105
  (You will be assigned a lawyer by the court (sometimes called a public defender) if you cannot afford to hire a lawyer of your own choosing. If you want a different lawyer, you would have to pay for his or her legal services. In Placer and some other counties, the juvenile court judge may order your family (or you) to pay back the attorney fees at the disposition hearing.)

- Seal your records when you turn 18. 106
  (The cost to seal your records varies by county. If you are low income, some counties will not charge you to have your records sealed. For delinquency records, the probation department of the county where you committed the offense will generally assist you with this process. You will not be able to seal your records if you were convicted of certain serious offenses or if you have subsequently been convicted of any felony offense or misdemeanor offense involving moral turpitude. For sealing dependency records, you should be able to get assistance from the juvenile court clerk’s office in your county.)

You Have Health Rights. You Can:

- See a doctor, dentist, eye doctor, or talk to a counselor if you need to. 107

- Get the health care services that a doctor or clinician says you need (called “medically necessary”) if you have Medi-Cal (California’s health care program). 108
  (Your parent/guardian, probation officer, social worker, or lawyer would know if you have Medi-Cal if you are not sure.)

- Refuse to take medications, birth control, vitamins, or herbs. 109
  (Unless a judge says you must. The facility can make you take psychotropic medication without your permission if it is an “emergency” situation. An “emergency” situation...
means that your condition indicates that action is immediately necessary for the preservation of life or the prevention of bodily harm to yourself or others. The facility cannot force you to continue taking psychotropic medication when the emergency situation no longer exists, and you have certain rights if after 72 hours they continue to make you take the medication against your will.)

- See the doctor privately about getting counseling if you are 12 or older and the doctor thinks you meet the requirements.110

(There are two requirements. First, the doctor must think you are mature enough to participate. Second, the doctor must think that without the mental health treatment you would present a danger of serious physical or mental harm to yourself or others OR that you are a victim of incest or child abuse. Note: the doctor can include your parent or guardian in the treatment if he or she thinks it would be best for you.)

- Get mental health services if you have been diagnosed with a mental health disorder.111

- Be involved in the decision to be hospitalized unless you are a danger to yourself or others, or are gravely disabled.112

- If you are pregnant, choose to have your baby or an abortion.113

(No one can make you have the baby or have an abortion, and no one can make you give your baby up for adoption unless you are proven to be an unfit parent at a court hearing. The facility must help you get services from an outside agency, like Planned Parenthood, to provide counseling and information if you are considering an abortion. The facility must also provide transportation to these services, if necessary.)

- See the doctor privately for an abortion, birth control, or pregnancy at any age.114

- See the doctor privately for sexually transmitted diseases, HIV testing, or if you’ve been raped if you are 12 or older.115

- See the doctor privately about alcohol or drug treatment if you are 12 or older.116

(Note: the doctor can include your parent or guardian in the treatment if he or she thinks it would be best for you.)

- Review and get a copy of the health care records for services or treatment that you can get on your own.117

(You can also request your mental health records, but if a health care provider determines that seeing the records would be harmful to you, they can refuse your request.)

- Keep your medical history private

(Note: Under some circumstances, your case worker, probation officer, or the court may be able to access these records.)

- Pregnancy: Your health care provider is not allowed to tell your parent or legal guardian that you are pregnant without your consent.118

- Contraception: Your health care provider is not allowed to tell your parent or legal guardian that you are using contraception (birth control) without your consent.119

- Abortion: Your health care provider is not allowed to tell your parent or legal guardian about your abortion without your consent.120

- Rape Services: if you are 12 or older, your health care provider is not allowed to tell your parent or legal guardian about your treatment for rape without your consent.121

- AIDS/HIV Testing and Treatment: If you are 12 or older, your health care provider is not allowed to tell your parent or legal guardian about your testing or treatment for AIDS or HIV without your consent.122
Diagnosis and Treatment for Sexually Transmitted Diseases: If you are 12 or older, your health care provider can’t tell your parent or legal guardian about your diagnosis of or treatment for a sexually transmitted disease without your consent.123

Mental health: if you are 12 or older, your health care provider can’t tell your parent or legal guardian about your counseling services if you requested them privately.124

