

Child in Care Bill of Rights and Expectations
Sibling Bill of Rights
PA 19-44 Practice Guidance
August 2019

I. Introduction:

The 2014 Federal Preventing Sex Trafficking and Strengthening Families Act introduced standards requiring the involvement of children in the development and revision of their case plans. The legislation further articulated that case plans include documentation describing the child's rights with respect to education, health, visitation, and court participation. It further requires that youth aging out of foster care are provided with a birth certificate, Social Security card, health insurance information, medical records, an a driver's license or a state identification care.

In 2015, the CT DCF Youth Advisory Board approved and the Department adopted the Adolescents in Care Bill of Rights and Expectations. As the Preamble for that Bill notes:

The Department of Children and Families recognizes the importance of honoring and upholding the rights of youth in the foster care system. This Bill of Rights and Expectations is intended to guide the Department, foster parents, and care providers [;]as well as ensure that the permanency, safety, well-being and basic needs of adolescent youth in the foster care system are consistently met.

The tenets of the federal legislation and the aforementioned Bill of Rights were codified into Connecticut law effective July 1, 2019, under Public Act (PA) 19-44, An Act Concerning a Children in Care Bill of Rights and Expectations and the Sibling Bill Rights. This act states

[That this] shall pertain to each child placed in out-of-home care by the Commissioner of Children and Families pursuant to an order of temporary custody or commitment ensures that absent extraordinary circumstances related to a child's health or safety has the right to:

- a.) Develop and maintain the child's own values, hopes, goals, religion, spirituality and identity, including, but not limited to, racial, sexual and gender identity, in a safe and caring environment;
- b.) Visitation or ongoing contact with the child's parents, siblings, extended family and friends, and assistance in connecting or reconnecting with the child's birth family if desired;
- c.) Be placed in a safe environment in the child's home community and pre-placements visits to such placement when possible;
- d.) Meaningful participation in the development of the child's case plan and permanency plan, including, but not limited to, the ability to participate in and select individuals of the child's choice to participate in meetings concerning plans;
- e.) Meaningful and regular in-person contact with the child's social worker, who shall respond to the child's telephone calls and correspondence in a timely manner; and
- f.) Stability and support in all aspects of the child's education.

Congruent with the Department's current goals to ensure the safety of all children in care, timely permanency, broad well-being and effective transition planning to promote successful adulthood, this practice guide has been developed to support implementation of PA 19-44.

II. Policy Statement:

This practice guidance should be used in conjunction with DCF Policy 20-1, *Case Planning*, and DCF Policy 23-3, *Ongoing Services*. In accordance with Case Planning policy 20-1, the Department shall provide the child with a copy of the Child in Care Bill of Rights and Expectations and the Sibling Bill of Rights; review both Bill of Rights with the child; explain to the child that the child may contact the social worker, the child's attorney, the Department of Children and Families regional office, the Department of Children and Families Office of Community Relations or the Office of the Child Advocate if the child feels that his or her rights have been violated or expectations have not been met under the Children in Care Bill of Rights and Expectations and/or the Sibling Bill of Rights, and explain to the child that if the child is in physical danger or experiences a medical emergency, the child may dial or send a text message to 9-1-1.

Further, the child shall sign and receive a copy of the DCF-780 as an acknowledgment of the Child in Care Bill of Rights and Expectations and the Sibling Bill of Rights being reviewed.

See Policy 23-3, Removal from Home and Placement and DCF-780, Child in Care/Sibling Bill of Rights and Expectations.

Note: this form replaces the Youth Rights and Case Plan Notification

III. DCF Staff Responsibilities

a. Child Protective Services (CPS) Social Worker (SW) Responsibilities:

The Child in Care Bill of Rights and Expectations form (DCF-780), shall be reviewed by the social worker with the child, if the child is of an appropriate chronological age.

As all children deserve to know their rights, decisions regarding how to communicate that should be based upon the child's age, developmental and cognitive ability. The Social Worker shall consult the RRG if assistance is needed with making this determination, especially to ensure compliance with PA 19-44.

For children determined to be age appropriate, the DCF-780 shall be shared and reviewed with the child by the social worker as follows:

- Whenever a child is placed in out of home care;
- Whenever a child is moved to a new out of home placement; and
- Annually with the child as long as the child is in an out of home placement

Both the child and the worker shall sign the form to certify that the rights and expectations have been explained to the child. The worker shall explain that the child may contact any of the individuals listed on the form if he or she believes their rights have been violated or expectations not met. Further, the worker shall explain the role and responsibilities of the child's attorney, the DCF Office of Community Relations, and the Office of the Child Advocate.

A hard copy of the DCF-780 shall be maintained in the child's case record. If a determination is made that the child was not of an appropriate age, that justification shall be documented in the case plan along with

an explanation for how we remediated the issue. For example, when placing infants and toddlers the Bill of Rights shall be reviewed with caretaker(s) only if the child is too young to understand.

If the child refuses to sign such acknowledgment, the worker shall indicate on the form that the child refused to sign.

In addition, the DCF-780 is to be submitted at the time of a child's scheduled Administrative Case Review (ACR) meeting, with the case plan. The Social Worker shall also document that the rights and expectations have been explained to the child, and their feedback has been incorporated in the case plan. The Administrative Case Review process shall be utilized to monitor compliance with Public Act No. 19-44.

Last, the Social Worker shall review the Child in Care Bill of Rights and Expectations with the child and their caretakers at the same time, whenever possible. This will occur to ensure that caretakers are informed of their responsibilities as indicated below:

- Work with the child, Social Worker and service providers if assistance is needed with meeting the caregiver expectations; and
- Ensure child maintains contact information for all individuals listed on the form

It should be noted that "caregiver" is defined as a Core or Therapeutic Foster Care Parent, Relative or Fictive Kin.

b. FASU Worker Responsibilities:

The Foster Care Support Worker within no less than 5 days of placement shall contact (phone or in person) the licensed caregiver to discuss the Bill of Rights, the child needs, the caregivers needs and identify supports and services to address those needs.

The Foster Care Support Worker will share information and work in conjunction with the CPS SW to meet the needs identified.

During the quarterly home visit (or sooner depending on need), the Foster Care Support worker shall review with the licensed caregiver the information gathered post placement, discuss progress and follow up on any pending needs.

c. ACR Supervisor Responsibilities:

The ACR Supervisor shall discuss the review of the Bill of Rights during the ACR meeting, and document the outcome in the ACRI. ACR staff shall make available blank copies of the DCF 780 for distribution if it is determined that a child's rights has not been reviewed with them and signed prior to the ACR.

d. DCF Facility Responsibilities:

DCF operated facilities must also ensure that they are in compliance with the Children in Care Bill of Rights and Expectations and the Sibling Bill of Rights; in accordance with the rules and regulations of that setting (e.g., congruent with sound safety practice and procedural measures). Where applicable, the staff should support the application of the Bill of Rights with the child and caregiver during the discharge planning process.

e. Program Development and Oversight Coordinator (PDOC) Responsibilities

PDOCs shall and ensure that TFC + Medically Complex Foster Child Placing Agencies are aware of the expectations contained in PA 19-44 and establish mechanisms to ensure that said providers are assisting child and caregivers with understanding their respective rights and obligations

The DCF Licensing Team shall ensure that any congregate care facilities under their purview shall support the implementation of PA 19-44 in accordance with the rules and regulations of that setting. Where applicable, the team should ensure such providers support the provider's application of the Bill of Rights with during the discharge planning process