Foster Child Bill of Rights: Plain Language Summary

Statutory Language	Plain-language summary
(1)(i) Each child shall be treated with dignity, respect and consideration, and shall have the right to have their privacy respected.	You will be treated kindly and with respect. You have the right to have your privacy respected.
(ii) Each child has the right not to be harmed by department staff, foster parents or service providers.	You have the right to be safe when you are with DCF staff, foster parents, or program staff.
(iii) Each child has the right not to be discriminated against or harassed by department staff, foster parents, the child's attorney or service providers on the basis of religion, race, color, creed, gender, gender identity, gender expression, sexual orientation, national origin, age, disability, culture, language or ethnicity.	You cannot be treated differently or badly because of the color of your skin, your race, the language(s) you speak, your culture, your religion, what you believe, your disabilities, your age, your gender, how you look, who you love, or who you are.
(iv) Each child has the right to a placement that is free from physical, psychological, sexual, emotional or other abuse, neglect or exploitation.	You have the right to live somewhere with caring people who won't harm you and will keep you safe.
(v) Each child has the right to access personal possessions, personal space and privacy with allowance for safety.	You have the right to a safe place for your own things, your own space, and your own private time unless there's a reason to be concerned about your safety.
(vi) Each child has the right to control the taking, use and disclosure of all pictures of themselves; provided, however, that the exercise of the right may be subject to limitations necessary to protect the wellbeing, health or safety of the child.	You have a right to decide whether someone takes, uses, or shares pictures of you, unless there's a reason to be concerned about your safety.

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(vii) Each child has the right to access sufficient healthy food, clothing, personal care products, appropriate self-care needs for their hair and body, as well as items that preserve and promote the child's religion, culture and gender identity.	You have the right to have enough healthy food, clothes, and personal care items. This includes the things you need to care for your hair and body and things that are important to your religion, culture, and identity. You have a right to everything you need to take care of your body and be proud of who you are. This means you will always be able to have good, healthy food, clothes that fit you well and match the season, things you need to take care of your hair and your body, and any special items that make you feel more like yourself.
(viii) Each child has the right to be placed in a safe and nurturing environment and receive appropriate care and treatment in the least restrictive setting available that can meet the child's needs and address their trauma history.	You have the right to live in a safe, caring place where you get the help and support you need to work through the things you have experienced.
(ix) Each child has the right not to be placed, housed or detained in a secure department of youth services placement based on the department's inability to provide an available and appropriate foster placement. The department shall not advocate for bail of any amount for children in its care or custody.	You cannot be locked up in jail or DYS because there is no place for you to stay in foster care. If you are charged with a crime, DCF cannot ask the judge to send you to jail, and DCF cannot ask DYS to keep you in jail or DYS.

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(x) Each child has the right to developmentally appropriate information about a foster family or program prior to being placed whenever possible and, whenever possible and appropriate, shall have an opportunity to meet the foster parent or program staff before placement occurs. If the foster placement is only able to accommodate the child for a limited time, the child shall be notified of the anticipated duration of the child's stay with that foster placement. The child shall be informed of a placement change and any reason for the change at least 5 days in advance whenever possible. When a change is made in an emergency circumstance, the child shall be given as much notice as possible. The child's belongings shall be packed with care and the child shall be allowed to bring their essential belongings and comfort items with them.	You will be told why and when you are moving at least 5 days before you move, whenever it's possible. You can bring things that belong to you and make you feel comfortable; they will be packed carefully if you cannot pack them yourself.
(2)(i) Each child has the right to know, understand, learn about and develop the child's racial, cultural, linguistic, gender, religious and ethnic identity, including but not limited to clothing, hair, other cultural expressions of identity and body care and to a placement that will provide or maintain the connections necessary to preserve and promote the child's identities.	You have the right to learn about and celebrate your culture, language, religion and identity. DCF and the adults where you are staying will help you stay connected to these parts of your life.
(ii) To the best of the department's ability, each child has the right to preserve and maintain all languages the child entered care speaking and to reside in a placement that provides or facilitates appropriate language access.	You have the right to keep speaking the language you know. Adults will help make sure you can continue to speak the language you know and help you understand what is happening in your life.
(iii) Each child has the right to a placement that supports and affirms their identity, including on the basis of religion, race, color, creed, gender, gender identity, gender expression, sexual orientation, national origin, age, disability, culture, language or ethnicity.	You have the right to live with people who respect you and support who you are.