You Have School Rights. You Have the Right:
- To go to school and receive a quality education.125
- To attend age-appropriate school classes.126
- To be enrolled in a school at your facility within 3 days after placement.127
- To receive partial or full credit for work completed at other schools.128
- Not to be punished for missing school to attend a court hearing, a court related activity, or because of a placement change.129
- To have your new school request records from your old school.130
- To have your new school develop an education plan for you within five school days.131

You Have Your Behavior Corrected by a less severe means than suspension wherever possible.132

To receive special education services (like counseling or more support in school) if you qualify.133

To get credit for your work done during your time in juvenile detention or at other public schools.134

You Have Friends and Family Rights. You Can:
- Maintain contact with parents, siblings, and other family members through visits, phone calls, and mail.135
  (Unless a judge says you cannot.)
- Maintain contact with adults who have established a familial or mentoring relationship with you (such as clergy, teachers, neighbors, godparents, and family friends) through visits, phone calls, and mail.136
  (Unless a judge says you cannot. Extended family includes “any adult who has an established familial or mentoring relationship with the youth, including, but not limited to godparents, clergy, teachers, neighbors, and family friends.”)

You Have Rights With the Police. You Can:
- Remain Silent.137

Have a lawyer present if the police are asking you questions and you are not free to leave.138

You Have Religious Rights:
- You have the freedom of religious practice.139
  (Practicing your religion includes doing almost anything because of your religion. But the facility can place restrictions on your practice of your religion if they have a very important reason to do so, like keeping you or someone else safe.)
- You must have a reasonable opportunity to participate in religious services.140
- No one can make you convert to another religion or make you go to religious services if you don’t want to.141
- You have the right to religious services that take place at your facility at least once a week.142
  (They may not allow you to go if there is a safety or security issue, but they can’t prevent you from going because of poor program performance on the living unit or at school.)
- If the facility does not offer your faith’s religious services, the facility must try in good faith to provide you with services or counseling from a leader of your faith.143
• If your religion requires a special diet, the facility must make reasonable efforts to accommodate your diet.\textsuperscript{144}

• No one can discriminate against you or harass you because of your religion.\textsuperscript{145}

\textbf{You Have Other Rights Too. You Can:}

• Attend age-appropriate job training.\textsuperscript{146}

• Ask your placement worker to extend your placement at the juvenile hall until age 19 before transferring you to an adult facility.\textsuperscript{147}

• Be treated with respect.\textsuperscript{148}

• Make and receive private phone calls to lawyers, ombudspersons, public officials, legal service organizations, and court personnel.\textsuperscript{149}

• Send and receive unopened mail to lawyers, ombudspersons, public officials, legal service organizations, and court personnel.\textsuperscript{150}

• Have private visits with lawyers, ombudspersons, public officials, legal service organizations, and court personnel.\textsuperscript{151}

• Contact attorneys, ombudspersons, and state and local agencies regarding the conditions of your confinement or violations of your rights.\textsuperscript{152}

• Not be punished for making contact with someone or making complaints about your situation to attorneys, ombudspersons, or state and local agencies.\textsuperscript{153}

\textbf{No One Can Legally:}

• Abuse you physically, sexually or emotionally for any reason.\textsuperscript{154}

• Punish you by physically hurting you, embarrassing you, or putting you down for any reason.\textsuperscript{155}

• Search you just to harass, embarrass, or punish you.\textsuperscript{156}

• Harass or discriminate against you because of, but not limited to, your sexual orientation, religious beliefs, race, color, or gender.\textsuperscript{157}

\textit{(For example, it is illegal to harass or discriminate against you if you are lesbian, gay, bisexual, transgender, or questioning, or because someone thinks you are.)}

\textbf{These rights may vary from placement to placement, level of care, due to probation terms and conditions and/or a change in the law. If you think your rights have been violated for any reason or have any questions you can find who you need to contact in the back of this packet.}


109 Cal. Welf. & Inst. Code § 224.71(e); Cal. Code Regs. Tit. 15, § 1439(b)(2), (c); Cal. Fam. Code § 6925; American Academy of Pediatrics v. Lungren, 16 Cal. 4th 307 (1997). The facility can make you take psychotropic medication without your permission if it is an “emergency” situation. An “emergency” situation means that your condition indicates that action is immediately necessary for the preservation of life or the prevention of bodily harm to yourself or others. The facility cannot force you to continue taking psychotropic medication when the emergency situation no longer exists, and you have certain rights if after 72 hours they continue to make you take the medication against your will. Cal. Code Regs. Tit. 15, § 4747.


