

April 23, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY INFORMATION NOTICE NO. I-32-21

The purpose of this All County Information Notice is to provide county child welfare agencies, probation departments, Short-Term Residential Therapeutic Programs, foster family agencies, relative caregivers, non-related extended family members and other interested service providers' guidance regarding youth who have experienced commercial sexual exploitation and their usage of cell phones.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GOVERNOR

April 23, 2021

ALL COUNTY INFORMATION NOTICE NO. I-32-21

TO: ALL COUNTY CHILD WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL COUNTY BOARD OF SUPERVISORS
ALL TITLE IV-E AGREEMENT TRIBES
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL GROUP HOME PROVIDERS
ALL OUT-OF-STATE GROUP HOME PROVIDERS
ALL FOSTER FAMILY AGENCIES
ALL COUNTY MENTAL HEALTH PLANS

SUBJECT: RECOMMENDED PRACTICES REGARDING YOUTH
WHO HAVE EXPERIENCED COMMERCIAL SEXUAL
EXPLOITATION AND THEIR USAGE OF CELL PHONES

REFERENCE: [ALL COUNTY LETTER NO. 16-31: REASONABLE AND PRUDENT PARENT STANDARD; ALL COUNTY INFORMATION NOTICE \(ACIN\) NO. I-59-18: INTRODUCTION TO THE HARM REDUCTION STRATEGIES SERIES REGARDING COMMERCIALLY SEXUALLY EXPLOITED CHILDREN; ACIN NO. I-28-19: HARM REDUCTION SERIES - SOCIAL WORKER AND ACIN NO. I-50-19: HARM REDUCTION SERIES - PROBATION OFFICER](#)

The purpose of this All County Information Notice (ACIN) is to provide guidance to county child welfare agencies, probation departments, Short-Term Residential Therapeutic Programs, foster family agencies, relative caregivers, non-related extended family members and other interested service providers, regarding youth who have experienced commercial sexual exploitation (CSE) and their usage of cell phones.

BACKGROUND

Since 2016, The Child Welfare Council's (CWC) Commercially Sexually Exploited Children (CSEC) Action Team has partnered with placement and service providers to better understand the unique placement challenges of supporting youth who have experienced commercial sexual exploitation. Through several facilitated conversations via CSEC Action Team meetings, workgroups, and other collaborative conversations, many caregivers and providers expressed challenges around supporting youth who have experienced CSE and their use of cell phones. These challenges raise many fears including a youth contacting their exploiter/purchaser, recruiting other youth in the home into exploitation, inappropriately using social media which can lead to further exploitation and harmful contact, and more. Although these are valid concerns, a youth who has experienced exploitation may also be able to utilize a cell phone in a positive way.

RECOMMENDED PRACTICES: CELL PHONE USAGE IN FOSTER CARE PLACEMENT FOR YOUTH WHO HAVE EXPERIENCED COMMERCIAL SEXUAL EXPLOITATION

In response to the safety concerns caregivers and providers have raised surrounding the use of cell phones while in foster care, the CSEC Action Team, in partnership with the California Department of Social Services, the California Alliance for Child and Family Services, the Advisory Board, and other multidisciplinary partners developed the Attachment I - CSEC Action Team Recommended Practices: Cell Phone Usage in Foster Care Placements for CSEC. On July 21, 2020, the CSEC Action Team presented the guidance for adoption by the CWC. At that time, the Council approved the guidance, adopting the recommendations for use.

The intent of this guidance is to highlight recommended practices relative to the cell phone use of youth experiencing, or at risk of experiencing CSE while in foster care. The guidance provides observations for consideration and strategies to mitigate risk and support the positive aspects of a cell phone. The recommended practices will provide opportunities for open and ongoing communication, coupled with utilizing the Reasonable and Prudent Parent Standard, and encouraging a harm reduction approach. For additional information regarding a harm reduction approach, please refer to [ACIN No. I-59-18: Introduction to the Harm Reduction Strategies Series Regarding Commercially Sexually Exploited Children](#) and its subsequent guidance [ACIN No. I-28-19: Harm Reduction Series - Social Worker](#) and [ACIN No. I-50-19: Harm Reduction Series - Probation Officer](#).

The recommended practices are carefully formulated with the youth's needs in mind and discourage imposing any stringent restrictions and/or impeding their rights as a foster youth, as stated in the foster youth bill of rights.

For additional information regarding foster youth rights, please refer to [All County Letter No. 16-31: Reasonable and Prudent Parent Standard](#) and the Attachment II - California Foster Care Ombudsperson Foster Youth Bill of Rights Guide.

