

WHILE IN CARE



Know Your Rights and Responsibilities

Your Rights...Your Voice



*This Booklet was produced by
The Advocate for Children and Youth
with acknowledgments to:*

- Newfoundland and Labrador Foster Families Association.
- Waypoints Child and Youth Care Association of NL.
- Department of Child, Youth and Family Services. NL

**If you are a child or
youth in a foster home,
group home, or other
residential program then
this booklet is for you!**

Introduction

If you are in care then this booklet is for you!

It will help you understand your **rights** and **responsibilities** so that you can grow in an environment where you feel safe, protected and understood.

It will explain:

- What it means to be “in care”.
- Your rights and responsibilities while you are in care.
- The role of Child, Youth and Family Services (CYFS) and your social worker.
- The role of the Court.
- Answers to questions you may have.
- Who can help you with concerns.

If you do not understand something in this booklet please discuss it with your social worker or another adult you trust.



Every child has Rights and Privileges

Children are entitled to the same rights and privileges whether they live with their parent(s), other family members, caregivers or foster parent(s) or live in a group home.

You have the right to:

- The best possible quality of care.
- Be safe and secure.
- Be free from abuse.
- Be treated with fairness and dignity.
- Be listened to.
- Respect.
- Educational opportunities.
- Your culture.
- Proper nutrition.
- Medical and dental care.
- Appropriate clothing.
- Access to your family (if it's considered safe).
- Recreation and social activities.
- Privacy.
- Be aware of decisions made about you.
- Opportunities to talk with your social worker about issues and concerns.
- Voice your concerns regarding any aspect of your care and to be heard.
- Contact the Advocate for Children and Youth at any time.

What is the Department of Child, Youth and Family Services?

Child, Youth and Family Services (CYFS) is a government department in the Province of Newfoundland and Labrador (NL). CYFS is responsible for protecting children and youth from maltreatment from their parents. They also support the well being and healthy development of children and youth in families and their communities through services and programs.

To receive help from child protection you must be in need of protection under *The Children and Youth Care Protection Act*. This document outlines how and when a child can come into care in NL.

If you are a child or youth receiving services from CYFS, then a social worker has been assigned to work with you.



What is your In Care status?

You may be in care because of an arrangement between your parent(s) and your social worker or because of an order made by a judge.

Your in care status could mean you are in care voluntarily through a Protective Care Agreement or in temporary or continuous custody.



The Children and Youth Care Protection Act is the Act used when young people come into care in NL. The purpose of this Act is to promote the safety and well being of children and youth who are in need of protective intervention from maltreatment by their parents. This Act gives social workers the legal right to make arrangements for you if you are in care.

What does it mean to be “in care”?

- Being in care means; you are under the age of 18 and not living with your parent(s) or guardian.
- Your social worker and a parent or a judge have decided that you needed someone other than your parent(s) to care for you for a period of time.
- It may be a relative, family friend, foster parent(s) or staff of a residential program.
- The situation could last for a short time or a long time, depending on how things are at home. A social worker can place you back with a parent or guardian at any time if they feel you can safely return home. This may be decided with the social worker, your family and sometimes a judge.

There are 3 ways that you can come into care or custody:

Protective Care Agreement

- Protective Care is an agreement between your parent(s) or legal guardian and Child, Youth, and Family Services.
- Your parent(s) or guardian are unable to look after you, or there may be problems in your home which make it difficult for you to live there.
- Child, Youth, and Family Services has agreed to take care of you for a short period of time.
- Your parents still have custody of you and must be involved in making major decisions on your behalf such as medical care.

Temporary Custody

- A temporary custody order can be for up to 6 months, depending on your age; however, you can have more than one temporary custody order.
- Once you are in care, your social worker must go to court for a hearing with a judge.
- A judge will decide if you can return home or if you need to stay in care for a longer period of time.
- Your parents still have the right to be involved in major decisions that are being made about you.

Continuous Custody

- Continuous custody means that a judge has ordered Child, Youth and Family Services to be your legal guardian. CYFS have the same rights, responsibilities and powers of a parent.
- This will be until you turn 18. You may still choose to leave care at age 16 but this must be requested through Child, Youth and Family Services.

Your parent(s) may be involved in your life but they no longer make the decisions about your care.

How long will I be “in care”?

- How long you will be in care will depend on the circumstances in your family and why you are in care.
- Your social worker is the best person to explain the situation and how it will affect you.
- Your social worker can talk to you about the plan for your care.