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(iv) Each child has the right to choose whether or not and to whom to disclose information about their sexual orientation and gender identity, and the right to have that information not further disclosed without their consent, unless required to protect the child's health and safety, or where compelled by law or court order.	You get to decide who you tell about who you love or how you feel inside. If you share that information with DCF or another adult they cannot tell anyone else unless it is to keep you safe and healthy, or if a judge makes them tell.
(v) Each child has the right to timely permanency which includes stabilization of family, reunification, adoption, guardianship, care with kin or another planned permanent living arrangement.	You have the right to be part of a family forever. Grown-ups must work fast to make sure you have a safe family to grow up with. That may be going back to your parents, living with another person in your family, or being adopted by another family.
(vi) Each child has the right to a placement identified and located through due diligence that prioritizes the child's relatives and kinship, using full and fair consideration, as potential placement providers, when the child cannot remain safely at home with their parent or parents.	If you cannot safely live with your parents, DCF must search for family members or other trusted people who may be able to take care of you.
(vii) Each child has the right to frequent and meaningful contact with the child's siblings or half-siblings, facilitated by the department pursuant to section 26B of chapter119. The department shall prioritize placement with the child's siblings or half-siblings in all settings and permanency plans, including but not limited to foster care, congregate care, and adoption, unless the joint placement is contrary to the safety, well-being, or permanency of any of the siblings.	DCF will try everything possible to help you live with your brothers and sisters. If it is not safe for you to live together, DCF will help you stay in touch with them and have visits together.
(viii) Each child has the right to family time of a duration and frequency and in a setting that (A) is consistent with the developmental or clinical needs of the child and (B) promotes and preserves their connections with their family. Family time shall take place in person and outside of a department office whenever possible.	You have the right to see and spend time with your family in person as often as possible. Visits must happen in places where you feel comfortable and not a DCF office unless you can't be safe anywhere else. You must have as much family time as you need to feel connected to them.

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(ix) Each child has the right to other forms of parental contact, including but not limited to mail, phone calls, video conferences, email and texts if they have their own phone and if not harmful to the safety or well-being of the child. All placements shall facilitate access to virtual forms of contact if safe and appropriate.	You will be allowed to keep in touch with your parents by phone, video, letters, email or texts if it is safe to do so. The adults you are staying with will help you do this.
(x) Each child has the right to assistance to maintain positive contact with other family members and significant other positive relationships in the child's life, including but not limited to extended family, family friends, teachers, friends and community individuals.	DCF, foster parents, or program staff will help you keep in touch with important people in your life like relatives, friends, teachers and other caring adults.
(xi) Each child has the right to be treated as a family member in a foster family and, whenever possible, be included in a foster family's activities, holidays and traditions while taking into consideration factors that include but are not limited to the child's age and trauma history. Each child shall have the opportunity to be included in the daily activities of the family and to maintain the most normal daily routine and environment as possible. If choosing not to take part, each child or young adult shall have the opportunity to discuss their reasons with the social worker and foster family.	You will be treated like a family member in a foster home and will be included in everyday family life, like meals, trips, and holidays unless you don't want to. If you don't want to join them, you can talk about it with your social worker or foster family.
(3)(i) Each child has the right to access appropriate, timely and gender-affirming medical, reproductive, dental, vision, mental and behavioral health services regularly and more often as needed.	You have the right to health care as quickly as possible when you need it. This includes checkups, dental and eye care, mental health care, and care that respects your gender identity.