By utilizing these recommended practices, caregivers and providers will be equipped to support youth in placement while not further labeling or alienating them based on their victimization. Allowing youth access and usage of a cell phone in a safe and supportive way promotes a youth's sense of normalcy, is a source of entertainment and, importantly, assists in maintaining social connections with friends and family. Caregivers and providers should implement these recommended practices and allow the youth an opportunity to have a safe and healthy lifestyle within a technology driven culture.

CONTACT INFORMATION

If you have any questions related to youth who may have experienced commercial sexual exploitation please contact the Child Trafficking Response Unit, within the Child Welfare Policy and Program Development Bureau, at (916) 651-6160 or at CSECPprogram@dss.ca.gov

Sincerely,

CHERYL TREADWELL, Chief
Safety Prevention and Early Intervention Branch
Children and Family Services Division

c: County Welfare Directors Association
Chief Probation Officers of California

Attachments



CELL PHONE USAGE IN FOSTER CARE PLACEMENTS FOR COMMERCIALLY SEXUALLY EXPLOITED CHILDREN (CSEC)

The rules and policies regarding cell phone usage in foster care homes serving survivors of childhood commercial sexual exploitation have been a prominent and challenging topic of discussion in California. While cell phones are important for promoting normalcy¹ and supporting independence among youth in care, they can also be used negatively by exploiters to maintain contact with a survivor. Given the benefits and drawbacks, providers/caregivers are struggling to determine appropriate cell phone usage for identified survivors, resulting in inconsistent policies.

The Child Welfare Council's CSEC Action Team ("Action Team"), in partnership with the Advisory Board ("AB")², formed a workgroup to further explore the issue. Based on this collaborative process, the workgroup identified a number of foundational observations:

OBSERVATIONS:

1. Cell phones can be a positive instrument for survivors of childhood sexual exploitation.
 - a. Helps the youth maintain positive connections and relationships in their life;
 - b. Enables supportive adults surrounding the youth to maintain contact regardless if the youth leaves or is otherwise absent from their home;
 - c. Provides access to social media, which can be another avenue for the youth to maintain positive connections to friends and family;
 - d. Allows the youth to share their location with a trusted adult; and
 - e. Provides a sense of normalcy to the youth given the prevalence of cell phone usage within society.
2. Cell phone usage can cause harm to survivors of childhood sexual exploitation.
 - a. Allows contact and negative connections with exploiter(s)/purchaser(s);
 - b. Facilitates recruitment of youth;
 - c. Provides access to social media, which can facilitate exploitation and lead to bullying, coercion and other harmful contact; and
 - d. Captures potentially harmful images of the youth and provides a means for distribution, e.g. sexting/blackmail/sexortion.

¹ Normalcy is recognized as an important part of adolescent development. The "normalcy standard," as defined by Badeau and Langford, refers to foster youth deserving and needing the same opportunities, experiences, and high expectations as other youth in the community. (Langford & Badeau, 2013) The Strengthening Families Act of 2014 was created and enacted to improve normalcy for foster youth.

² We would also like to acknowledge and thank the Office of the Foster Care Ombudsperson for providing feedback.

3. Inconsistent cell phone usage policies lead to confusion among providers/caregivers and youth.
4. Youth who are treated with respect and given trust when they enter care have a more positive relationship with their provider/caregiver. Nurturing and enriching relationships are key to adolescent brain development and the ability of a youth's brain to be rewired to heal from earlier trauma.³
 - a. An important aspect of working with survivors of childhood sexual exploitation is being patient in the development of trust in adults. Often a youth has been manipulated or controlled by their exploiter(s) and may have a compromised sense of trust. Building trust is foundational to all aspects of assisting a survivor to choose a different direction and heal.
5. Harm Reduction Principles⁴ can be a helpful guide when determining reasonable cell phone usage for youth who have experienced sexual exploitation.
6. Cell phones have an emotional significance for many youths, and it is typical for a youth to have strong emotional responses to limitations placed on their cell phone usage.

Based on these observations, the Action Team, in partnership with the AB and workgroup, make the following recommendations:

While the recommendations below were developed with the specific needs of survivors of childhood sexual exploitation in mind, it should be noted that the Action Team's suggestions can have a broader application. Overall, these recommendations focus on (1) open and ongoing communication between the youth and provider/caregiver, (2) recognizing that every youth has unique needs and supports, (3) emphasizing the application of a reasonable and prudent parent standard with providers/caregivers, and (4) encouraging the implementation of Harm Reduction Principles, which provide tools that are applicable to all youth in care.