What is the plan for you?

- There is a plan that your social worker must provide to the court after you have been removed from your home.
- The plan will explain to the court why you were removed, where you will live, and the plan for contact with your family or other people in your life.
- Your parents can also write their own plan and give this to the court if they do not agree with the plan the social worker completed.
- Your social worker will talk to you about what is included in this plan.



In Care Progress Report:

- This report is a way to keep track of how you are doing in different areas of your life while you are in care and to help plan for your future.
- This report will be completed after you have been in care for six months and will be updated every six months.
- An in care planning team, including you, your parents, the person who is caring for you, counselors or other people involved in your care will help your social worker develop this report. Your social worker will have team meetings to discuss this report and depending on your age and willingness, you may also be invited to these meetings.
- Even if you are not a part of the meeting your social worker will talk to you about the report and how you feel about it. You will be able to ask questions, give your opinion and make suggestions.





Where will I live while I am “in care”?

There are several places where young people in care might live. It depends on your needs and what is best for you. Your social worker will discuss with you and your parent(s)/legal guardian what type of home is best for you.

Here are some possibilities:

- A member of your family or a friend’s parent may be able to care for you. They would have to be approved by a social worker.
- A foster home is a family home in a community that provides care for children and young people who are in care.
- A group home provides care to children and young people who are in care. Adult staff provides supervision and support in a homelike setting.
- A specialized living arrangement is a residential option for a child or youth who cannot live in a foster home or a group home. Services to meet the needs of the child or youth are provided by a variety of staff.
- Special treatment programs are designed to help you deal with mental health and/or addiction problems you may be experiencing.
- There may be times when you do not remain in the same home or place while you are in care. Your social worker should discuss any move with you and make sure your personal items move with you.

Do I get a chance to say what I think should happen to me?

It is important for you to express your feelings, thoughts and opinions when decisions are being made about you. You will have opportunities to tell your social worker what you think is best for you. You can ask your social worker about making sure your opinion is heard in court. The judge will decide the best way for you to be heard. Most of the time, your social worker will share your opinion with the court in a report or by speaking to the judge. Your social worker will let you know if the judge wants to hear your opinion in another way.

The social worker and judge may not agree with your opinion; but they must listen to your point of view.

Can I talk to my family members or friends?

Contact with family members and friends is encouraged unless there is some reason why you should not have contact with a person. An example would be if your social worker is worried about your safety with certain people.

If you do not want to have contact with certain family members or friends, be sure to tell your social worker. Your wishes should be respected.

If you change your mind later, contact may begin at any time. Make sure you understand the arrangement for contact with family and friends and speak to your social worker if there are any problems.

What if calling my family is long distance?

Ask your social worker how often you can phone your family and when would be the best time to make long distance calls and who will pay for them.

What happens to me when I turn 18?

If you are in care when you turn 18 you are eligible to receive Youth Services until your 21st birthday as long as you are participating in an educational or rehabilitation program. You will need to sign a Youth Services Agreement and work with a social worker to develop your youth services plan. The Youth Services plan will help you set goals for your future.

If you are receiving Youth Services, you can remain in your current living arrangement or you may choose to move elsewhere. You can talk to your social worker about your options and the types of supports you will receive.

Rights and Responsibilities of Young People “in care”

Like adults, young people have rights that help protect them and provide them with services and supports. Decisions made about you must respect your rights. Just like adults, young people have responsibilities. It is your responsibility to learn and understand your rights while in care.

If you are not certain of your rights, you can speak with your social worker or someone else you trust.

You can also contact **The Advocate for Children and Youth: 1-877-753-3888**. Staff there will listen to your concerns, tell you about your rights and help you express your opinions. Staff will determine if everyone is working to make sure that your needs are being met.



Some of your RIGHTS and RESPONSIBILITIES are listed below.

Right: To be treated with respect and be listened to.

Responsibility: Treat others with respect and listen to others.

Right: To be safe and protected from all types of harm. If you have been harmed you have the right to tell someone and be given support.

Responsibility: Do not violate the rights of others.

Right: To your religion, culture, language and heritage.

Responsibility: Respect other people's religion, culture, and race.

Right: To an interpreter if you do not understand the language or have a disability.

Responsibility: You should let your social worker know if you need an interpreter.

Right: If you are over the age of 12 years you have the right to request information about you; however, a social worker will decide if seeing the information will be harmful to you.