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(ii) Each child has the right to discuss any questions or concerns the child has relating to medication or other physical, mental or behavioral health treatment with a healthcare provider and to understand the medications or treatment provided, its purposes and side effects in a developmentally appropriate way.	You can ask your doctor questions about medicines and treatment. They will explain what the care is for and how it may affect you.
(iii) Each child has the right to out-of-home placements with reasonable accommodations for any disabilities the child may have, consistent with state and federal law. Reasonable accommodations shall be provided in a timely manner and in such a way as to protect the privacy of the child. Each child also has a right to discuss any disabilities with the department and request adaptive equipment, auxiliary aids or services.	If you have a disability, you have the right to the tools, help, and changes you need to live safely as soon as possible. You can ask DCF for that help.
(4)(i) Each child has the right to attend school regularly, to educational stability, to educational supports and to an education that meets their needs under federal and state law.	You have the right to go to and stay in school and get the extra help you need to learn.
(ii) Each child has the right for the department to prioritize school stability by maintaining the child at their school of origin unless it is found, in a Best Interest Determination meeting pursuant to federal law, not to be in their best interest to do so.	DCF must help you stay in the same school you were in before you went into foster care, unless the important adults in your life decide a different school would be better for you. If you are moved to a new placement, you have the right to stay in the last school you were in, unless a different school would be better for you.
(iii) Each child has the right to participate in developmentally appropriate school, extracurricular, enrichment, religious, cultural, linguistic, ethnic and social activities and to have any placement provider use the reasonable and prudent parenting standard when making decisions regarding participation in such activities.	You have the right to do the same things as other kids your age, like sports, clubs, church or temple, celebrations, and spending time with friends if it’s safe for you. Adults will help you be a part of these activities.

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(iv) Each child has the right to achieve developmentally and religiously appropriate, age-related milestones, including but not limited to obtaining a driver's license, opening bank accounts, birthday celebrations, religious ceremonies or graduations.	Adults will help you experience important events that are part of growing up like learning to drive, opening a bank account, birthday celebrations, cultural events, religious ceremonies, and graduations.
(v) Each child has the right to be informed of and supported in accessing all available services through the department, including but not limited to educational, vocational and employment services, assistance in acquiring life skills, educational assistance including but not limited to tuition and fee waivers for post-secondary education, financial support, housing support, assistance with credit reports and resolving inaccuracies, training and career guidance to accomplish personal goals and prepare for the future, employment supports available to children in care and adaptive equipment or auxiliary aids and supports.	DCF will tell you about help that's available to you for school, college, jobs, housing, money, and other needs as you get older. You don't have to do this alone. Adults will help you use these services.
(vi) Each child has the right to developmentally appropriate education on financial preparedness, job readiness, appropriate use of social media, education options, healthy relationships, physical, mental, sexual and reproductive health.	You have the right to learn important life skills for growing up like managing money, finding a job, using social media safely, continuing your education, building healthy relationships, and taking care of your physical, mental, sexual, and reproductive health.

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(5)(i) Each child has the right to reasonable access to a social worker who can make action plan decisions. Each child shall have opportunities for the child to have private conversations with a social worker regarding any questions, grievances or concerns. Reasonable access shall include providing the child with the department's social worker and supervisor's office telephone numbers and email addresses as well as, at a minimum, monthly visits by the department. The department shall also provide the child an emergency contact number for the department during non-business hours for emergency and safety issues.	You have the right to see your social worker at least once a month and talk with them privately. DCF will give you the DCF office phone number and email address for your social worker and their supervisor, plus a number for emergencies at night and on weekends.
(ii) Each child has the right to participate as developmentally appropriate in the development and review of the action plans and family time and visitation plans, their individualized education program and best interest determination and shall be consulted as the department formulates or updates said items. Children aged 14 and older shall also be presented with the action or service plan for their review, written feedback and signature.	DCF will ask you what you think about the action plan for you and your family, your special education plan, and the decision about what school you should go to. If you are 14 or older, you get to read your DCF action plan and write what you think before you sign it.
(iii) Each child has the right to be informed, in a developmentally appropriate way, of the meaning of all documents that they are asked to sign by the department or its agents, contractors or providers including the voluntary agreement for placement and documents of similar importance. Except in emergency situations when immediate action is required, a child shall have their attorney present whenever asked to sign any documents by the department or its agents, contractors or providers, or the document shall be provided in a timely fashion to the child's attorney to give an opportunity for review in advance of presenting it for signature.	Before you sign something, an adult will explain what it means. Your lawyer will review it with you before you sign, unless there is an emergency and there isn't enough time.