RECOMMENDATIONS:

- I. Further guidance regarding cell phone usage is needed in state law or policy.
 - In general, existing law does not provide consistency nor sufficient guidance on reasonable cell phone usage for youth in care. This leads to confusion, specifically when serving survivors of childhood sexual exploitation.
 - Current policy states the following:

³ "There exists a wide body of research suggesting that social connectedness is a protective factor against many forms of child maltreatment—including physical abuse, neglect, nonorganic failure to thrive." (Ludy-Dobson & Perry, 2010)

⁴ Harm reduction principles are designed to lessen the negative impact of risky behaviors that can lead to physical and/or emotional harm. While initially developed for adults with substance abuse challenges, harm reduction strategies were also used to reduce unintended pregnancies, instances of sexually transmitted infections, and alcohol usage within adolescent populations. Leslie, K. Harm Reduction: An Approach to Reducing Risky Health Behaviors in Adolescents. (2008). Pediatrics and Child Health. Jan 13(1):53-56.

More recently, harm reduction strategies have been used to work with commercially sexually exploited children (Hickle & Hallett, 2015). Please see the forthcoming Harm Reduction Series from the California Department of Social Services for additional information.

- Per WIC § 16001.9(a)(13), youth are entitled to make, send and receive confidential calls, mail, and other electronic communication.
- Unless prohibited by a court order, a foster youth may acquire, possess, and use their own cell phone (Cal. Code Regs. Tit. 22 § 89379(a)(10) and RFA Written Directive Section 11-02).
- However, a foster parent may place reasonable restrictions on cell phone use provided that those limitations do not effectively deny the youth the right to use a cell phone unless the limitation has been approved by the social worker/probation officer (Cal. Code Regs. Tit. 22 § 89379(a)(10) and 89377 and RFA Written Directive Section 11-09).
- Caregivers are NOT required to purchase a cell phone or pay for the youth's cell phone service. Youth in care are allowed to use social media, however caregivers can impose reasonable limitations including restricting internet usage when appropriate or prohibiting access as appropriate discipline (ACIN I-17-13; Cal. Code Regs. Tit. 22 § 89372(a)(5)(B)(5), 84072.1(c)(4); RFA Written Directives Section 11-14(c)(9).
- Caregivers ARE required to give the youth the names and contact information for social workers, probation officers, attorneys, service providers, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), Community Care Licensing Division of the California Department of Social Services or the State Foster Care Ombudsperson and to speak to them confidentially (Cal. Code Regs. Tit. 22 § 84072(d)(8)(C); WIC 16001.9(a)(11)).

- II. Blanket restrictions banning all cell phone usage should be prohibited.
 - Blanket restrictions are inconsistent with the existing foster youth bill of rights.
 - There is a general consensus that regardless of a prohibition against cell phones, youth in care will find a way to obtain a cell phone, which can lead to a youth engaging in unhealthy behaviors. For example, youth have been tempted to leave/run away from their foster or group home by the promise of being given a cell phone⁵.

- III. Any limitations established on cell phone usage should be based on a Reasonable and Prudent Parent Standard ⁶(RPPS) and be grounded in Harm Reduction Principles.

⁵ Notably, after relaxing restrictions on cell phone and internet usage, the California Alliance for Child and Family Services shared that a program serving CSEC has seen a reduction in the number of youth leaving placement to acquire Internet access.

⁶ Welfare and Institutions 362.05: Reasonable and Prudent Parent Standard: careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.

- Providers/caregivers should apply reasonable limitations to cell phone usage in alignment with a prudent parent.
- In applying the RPPS, providers/caregivers must balance promoting safety and independence with harm reduction recovery principles and potential protective factors for cell phone usage.
 - Harm Reduction Principles focus on the preventions of harms associated with a particular behavior, rather than the prevention of that behavior; and, the individuals who continue to engage in the problematic behavior. For survivors of childhood sexual exploitation this means that the youth may be unable or unwilling to leave the exploitative relationship but, any positive behavioral change is useful⁷.
- Harm Reduction Principles encourage providers/caregivers to consistently revisit a youth's individual needs and any factors that may be affecting the mindset of the youth. For example, the ability to meet basic needs, the influence of an exploiter or purchaser, or interventions promoting a youth's health, safety, and well-being.
- As Harm Reduction Principles emphasize youth agency, safety, and open communication, discussion of the youth's individual needs as it pertains to cell phone usage should happen in open dialogue with the youth⁸.
- Providers/caregivers should collaborate with youth when establishing cell phone agreements and taking into consideration their individual needs that are unique to their situation. Examples of reasonable limitations for cell phone policies include:
 - May not be used during meals or therapeutic activities;
 - May not be used to conduct illegal activity;
 - May not share photos, videos and/or record other youth without explicit permission;
 - May not contact individuals on the youth's "no contact list";
 - May not have cell phones in bedrooms after 10:00 p.m. on school nights;
 - May only be used for work and/or school purposes; and
 - May not use certain apps that are known to or are likely to be used for exploitation or trafficking.
- Providers/caregivers should consider establishing parameters in partnership with a youth that have a measure of accountability should the youth misuse the cell phone or break those agreements. For example, if a youth chooses to download an application (app) that they agreed not to, the response may be they can only use their cell phone under adult supervision for a time period.