113 Cal. Fam. Code § 6925, American Academy of Pediatrics v. Lungren, 16 Cal. 4th 307 (1997) (saying statute requiring pregnant minor to secure parental consent or judicial authorization before obtaining abortion violated right of privacy guaranteed by California Constitution); Cal. Code Regs. Tit. 15, § 4736. (The facility must help you get services from an outside agency, like Planned Parenthood, to provide counseling and information if you are considering an abortion. The facility must also provide transportation to these services, if necessary.)


116 Cal. Fam. Code § 6929. If a judge finds that you are a danger to yourself or others as a result of drug use, the judge may order you into a facility for 72-hour treatment and evaluation. After three days, you will either be released or placed in a facility for 14-day intensive treatment depending on whether the doctor decides you continue to be a danger to yourself or others because of drug use. Cal. Welf. & Inst. Code § 708.

117 Cal. Health & Safety Code § 123110. You can also request your mental health records, but if a health care provider determines that seeing the records would be harmful to you, they can refuse your request. Cal. Health & Safety Code § 123115(b).


129 Cal. Educ. Code § 49069.5 (g), (h).

130 Cal. Educ. Code §§ 48853.5(d), 49069.5(d); Cal. Code Regs. Tit. 15, § 1370(e).


133 Cal. Code Regs. Tit. 15, § 1370(d)(2).


135 Cal. Welf. & Inst. Code § 224.71(g).

136 Cal. Welf. & Inst. Code § 224.71(g). Extended family includes “any adult who has an established familial or mentoring relationship with the youth, including, but not limited to godparents, clergy, teachers, neighbors, and family friends.” Cal. Welf. & Inst. Code § 224.70(c).

137 Cal. Const., art. 1, § 15.


142 Cal. Code Regs. Tit. 15, § 4750.1(d).

143 Cal. Code Regs. Tit. 15, § 4750.1(c).

144 Cal. Code Regs. Tit. 15, § 4750.1(i).


147 Cal. Welf. & Inst. Code § 208.5.


Youth Rights in Mental Health Facilities
(These rights apply when you have been admitted to Mental Health Facilities, including Community Treatment Facilities (CTF), State Hospitals, and Acute Psychiatric Hospitals.)

Any right that can NEVER be violated is highlighted in orange.

You Have Rights at Your Facility. You Have the Right:
- To wear your own clothes.  
- To keep and use your own belongings.  
(Unless there is a safety issue.)
- To keep and be allowed to spend a reasonable amount of your own money for canteen expenses or small purchases.
- To have your own private place to store your things.

You Have Treatment Plan Rights:
- You have a right to an evaluation of your medical, psychological, educational, and other needs if you are detained in a facility.
- If the doctor thinks you need further treatment in the facility or elsewhere, you have a right to be consulted and informed about the doctor’s recommendations for treatment and placement.
- You have a right to an aftercare plan when you leave the facility.

(An aftercare plan includes information about your past and future treatment, medications, recommendations for future treatment, and other information.)

You Have Rights Regarding Court:
- You can get a different dependency or delinquency court date if there is a good reason that you cannot attend the appointed court date.  
(If you think you will be in the hospital or a community treatment facility (CTF) for your court date, you should talk to your lawyer, parent, or guardian about getting a continuance (pushing the date forward).)
- If you are kept in a facility against your will for more than 72 hours (on what is called a “14-day hold”) you have a right to a hearing and to be represented by a patients’ rights advocate or an attorney.  
(In order to keep you in a facility against your will for more than 72 hours, the facility must show that you are still a danger to yourself or others, or that you are “gravely disabled”.  
If the facility places you on a 14-day hold, there will automatically be a “certification” hearing held at your facility that you have a right to attend.  
If you would rather have a more formal hearing, you have a right to a hearing in front of a judge (called a “habeas corpus” hearing.))

