

Minors' Resident Rights

(The information below is not an exhaustive list. For a complete list of resident rights, please contact the Patient Advocacy Program at (619) 282-1134.)

PERSONAL RIGHTS

Children's Residential Facilities

As specified in Welfare and Institutions Code section 16001.9(a), you are afforded the following personal rights:

- _ To live in a safe, healthy, and comfortable home where you are treated with respect.
- _ To be free from physical, sexual, emotional or other abuse, or corporal punishment.
- _ To receive adequate and healthy food, adequate clothing, and, for youth in group homes, an allowance.
- _ To receive medical, dental, vision, and mental health services.
- _ To be free of the administration of medication or chemical substances, unless authorized by a physician.
- _ To contact family members, unless prohibited by court order, and social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASAs), and probation officers.
- _ To visit and contact brothers and sisters, unless prohibited by court order.
- _ To contact the Community Care Licensing Division of the State Department of Social Services or the State Foster Care Ombudsperson regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.
- _ To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.
- _ To attend religious services and activities of your choice.
- _ To maintain an emancipation bank account and manage personal income, consistent with your age and developmental level, unless prohibited by your case plan.
- _ To not be locked in a room, building, or facility premises, unless placed in a community treatment facility.
- _ To attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with your age and developmental level, with minimal disruptions to school attendance and educational stability.
- _ To work and develop job skills at an age-appropriate level, consistent with state law.
- _ To have social contacts with people outside of the foster care system, including teachers, church members, mentors and friends.
- _ To attend Independent Living Program classes and activities if you are 16 or older.
- _ To attend court hearings and speak to the judge.
- _ To have storage space for private use.
- _ To be involved in the development of your case plan and plan for permanent placement.
- _ To review your case plan and plan for permanent placement, if you are 12 years of age or older and in a permanent placement, and to receive information about your out-of-home placement and case plan, including being told of changes to the plan.
- _ To be free from unreasonable searches of personal belongings.
- _ To the confidentiality of all juvenile court records consistent with existing law.

- _ To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability or HIV status.
- _ To be placed in out-of-home care according to your gender identity, regardless of the gender or sex listed in your court or child welfare records.
- _ To have caregivers and child welfare personnel who have received instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care.
- _ At 16 years of age or older, to have access to existing information regarding the educational options available, including, but not limited to, the coursework necessary for vocational and postsecondary educational programs and information regarding financial aid for postsecondary education.
- _ To have access to age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections at 12 years of age or older.

California Welfare and Institutions Code Section 4094.6.

The patients' rights provisions contained in Sections 5325, 5325.1, 5325.2, and 5326 shall be available to any child admitted to, or eligible for admission to, a community treatment facility. Every child placed in a community treatment facility shall have a right to a hearing by writ of habeas corpus, within two judicial days of the filing of a petition for the writ of habeas corpus with the superior court of the county in which the facility is located, for his or her release. Regulations adopted pursuant to Section 4094 shall specify the procedures by which this right shall be ensured. These regulations shall generally be consistent with the procedures contained in Section 5275 et seq., concerning habeas corpus for individuals, including children, subject to various involuntary holds.

CCR Title 22, Division 6, Chapter 5, Article 6, Section 84072

- (a) Each facility licensed to provide foster care for six or more children shall post a listing of a foster child's rights.
- (b) Each facility shall provide each school age child, who is placed in foster care, and his or her authorized representative with an age and developmentally appropriate orientation that includes an explanation of the rights of the child and addresses the child's questions and concerns.
- (c) At admission, each child, and his/her authorized representative, shall be personally advised of and given a copy of the child's rights as specified in Subsection d below:
- (d) The licensee shall ensure that each child, regardless of whether the child is in foster care, is accorded the personal rights specified in Welfare and Institutions Code section 16001.9, as applicable. In addition, the licensee shall ensure that each child is accorded the following personal rights:
 - (1) To visit the facility with his/her relatives and/or authorized representative(s) prior to admission.
 - (2) To file a complaint with the facility, as specified in Section 84072.2.
 - (3) To have the facility inform his/her authorized representative(s) of his/her progress at the facility.