⁷ California Child Welfare Council. 2013. *Ending the commercial sexual exploitation of children: a call for multi-system collaboration in California*. Retrieved at <https://www.chhs.ca.gov/wp-content/uploads/2017/06/Committees/California-Child-Welfare-Council/Council-Information-Reports/Ending-CSEC-A-Call-for-Multi-System-Collaboration-in-CA-February-2013.pdf>

⁸ Hickle, K. & Hallett, S. Mitigating Harm: Considering Harm Reduction Principles in Work with Sexually Exploited Young People. (2015). *Children & Society*. DOI:10.1111/chso.12145.

- Testing boundaries and limits is a part of healthy adolescent development⁹. As such, it is probable a youth will push limitations in place by providers/caregivers.
- If a youth chooses to disregard a limitation, it is reasonable for a provider/caregiver to engage in an open dialogue with the youth to brainstorm how they can rebuild trust.

IV. More stringent limitations on cell phone usage should only be imposed if lesser limitations are ineffective. If more stringent limitations are necessary, they should be applied on a case-by-case basis with input from the youth.

- When establishing stringent limitations on cell phone use, providers/caregivers should apply the RPPS and consider the following, including, but not limited to:
 - The youth’s input;
 - Stage of Change the youth is in¹⁰;
 - The Stages of Change focuses on a person’s readiness to make change, appreciating barriers to change and helping people anticipate relapse. The five stages of change are: Pre-Contemplation, Contemplation, Preparation, Action, Maintenance/Relapse Prevention.
 - The youth’s individual growth;
 - The youth’s needs and services plan;
 - The reasons behind the lesser limitations being violated; and
 - The reasonable amount of time to keep the more stringent limitations in place.
- Examples of stringent limitations for cell phone policies include:
 - For survivors of childhood sexual exploitation, it may be appropriate to have increased monitoring and supervision for a limited amount of time to help break the bond with the exploiter.
 - Youth must use “share my location” application with their provider/caregiver for them to be aware of the youth’s whereabouts; and
 - Seeking a court order for ongoing monitoring of phone calls, text, and other cell phone usage, who is paying the bill or a total prohibition against cell phone use.
- Youth rely on their cell phone for more than communication and use it as a source of entertainment and relaxation (specifically listening to music). If access to the cell phone is limited an alternative source of entertainment and relaxation (i.e. MP3, iPod, or phone with communication and internet features disabled) should be provided.

⁹ Davis, Jeanie Lerche. Teenagers: Why do they rebel? *WebMD Feature* (2003). Retrieved from <https://www.webmd.com/parenting/features/teenagers-why-do-they-rebel#1>.

¹⁰ Zimmerman, G. L., Olsen, C. G. & Bosworth, M. F., (2000). A ‘Stages of Change’ Approach to Helping Patients Change Behavior. *American Family Physician*, 2000 Mar 1;61(5):1409-1416.