Responsibility: Talk to your social worker. Let them know your opinion. Ask to attend meetings that are about you.

Right: To be included and involved in decisions that affect your life.

Responsibility: Seek help from agencies like the Advocate for Children and Youth if you are not getting services that you need or you feel you are not being heard.

Right: To express your opinion about where you will live. You have the right to be placed where your needs will be met. You have the right to as much stability as possible. You have the right to express your opinion about your placement.

Responsibility: Talk to your social worker if you believe your placement is not appropriate.

Right: To understand the rules in the place you live.

Responsibility: Know the rules and respect them. Know what happens if the rules are broken. If you have concerns about the rules talk to your social worker, foster parent or youth care worker.

Right: To live in a caring, safe environment. To have your needs such as food, clothing, and shelter met.

Responsibility: You must ensure that your belongings do not include anything that is illegal or can violate your safety or another person's safety.

Right: To reasonable privacy. You can speak to your friends and family in private if it is safe to do so. You can also speak to the Advocate for Children and Youth, your social worker or your lawyer in private.

Responsibility: You must respect the rights, privacy and special needs of others.



The adults involved in your care have the **RESPONSIBILITY:**

- To treat you with respect.
- To make sure you know your rights.
- To listen to your concerns.
- To make sure you are aware of your choices and options.
- To involve you in planning for your care.
- To provide you with information on services available from government departments and in the community.
- To talk with you about a move.
- To make sure you know how to reach a social worker 24 hours a day.
- To make sure you know how to contact your social workers, their supervisor, and others if you have a complaint.
- To comply with your request to contact the Advocate for Children and Youth.

You can talk to your social worker or others that care for you. Discuss the matter so everyone can understand each other's issues. Sometimes simply talking will clear up any disagreements.



If you still disagree and wish to speak to someone else, or if you feel your social worker or foster parent cannot help you, you can ask to speak to a program supervisor.

If you are in a group home or a facility, ask one of your youth care workers how to make a complaint or who you can talk to about your concerns.

If you have problems after speaking with your social worker, you can contact your social worker's supervisor.

You can phone or write a letter. If you are writing a letter, you should include the date, your name and address, your social worker's name, the name of your foster parent(s), or the group home or facility. Then list the problems or concerns you have. Don't forget to sign your letter.

If you are still unable to resolve your concerns yourself, you can **Contact the Advocate for Children and Youth for help at:**

1-877-753-3888.

You can also write or email:

**Advocate for Children and Youth
193 LeMarchant Road
St. John's, NL
A1C 2H5**

Email: office@ocya.nl.ca

If you have questions about information in this booklet or other topics, talk with someone you are comfortable with such as your social worker, counselor, youth care worker, or foster parent.



Who can I discuss my concerns with?

These people can help you with other issues such as:

- Privacy.
- Spending money.
- School.
- Drugs and alcohol.
- Sexuality.
- Stress.
- Health issues.
- Special activities (hockey, music).
- Getting a part-time job.
- Getting access to programs and services that you need.



Contacts:

Advocate for Children and Youth: 1-877-753-3888

Kids Help Line: 1-800-668-6868

Legal Aid: 1-800-563-9911

Mental Health Crisis Line: 1-888-737-4668

RNC: 1-709-729-7267

RCMP: 1-800-709-7267

Janeway Hospital: 1-709-777-6300

NL Foster Families Association: 1-877-754-0218

Planned Parenthood NL: 1-709-579-1009

Public Legal Information Assoc. of NL: 1-709-722-2805

Addiction Services: 1-709-738-4919

National Youth in Care Network: 1-800-790-7074

Child Youth and Family Services St. John's: 1-709-729-4612

Child Youth and Family Services Central: 1-709-292-1210

Child Youth and Family Services Western: 1-709-637-2686

Child Youth and Family Services Labrador/Grenfell: 1-709-896-9170

Department of Health and Community Services: 1-709-729-4984

Department of Child, Youth and Family Services: 1-709-729-0760





**Contact the Advocate
for Children & Youth
if you or someone you know
is in need of help:**

**193 LeMarchant Road
St. John's, NL A1C 2H5**

8:30 am - 4:30 pm

Phone: (709) 753-3888

Toll Free: 1-877-753-3888

TTY: (709) 753-4366

Fax: (709) 753-3988

Email: office@ocya.nl.ca

Website: www.childandyouthadvocate.nl.ca