You Have Health Rights. You Have the Right:
- To prompt medical care and treatment.
- To privacy, dignity, and humane care.
- To the treatment that is best for you.  
(This is the treatment that will help you function independently and is the least restrictive of your freedom.)
- To refuse any convulsive treatment.  
(Convulsive treatment is when you are given an electrical shock or chemicals that make you have a seizure because a doctor thinks it will help you get better.)
- To refuse psychosurgery.  
(Psychosurgery is anything called lobotomy, psychiatric surgery, or behavioral surgery and can also be all other forms of brain surgery to change or control your thoughts, feelings, actions, or behavior.)
- To refuse antipsychotic medication (if you have been hospitalized against your will).  
(Antipsychotic medications are often used to treat schizophrenia, mania, and delusional disorder.  
Some examples of antipsychotic medication are haloperidol (Haldol), or thioridazine (Mellaril).  
(Note: the hospital can still make you take antipsychotic medication if they think it is best for you, but they will have to go to court to get permission.)
• To be involved in the decision to be hospitalized unless you are a danger to yourself or others, or are gravely disabled.\(^{176}\)

• If you are pregnant, to choose to have your baby or an abortion.\(^{177}\)

(No one can make you have the baby or have an abortion, and no one can make you give your baby up for adoption unless you are proven to be an unfit parent at a court hearing. The facility must help you get services from an outside agency, like Planned Parenthood, to provide counseling and information if you are considering an abortion. The facility must also provide transportation to these services, if necessary.)

• To see the doctor privately for an abortion, birth control, or pregnancy at any age.\(^{178}\)

• To see the doctor privately for sexually transmitted diseases, HIV testing, or if you’ve been raped if you are 12 or older.\(^{179}\)

• To see the doctor privately for alcohol or drug treatment if you are 12 or older.\(^{180}\)

(Your parent or guardian has the right to seek medical care and counseling for you if you have a drug or alcohol-related problem, even if you do not want treatment. In addition, if a judge finds that you are a danger to yourself or others as a result of drug use, the judge may order you into a facility for 72-hour treatment and evaluation.

After three days, you will either be released or placed in a facility for 14-day intensive treatment depending on whether the doctor decides you continue to be a danger to yourself or others because of drug use.)

• To review and get a copy of the health care records for services or treatment that you can get on your own.\(^{181}\)

(You can also request mental health records about services for which you consented (got on your own), but if a health care provider determines that seeing the records would be harmful to you, they can refuse your request.)

• To keep your medical history private.

(Note: Under some circumstances, your case worker, probation officer, or the court may be able to access these records.)

• Rape Services: if you are 12 or older, your health care provider is not allowed to tell your parent or legal guardian about your treatment for rape without your consent.\(^{185}\)

• AIDS/HIV Testing and Treatment: If you are 12 or older, your health care provider is not allowed to tell your parent or legal guardian about your testing or treatment for AIDS or HIV without your consent.\(^{186}\)

• Diagnosis and Treatment for Sexually Transmitted Diseases: If you are 12 or older, your health care provider can’t tell your parent or legal guardian about your diagnosis of or treatment for a sexually transmitted disease without your consent.\(^{187}\)

You Have School Rights:

• You have the right to participate in publicly supported educational programs.\(^{188}\)

(If you are expected to stay in the hospital for more than 30 days or are in a Community Treatment Facility (CTF) and have special education needs, you must receive educational services.)

You Have Friends and Family Rights. You Can:

• See visitors every day.\(^{189}\)

• Have access to phones and receive and make private phone calls (or you can have someone make the call for you).\(^{190}\)
The areas highlighted within a box can never be violated. Some of your other rights can be denied for “good cause”. Good cause for denying one of your rights exists when a person who works at the facility has a good reason to believe (1) exercising that right would be harmful to you, (2) if you exercised that right it would be unfair to other people or (3) that it will hurt the facility if you exercise that right and/or (4) that there is no less restrictive way to make sure none of these things happen.

Once the “good cause” for denying your right is gone, you will have that right again.

Your rights may differ if you are placed in a private facility.

These rights may vary from placement to placement, level of care, due to probation terms and conditions and/or a change in the law. If you think your rights have been violated for any reason or have any questions you can find who you need to contact in the back of this packet.

You Have Religious Rights.

You Have the Right:

- To be whatever religion you want and to practice that religion.

(Practicing your religion includes doing almost anything because of your religion. The facility can place restrictions on your practice of your religion if they have a very important reason to do so, like keeping you or someone else safe.)

You Have Other Rights:

- No one can force you to be in a religion or go to religious activities if you don’t want to.

- You have the right to be free from harm, including unnecessary or excessive physical restraint, isolation, medication, abuse, or neglect.

- You have the right to social interaction.