- All limitations shall be documented in the youth’s needs and services plan or the facility's discipline policies and be signed by the child's authorized representative (Title 22 Section 84072(d)(8)(B)).
- V. Stringent phone limitations should be set for a specified length of time and reduced as the youth engages in positive behaviors.
- Providing more access as rules are followed will promote trust and responsibility and foster independence.
- VI. Youth should be involved in the development of the limitations around cell phone usage and have a clear understanding from the outset about the reasoning behind the limits on cell phone usage.
- Providers/caregivers must be transparent and honest about the cell phone limits and any consequences for breaking the limits.
 - The youth should understand the reasons for the restrictions.
- VII. Cell phone usage and limitations should be integrated into ongoing safety planning and case plans.
- Multidisciplinary Teams (MDTs) and Child and Family Teams (CFTs) should include the youth in developing safety plans and any limitations or special considerations related to cell phone use.
- VIII. Trainings specific to cell phone education and safety should be provided to providers/caregivers and youth in care.
- Providers/caregivers/social workers/probation officers may be so fearful of potential risks of cell phone access that prohibiting usage altogether may feel like the only safe and comfortable option.
 - Trainings should be required for providers, caregivers, social workers, probation officers and should include, but not be limited to:
 - Any policies/regulations/guidance related to cell phone usage;
 - Practical application of the RPPS and Harm Reduction Principles as it pertains to cell phone and internet usage;
 - Social media websites and applications frequently accessed by youth and their basic uses;
 - Social media websites and other apps that are known to or are likely to be used for exploitation or trafficking;
 - Incorporating cell phone usage into safety planning and case planning;
 - Benefits and risks associated with child/adolescent cell phone use, such as academic learning, self-expression, and social connections vs. oversharing, online predators, and digital footprints; and
 - Recommendations and tips for having empowering conversations with youth about internet safety and cell phone usage, including but not limited to:

- Parental control settings;
 - Online language and trends;
 - Personalizing privacy settings;
 - Gaining consent when taking or posting pictures/videos of someone else;
 - Risks associated with sharing phone number, location, whereabouts and check-in's with others;
 - Texting, saying/posting harmful or humiliating things;
 - Implications of youth sharing provocative texts, photos, or videos of oneself or others;
 - Avoiding malware, spyware, or identity theft;
 - Healthy adolescent development as it relates to internet and cell phone usage; and
- Youth should understand their personal rights related to communication, as well as, benefits and dangers that can arise from internet and social media use¹¹. Youth should receive training that will empower them to engage with cell phones and the internet responsibly. Trainings on such topics include:
 - The Foster Youth Bill of Rights;
 - Personalizing privacy settings;
 - Gaining consent when taking or posting pictures/videos of someone else;
 - Risks associated with sharing phone number, location, whereabouts and check-in's with others;
 - Texting, saying/posting harmful or humiliating things;
 - Implications of youth sharing provocative texts, photos, or videos of oneself or others, such as future employment;
 - Avoiding malware, spyware, or identity theft;
 - How to make informed, responsible, and safe decisions when using a cell phone.

IX. Providers/caregivers can establish pathways for the youth to obtain a cell phone.

- Create incentivizing opportunities for youth to have their own cell phone.
 - Research has illustrated that adolescents are more likely to behave in a positive way and learn based on rewards, rather than punishment¹²
- Providers/caregivers can encourage positive behaviors in the youth by offering to pay some or all of the costs associated with their cell phone plan after mutually agreed upon expectations are accomplished.

¹¹ Jones, L.M. & Mitchell, K.J. 2013. *Internet-facilitated commercial sexual exploitation of children*. Crimes Against Children Research Center. Durham, New Hampshire: University of New Hampshire. Retrieved from http://unh.edu/ccrc/pdf/Final_IFCSEC_Bulletin_Nov_2013_CV262.pdf

¹² Adolescent Development of the Reward System (Galvan, 2010), *The Computational Development of Reinforcement Learning during Adolescence* (Palminteri et al., 2016), *Rewards, aversions and affect in adolescence: Emerging convergences across laboratory animal and human data* (Spear, 2011).

- I. Providers/caregivers serving CSE and non-CSE youth in the same setting must avoid rules and restrictions that hinge exclusively upon whether a youth is a victim of commercial sexual exploitation. Such rules and restrictions can lead to dynamics in which CSEC are ostracized or "otherized" within a placement.

CURRENT LAW & POLICIES

Reasonable and Prudent Parent Standard

Welfare & Institutions Code § 362.05: Every child adjudged a dependent child of the juvenile court shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities... A caregiver shall use a reasonable and prudent parent standard in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities.

Welfare & Institutions Code § 16001.9(a)(6): Right 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.

Welfare & Institutions Code § 16001.9(a)(9): To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.

State Policy about Reasonable and Prudent Parent:

http://www.dss.cahwnet.gov/lettersnotices/EntRes/getinfo/acin/2013/l-17_13.pdf

Q. My foster child has a cell phone that was purchased with his or her own money from a part time job, but he or she does not follow the rules that we set for cell phones in our house. Under RPPS, am I allowed to remove or take away his or her cell phone?