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(iv) Each child has the right to be informed in a developmentally appropriate way of the reasons the department became involved with the child's family, why the child came into care and why the child is still in care. The department shall offer support through the review process to address any possible trauma caused by a child's access to their case files. Upon turning 18, the young adult shall have the right to access their individual information from their case files, barring any state or federal law that would prohibit the department from allowing the release of information.	You have a right to know why DCF is involved with your family and why you are in foster care. When you turn 18, you can ask to see information from your case records and get help from DCF if seeing it upsets you, unless there's a law that keeps it private.
(v) Each child aged 14 or older has the right to be included in foster care review meetings, permanency hearings and lead agency team meetings except for those parts that involve information that is confidential regarding their parents or a previous or future adoptive, kinship or foster parent under federal or state law, and unless documented by court order that participation would be detrimental to the child. The department shall provide the child the ability to offer confidential input to the department before a final decision is made with respect to determining or changing placement or permanency. If the child is unable to attend in person, by phone or video, the child shall have the right to submit a written statement to be considered at the meeting or hearing.	After you turn 14, DCF has to include you in virtual meetings about your case called a foster care review, court dates that talk about what the plan for your future is, and meetings about what services your family can get. You can also share your ideas privately before those meetings or you can share your views in writing.

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(vi) Each child and young adult has the right to adequate notice of all court hearings by their attorney. To the extent possible, the notice shall include the date, time and location of the hearing. If developmentally appropriate, the child's social worker and the child's attorney shall inform them of actions or decisions made by the court. In a developmentally appropriate manner, the child's attorney shall ensure the child understands the child's right to attend their annual permanency hearings and speak to the judge regarding any decision that may have an impact on the child's life.	Your lawyer will tell you ahead of time when a judge is going to talk about you, and you have the right to go to court and speak to the judge. Your lawyer and DCF will explain what the judge decides.
(vii) Each child and young adult has the right to access their medical, dental and educational records held by the department as well as their personal documents, including but not limited to social security card, birth certificate, health insurance information, state identification card, driver's license, passport and documentation related to their immigration status, including work authorization, in a developmentally appropriate way. When a child or young adult leaves the care of the department, they shall be given copies of medical, dental and educational records held by the department and original copies of all personal documents. The department shall further provide contact information for providers who are currently providing care for the young adult. The department shall begin planning to return the documents to the child at least 30 days before the young adult leaves care.	You have the right to see important records and papers about you. When you turn 18, DCF will give you your official documents like your birth certificate, identification, and copies of your health and school records. DCF will plan with you at least 30 days before you leave DCF care to give you those documents.
(viii) Each child and young adult has the right to change their name and the right to change their gender marker on official documents with assistance from the child or young adult's attorney and the department, and to have all relevant legal documents updated accordingly.	You have the right to ask a court to change your name or gender on official documents. Your lawyer and DCF will help you.

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(ix) Each eligible child and young adult has the right to obtain a state identification card with the department's assistance.	If you qualify, DCF will help you get a state ID card.
(x) Each child and young adult has the right to an attorney pursuant to section 29 of chapter 119 and to meaningful contact with said attorney, including at foster care reviews. Each child shall be informed, when appropriate, of the name and phone numbers of the assigned attorney. Each child, child's parent and foster parent shall be informed, when appropriate, that the child can contact the child's attorney, and of the processes to file a complaint regarding the child's attorney and to request a change of attorney for the child.	You have the right to a lawyer and to talk with your lawyer as often as you need to. You will be given your lawyer's name and phone number. You can ask how to make a complaint about your lawyer or ask for a different lawyer.

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(xi) Each child, and their attorney, has the right to be informed if the department applies for any benefits on behalf of the child, including but not limited to benefits under Title XVI of the Social Security Act, also referred to as supplemental security income; benefits under Title II of the Social Security Act, also referred to as retirement, survivors or disability benefits, and if the department applies to be the representative payee for such benefits. The department shall preserve all of such funds received in an interest-bearing account belonging to the child so the funds are available for the child's benefit and use while they are in care, and the child's use when they turn 18. The department shall not use such funds for the customary costs of foster care, nor shall it use such funds to pay the costs of items which would ordinarily be funded by another source. If necessary, the department shall preserve said funds in an achieving a better life experience account authorized by 26 U.S.C. § 529A, or another trust account for the child determined not to interfere with supplemental security income or asset limitations for any other benefit program.	You and your lawyer will be told if DCF is asking for social security money for you. The money must be saved for you to use as you get older.