- You have the right to participate in community activities.

- You have the right to physical exercise and opportunities for recreation.

- No one can medicate you as a punishment, just because it is convenient, or instead of giving you other treatment.

- You have the right to see and get help from a patients’ rights advocate.

(This person is there just to help you and has no other responsibilities in your case.)

- You have the right to physical exercise and opportunities for recreation.

- You have the right to see and get help from a patients’ rights advocate.

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Cal. Welf. & Inst. Code §§ 224.71(o), 349, 399, 679, 16001.9(a)(17); Cal. Code Regs. Tit. 22, §§ 83072(c)(24) (small family homes), 84072(c)(29) (group homes) 89372(c)(21) (foster family homes); Cal. R. Ct. 5.530(b)(1), 5.550

Cal. Welf. & Inst. Code §§ 5250-5257, 5275. (If the facility places you on a 14-day hold, there will automatically be a “certification” hearing held at your facility that you have a right to attend. If you would rather have a more formal hearing, you have a right to a hearing in front of a judge (called a “habeas corpus” hearing.)


Cal. Code Regs. Tit. 9, § 836(a).

Cal. Welf. & Inst. Code § 5325(g).


Cal. Fam. Code § 6925; American Academy of Pediatrics v. Lungren, 16 Cal. 4th 307 (1997) (saying statute requiring pregnant minor to secure parental consent or judicial authorization before obtaining abortion violated right of privacy guaranteed by California Constitution); Cal. Code Regs. Tit. 15, § 4736. (The facility must help you get services from an outside agency, like Planned Parenthood, to provide counseling and information if you are considering an abortion. The facility must also provide transportation to these services, if necessary.)


Cal. Fam. Code § 6929. Cal. Fam. Your parent or guardian has the right to seek medical care and counseling for you if you have a drug or alcohol-related problem, even if you do not want treatment. Code § 6929(f). In addition, if a judge finds that you are a danger to yourself or others as a result of drug use, the judge may order you into a facility for 72-hour treatment and evaluation. After three days, you will either be released or placed in a facility for 14-day intensive treatment depending on whether the doctor decides you continue to be a danger to yourself or others because of drug use. Cal. Welf. & Inst. Code § 708.

Cal. Health & Safety Code § 123110. You can also request mental health records about services for which you consented (got on your own), but if a health care provider determines that seeing the records would be harmful to you, they can refuse your request. Cal. Health & Safety Code § 123115(b).
Rights Contact List
Have your rights been violated?
Do you want to speak with someone about questions or concerns that you have?
If you feel that you cannot safely resolve these issues on your own, please contact one of the resources listed below. They can do the following, but not limited to: listen to your concerns, questions; document your complaints; gather all information from other parties; and/or give you feedback on what steps to take next. They can help you free of charge. You can call them about questions, concerns, or complaints regarding, but not limited to your:

- Care
- Facility
- Schooling
- Rights
- Services
- Placement

Placer County Ombudsman-
Tom Lind: (530) 889-6752
Fax: (530) 886-5415
E-mail: tlind@placer.ca.gov
11716 Enterprise Dr.
Auburn, CA. 95603
If you are placed in Placer County, you may call Tom Lind to file a complaint and/or ask any questions that you have regarding your care in the system.

Placer County Patients’ Rights Advocate-
Linda Helling: (530) 886-5419
Fax: (530) 886-5499
E-mail: LHelling@placer.ca.gov
11716 Enterprise Dr.
Auburn, CA 95603
If you are residing in Placer County and have any questions and/or concerns regarding your mental health services or rights, you may call Linda Helling.

Juvenile Justice Ombudsman-
Phone: (916) 322-7166
If you are placed in a juvenile correction facility, you can call this number from any pay phone in the facility and leave them a message regarding any concerns or questions you may have.

California State Office of the Foster Care Ombudsman-
Toll Free: (877) 846-1602
Web site: www.fosteryouthhelp.ca.gov
744 P Street, MS. 9-025
Sacramento, CA 95814
If you are placed in California, you may call the toll free number about any concerns and/or questions you may have regarding your care in the system.

California Office of Patients’ Rights-
Phone: (916) 575-1610
100 Howe Ave. Suite 210N
Sacramento, CA 95825
If you are residing in California and have any questions and/or concerns regarding your mental health services or rights, you may call the California Office of Patients’ Rights.