A. No. However, the caregiver or licensee may apply reasonable restrictions to this activity.

Restrictions may be imposed by the caregiver, licensee, social worker, or probation officer on calls and correspondence. No restrictions shall be applied to telephone calls, mail, and electronic communication with a foster child's relatives, unless prohibited by court order, or with social workers, authorized representatives, attorneys, foster youth advocates and supporters, CASA, probation officers, the Community Care Licensing Division, or the State Foster Care Ombudsperson (W&IC § 16001.9(a)(8); 22 CCR, § 89372(a)(5)(A)-(D) and § 84072(c)(11)(A) – (C)).

State Policy about Telephone Access:

http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acin05/pdf/l-80_05.pdf

Since Welfare and Institutions Code (W&IC) Section 16001.9(9) states that all children in foster care have the right to make and receive confidential telephone calls, **out-of-home care providers cannot impose blanket prohibitions on telephone access and usage. In addition, telephone access and usage should not be dependent on a level or point system based on the time spent in a facility.**

Foster care providers may not prohibit or restrict telephone calls to the following: authorized representatives, placement agencies, family members not excluded by court order, social workers, attorneys, Court Appointed Special Advocates (CASA), probation officers, the Community Care Licensing Division of the California Department of Social Services, or the State Foster Care Ombudsman. **Limitations on telephone calls to other individuals and agencies may**

be based on reasonable disciplinary measures, house rules, consideration of the rights of others, case service plan requirements, documented unpaid reimbursement for long distance telephone calls, or court order prohibitions.

Since restrictions against making and receiving telephone calls from specific individuals must be based on court orders, it would be reasonable for caregivers to require a “do not call” list for youth as opposed to an “approved call list.” While restrictions may be imposed on calls to and from specific individuals, these restrictions cannot be imposed unless the court or social worker has provided this information to the provider in writing.

State Licensing Regulations

22 CCR, § 89372(a)(5)(A)-(D): Core Requirements for Caregivers, Relatives, and Nonrelative Extended Family Members

(a) The caregiver shall ensure that each “child” is accorded the personal rights specified in Welfare and Institutions Code section 16001.9. In addition, the caregiver shall ensure that each “child” is accorded the following personal rights:

(2) To be provided with and allowed to possess and use adequate personal items...

(5) To make and receive confidential telephone calls, and send and receive unopened mail and electronic communication, unless prohibited by court order.

(A) Reasonable restrictions may be imposed by the caregiver, social worker, or probation officer on calls and correspondence.

(B) Other reasonable restrictions may be imposed. The caregiver may:

1. Request reimbursement for the cost of long distance calls made by the “child” from the “child” or his or her authorized representative,
2. Deny the making of long distance calls by the “child” upon verification that previous long distance calls have not been paid,
3. Ensure that telephone use does not infringe upon the rights of others, nor tie up the phone during emergencies, and
4. Restrict the telephone use of the “child” as reasonable discipline except as provided in (D) below, and shall be subject to social worker or probation officer review.
5. Restrict Internet usage when appropriate.

(C) No restrictions shall be applied to telephone calls, mail, and electronic communication with relatives, including brothers and sisters, unless prohibited by court order.

(D) No restrictions shall be applied to telephone calls, mail, and electronic communication with social workers, authorized representatives, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.

****NOTE:** There are similar requirements for small family homes in 83027 and group homes in 84072(c)(11)(A) – (C).

What can I do if my rights are being violated?

1. Try to remember the event. Writing it down can help.
 - What happened?
 - Where did it happen?
 - When did it happen?
 - Who was involved?
 - What rights were violated?
2. If you feel safe, try to resolve it with the people who were involved.
3. If you feel safe, talk to your caregiver or staff member.
4. Contact your social worker/probation officer and lawyer.
5. Contact your county's Ombudsperson.
6. Contact the California Office of the Foster Care Ombudsperson.

Contact Us

California Foster Care Ombudsperson
1-877-846-1602

✉ fosteryouthhelp@dss.ca.gov
🌐 fosteryouthhelp.ca.gov



Personal Rights

You have the right to live in a safe, comfortable home where you are treated with respect and to have:

- enough clothes and healthy food
- clothing, grooming, and hygiene products that respect your culture and ethnicity
- a private place to keep your things
- a phone you can use to make private calls (unless a judge says you cannot)
- a caregiver that has special training on trauma and ways to help you

You have the right to:

- go/not go to religious services and activities of your choice
- participate in cultural, racial, ethnic, personal enrichment, and social activities
- fair and equal access to all available foster care services, placements, care, and benefits

No one can:

- lock you in a room or a building (unless you are in a community treatment facility)
- make you stay in juvenile hall because they can't find you a home
- use law enforcement as a threat or retaliation
- abuse you physically, sexually, emotionally, or exploit you for any reason
- punish you by physically hurting you for any reason

- look through your things unless they have a reasonable or legal reason
- treat you unfairly because of your race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity and expression, mental or physical disability, HIV status, or membership in a federally recognized Indian tribe



Indian Child Welfare Act (ICWA)

Are you a member, or could you be a member, of a federally recognized Indian tribe? You have the right to:

- live in a home or STRTP that maintains the social and cultural standards of your Tribe and tribal community
- live in a home of your relatives or extended family or a home that is licensed, approved, or specified by your Tribe
- live in an Indian foster home that is licensed or approved, or a facility that is approved by your Tribe or an Indian organization that meets your needs
- live in a place that reflects and keeps you connected to the cultural and social standards of your Tribe and/or tribal community
- contact your ICWA advocate and have them attend court
- contact your Tribe, tribal members and Indian community

- have a social worker/probation officer, and lawyer who is trained in ICWA
- participate in traditional Native American religious practices
- get help becoming a member of an Indian tribe or Alaskan village
- get all the benefits that come from being a member of an Indian tribe or Alaskan village
- be free from discrimination and be recognized for your relationship with an Indian Tribe or Alaskan village
- have protections for your tribal relationship in your case plan



Sexual Orientation, Gender Identity, & Expression (SOGIE)

You have rights to protect your SOGIE. You have the right to:

- live in a home or STRTP based on your gender identity
- be called by your chosen name and gender pronouns
- see a doctor or counselor who is gender affirming
- have clothing, grooming, and hygiene products that respect your gender identity and expression
- have a caregiver, social worker/probation officer, and lawyer that has been trained on SOGIE and how to care for LGBTQ+ youth
- keep your SOGIE information private



Education

You have school rights. You have the right to:

- go to school every day
- get help with school
- stay at your same school if it's best for you
- enroll right away at a new school
- get partial credits for all classes you were passing if you change schools
- go to after-school activities
- have priority enrollment in pre-school and after-school programs
- have priority enrollment at California State Universities and community colleges
- access information about college and career education programs



Sexual & Reproductive Health

You have sexual health rights too. You have the right to:

- get information about your sexual health in a way that you understand
- use or refuse services for birth control, condoms, other types of protection, and pregnancy care, including abortion, without telling an adult
- if you are 12 years or older, choose your own doctor or counselor and make decisions about preventing, testing, or treating STIs and HIV without permission from any adult



Mental Health

You have mental health rights too. You have the right to:

- keep your mental health records private
- get gender affirming mental health treatment
- work with your doctor to safely stop taking psychotropic medication
- refuse to take psychotropic medication, and no one can punish you for it
- know about your diagnosis and understand treatment options
- get help with an alcohol or drug problem without permission
- get mental health services in a place that meets your needs
- if you are 12 years or older, choose your own doctor or counselor and make decisions about your mental health treatment



Health

You have health rights. You have the right to:

- see a doctor, dentist, eye doctor, or talk to a counselor when you need to
- see a doctor who is gender affirming
- refuse to take any medicines, vitamins, or herbs, and no one can punish you for it
- keep your medical records private
- have the risks/benefits of treatment explained to you in a way that is easy to understand



Court

You have rights at court too. You have the right to:

- be told about court hearings in writing
- go to court and talk to the judge
- tell the judge what you want to have happen in your case
- tell the judge how you feel about your psychotropic medications
- ask the judge for visits with your siblings
- request a hearing if you feel like your lawyer is not acting in your best interest
- ask for people to be in the courtroom or ask for people to leave
- keep your court records private (unless the law says otherwise)
- tell the judge how you feel about your family, lawyer, and social worker/probation officer
- a lawyer, separate from your parents and the county

Your lawyer must:

- keep what you tell them private
- have special training on ICWA and SOGIE
- make sure you are safe and have the services and supports you need
- tell the judge what you want to have happen
- answer questions you have about court, foster care, and other laws

THE FOSTER YOUTH BILL OF RIGHTS

A Guide to Your Rights



You have rights!

This brochure is for foster and probation youth in out-of-home care. You have rights if you live with relatives, in foster homes, resource family homes, STRTPs, shelters, or transitional housing facilities. The law says social workers (SW) and probation officers (PO) must tell you and your caregiver about your rights.