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(6)(i) Each child and young adult, age 14 or older, has the right to collaborate with the department to plan their transition from foster care to adulthood. Transition planning should cover all areas needed for a youth to be stable and successful as an adult, including but not limited to, planning for visits or contact with parents and siblings; building relationships with other caring adults, particularly with life-long connections; making an education plan including post-secondary education; finding vocational, employment and career counseling and placement; securing stable housing; developing expertise in daily living skills; maintaining physical, reproductive and mental health care and health insurance; learning how to access community resources and public benefits and services; connecting with other state agencies; developing financial skills including, but not limited to, understanding budgeting and money management as well as checking and savings accounts; and receiving, understanding and correcting, if applicable, the child's consumer credit report.	Starting at age 14, you have the right to work with DCF to plan your future. This plan has to include school, work, a place to live, health, money, and caring adults you can count on.
(ii) Each young adult who turns 18 while in the custody of the department, has the right to continue under the responsibility of the department and receive young adult services until turning 22 years of age, pursuant to federal and state requirements, unless completing an educational program until age 23. Each young adult has the right to be offered a voluntary placement agreement by the department in the month prior to their turning 18 years old. The voluntary placement agreement shall be developed together with the child or young adult during permanency and transition planning. Each child or young adult has the right to be made aware of this right and any federal requirements governing services for transition age youth throughout the transition planning process.	When you turn 18, you do not have to leave foster care right away—you have the right to keep getting help from DCF until you are 22 years old (or 23 if you are finishing school).

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(iii) Each child has the right to begin transition planning at least 1 year prior to turning 18 years old, crafted by the department at the direction of the transition-age youth, regardless of whether they will continue under the responsibility of the department upon turning 18, that includes personalized, detailed, tangible, available and clear options for resources for meeting their basic needs including, but not limited to, housing, education and vocational supports which fulfill the requirements of 42 U.S.C. § 675(5)(H), as amended.	At least one year before you turn 18, DCF will help you make a realistic plan for adult life that includes housing, school, work and your other needs.
(iv) Each young adult who has chosen to remain under the responsibility of the department has the right to engage and re-engage with the department under a voluntary placement agreement at any time for any reason.	If you leave foster care when you are 18 or older, but change your mind, you have the right to come back to DCF at any time, for any reason, until you turn 22 years old (or 23 if you are finishing school). You can sign a new agreement to get support from DCF whenever you need it.
(v) Each young adult who has chosen to remain under the responsibility of the department, who is leaving care at age 18 or who is re-entering care has the right to be housed and provided information about and assistance with securing all department-identified, appropriate housing opportunities.	If you are 18 or older and staying in care, leaving DCF, or coming back to DCF, you have the right to have a suitable place to live. DCF will give you information and help you get housing.
(7)(i) Each child has the right to have these rights enforced. The department shall not retaliate against or punish a child for asserting their rights. Nothing in this section shall be construed to diminish the rights, privileges or remedies of any person under any other federal or state law.	You have the right to speak up when you feel your rights aren't being respected. You cannot get in trouble for speaking up about your rights. This list of rights does not take away any other rights you already have.
(ii) Each child has the right to department-provided contact information for the ombudsperson and the office of the child advocate when they enter the care and custody of the department and upon request. If it is developmentally inappropriate to provide the child with such information, a child's attorney shall be provided with this contact information.	You have the right to get the phone numbers and names of specific people whose job is to help you and make sure DCF treats you fairly. You must be given this information the day you enter foster care, and you can ask for it again anytime you want.

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(iii) If the child and the child's attorney believe any of the above rights have been violated, each child has the right to discuss the alleged violation with the department's ombudsman, file a grievance with the department or file a complaint with the office of the child advocate. The department shall not retaliate against or punish a child, a child's parent, an attorney, a social worker, a foster parent or placement provider for asserting this right. If the department or the office of the child advocate determines the child's rights have been violated, the department shall resolve the violation as soon as practicable and make corrections so that the violation does not reoccur.	If you or your lawyer believes anyone did not follow these rules, you have the right to speak up, complain, and receive help to address the problem. No one will be upset with you for filing a complaint or raising concern. You can contact the Ombudsman Office at DCF or the Office of the Child Advocate (OCA). They will listen to your concern or complain and review what happened. If the Ombudsman Office or the OCA finds that a rule was not followed, DCF must fix it as soon as possible, so it does not happen again. To contact the DCF Ombudsman Office, please call 617-748-2444 (Monday through Friday from 9 am to 5 pm) or submit this Ombudsman form. To contact the OCA, please call 617-979-8360 (Monday through Friday, from 9 am to 5 pm), or submit a concern using the OCA's form.