- (4) To have communications to the facility from his/her relatives and/or authorized representative(s) answered promptly and completely.
- (5) To have visitors visit privately during waking hours without prior notice, provided that such visitations are not prohibited by the child's needs and services plan; do not infringe upon the rights of other children; do not disrupt planned activities; and are not prohibited by court order or by the child's authorized representative(s).
- (A) Rules regarding visitation hours, sign-in rules and visiting rooms can be established but shall apply to all visitors.
- (B) Visits by the child's brothers and sisters can only be prohibited by court order.
- (6) To be provided with and allowed to possess and use adequate personal items, consistent with Welfare & Institutions Code section 16001.9(a)(23), which includes their own:
- (A) Clothing items, provided the clothes are age-appropriate.
- (1) Clothing provided for school shall not violate school standards.
- (B) Toiletries and personal hygiene products, including enclosed razors used for shaving, as age and developmentally appropriate.
- (C) Personal belongings, including items that were a gift to the child unless prohibited as part of a discipline program.
- (7) To possess and use his/her own cash resources except as specified in Section 84026, and to maintain an emancipation bank account and manage personal income consistent with the child's age and developmental level, unless prohibited by the case plan.
- (8) To make and receive confidential telephone calls, unless prohibited by court order.
- (A) Reasonable restrictions to telephone use may be imposed by the licensee. The licensee shall be permitted to:
1. Restrict the making of long distance calls upon documentation that requested reimbursement for previous long distance calls has not been received;
 2. Restrict phone use in accordance with the facility's discipline program;
 3. Impose restrictions to ensure that phone use does not infringe on the rights of others or restrict the availability of the phone during emergencies.
- (B) All restrictions shall be documented in the child's needs and services plan or the facility's discipline policies, and be signed by the child's authorized representative.
- (C) Calls permitted to be restricted by subsections (A)1. and (A)2. above shall not include calls to the child's authorized representative, placement agency, family members (except by court order), social workers, attorneys, Court Appointed Special Advocates (CASA), probation officers, Community Care Licensing Division of the California Department of Social Services or the State Foster Care Ombudsperson.
- (9) To send and receive unopened correspondence unless prohibited by court order and have access to letter writing material.
- (10) To be accorded dignity in his or her personal relationships with staff and other persons.
- (11) To be free of physical, sexual, emotional, or other abuse, and from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature including, but not limited to, interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning.
- (12) To be informed, and to have his/her authorized representative, if any, informed, by the licensee of the provisions of law regarding complaints including, but not limited to, the address

and telephone number of the complaint receiving unit of the licensing agency, and of information regarding confidentiality.

(13) To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice. Attendance at religious services, in or outside of the facility, shall be on a completely voluntary basis.

(14) To not be locked in any room, building, or facility premises at any time.

(A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of clients provided the clients are able to exit the facility.

(B) The licensee shall be permitted to utilize means other than those specified in (A) above for securing exterior doors and windows only provided the clients are able to exit the facility and with the prior approval of the licensing agency.

(15) Not to be placed in any restraining device.

Title 22, Division 6, Chapter 5, Article 6, Section 84172

(a) Sections 80072 and 84072 are not applicable to community treatment facilities.

(b) The licensee shall ensure that every child admitted to a community treatment facility is informed and afforded the personal rights as specified in Sections 5325, 5325.1, 5325.2, 5326, and 16001.9 of the Welfare and Institutions Code; Section 1530.91 of the Health and Safety Code; Sections 862 through 865 and 867 of the California Code of Regulations, Title 9, Chapter 4; and Sections 1934, 1935, 1936, and 1937 of the California Code of Regulations, Title 9, Chapter 11.