The law also says:

- Your SW/PO must talk with you about your rights every 6 months and before every placement change
- You must be told in a way that's easy for you to understand
- You have a lawyer and their job is to defend your rights
- The people where you live must answer any questions you have about your rights
- If you live in an STRTP, shelter, or home with 6 or more foster youth, a poster of your rights must be visible

Who can I contact if my rights are being violated?

The Office of the Foster Care Ombudsperson (OFCO) is an independent office that investigates complaints and works to resolve concerns about foster youth rights, the care youth get, where they live, or the services they need or receive. If you have a complaint, you can call, email, or visit on the web:

California Foster Care Ombudsperson

Phone: 1-877-846-1602
www.fosteryouthhelp.ca.gov
Email: Fosteryouthhelp@dss.ca.gov

The Community Care Licensing Division is the division of the State Department of Social Services that licenses and oversees foster family agencies, daycares, group homes, short-term therapeutic residential facilities, foster homes, and residential care for children (and adults) throughout California.

Community Care Licensing Division

Phone: 1-844-538-8766
Email: letusknow@dss.ca.gov

They have the responsibility to make sure licensed places follow licensing laws and regulations. You have the rights to complain to CCLD about treatment in the place where you are living.

You have the right to be given the contact information for the State Foster Care Ombudsperson, Community Care Licensing Division (CCLD), and the tribal authority approving a tribally approved home, at the time you enter foster care and with each placement change.

You have the right to contact any or all these offices immediately when you ask or if you think your rights are being violated. You should also tell your lawyer, social worker/probation officer if your rights are being violated. You have the right to speak to these offices confidentially, and you cannot be threatened, punished or retaliated against for making complaints.



Case Plan

You have the right to:

- help create your case plan
- have a case plan within 60 days of being in foster care
- have your case plan updated at least every 6 months
- be told of any changes to your case plan
- get a copy of it if you are age 10 and older
- have your Tribe involved in case plan decisions

Your case plan will have:

- health and education plans
- the best place for you to live
- the services you need
- a long-term plan for where you will live
- gender-affirming healthcare plans
- plans for visitation with your parents and siblings
- transition to independent living plan (TILP), if you are 16 or older



Child and Family Team (CFT)

You have the right to a CFT.

You have the right to:

- request CFT meetings
- have support people at your CFT meeting
- talk about your needs in the CFT meeting
- a CFT meeting within 60 days of entering foster care
- a CFT meeting every 6 months
- a CFT meeting at least every 90 days if you are in an STRTP or in a therapeutic foster home
- a CFT meeting at least every 90 days if you are getting certain types of services
- a CFT meeting when any changes are going to be made to your case plan



Family & Social Connections

You have the right to:

- visit and contact your parents, siblings, and other family members in private (unless a judge says you cannot)
- contact people who are not in the foster care system (like friends, church members, teachers, and others), unless a judge says you cannot



Preparing for Adulthood & Money Management

You have the right to do some things on your own.

You have the right to:

- an allowance
- your own bank account (unless your case plan says you cannot)
- earn, save, and manage your money (unless your case plan says you cannot)
- learn job skills for your age
- work (unless the law says you are too young)
- go to Independent Living Program (if you are old enough)
- beginning at age 14, get a credit report every year from 3 major reporting agencies and have help fixing any issues



Records

You have the right to see and get a free copy of the following until you are 26:

- medical records
- child welfare records
- juvenile court records
- educational records



Communications

You have the right to:

- use a phone to make and get private calls
- use a computer and the internet
- privately use email, text messages, or other electronic communication
- send and receive unopened mail

These rights can be changed if there is a safety concern. Only a judge can take these away or stop you from communicating with certain people.

You have the right to contact the following people in private, and no one can stop you or punish you for speaking with them:

- your social worker/probation officer
- your lawyer
- service providers
- foster youth advocates and Court Appointed Special Advocates (CASAs)
- Education Rights Holder
- Tribe (if you have one)
- Office of Foster Care Ombudsperson (OFCO)
- Community Care Licensing Division (CCL)



Write your important contact information here:

YOUR SOCIAL WORKER / PROBATION OFFICER

Name _____

Phone _____

Email _____

YOUR LAWYER

Name _____

Phone _____

Email _____

YOUR TRIBE / ICWA ADVOCATE

Name _____

Phone _____

Email _____

You have more rights than could be included in this brochure. Ask your SW/PO for a copy of the Foster Youth Rights Handbook.

Take the confidential Youth Survey and tell us about your caregiver. Your story can make an impact and change the foster care system for the better.

Use the link below or scan the QR code to take the survey.

<https://ombuds.getfeedback.com/r/ufWYjDwl/>

