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# COMMUNITY AND FAMILY VOICE SUBCOMMITTEE OF THE NORMALCY TASK FORCE

The Community and Family Voice Subcommittee (referred to hereafter as the “Voice Subcommittee”), chaired by Jude Dean and Mickey Sampson, was created to focus on youth and caregivers as authorities with valued opinions; identify key strategies to make sure all voices, including youth, are heard; and promote expectations for normalcy that are higher than the minimum requirement

## ACTIVITIES

1. **Youth Bill of Rights Survey and Feedback.** The Subcommittee partnered with Nebraska Appleseed and the Nebraska Children and Families Foundation to release a survey to collect feedback from youth who are currently or were formerly in out-of-home placements on the Youth Bill of Rights.
2. **Funding for Normalcy Activities.** The group identified access to funding for normalcy activities as a barrier and is working to create recommendations to increase youth access to normalcy activities. The Subcommittee has reached out to the Foster Care Reimbursement Rate Committee of the Nebraska Children’s Commission to investigate possible funding mechanisms to minimize this barrier.
3. **Access to Wraparound Services.** The group is in the early stages of planning and partnering with state and community organizations to support the creation of a listing of services available to families. Availability of services helps keep children in their homes, and return to their homes sooner if removal is necessary.
4. **Community Events.** The Subcommittee is exploring the feasibility of hosting community events to raise awareness and provide supports for youth achieving normalcy.

## YOUTH BILL OF RIGHTS SURVEY

Since its inception, the Voice Subcommittee has focused efforts on collecting input regarding the Youth Bill of Rights (YBOR). The Nebraska Department of Health and Human Services, Division of Children and Family Services (DCFS) requested assistance and feedback from the Normalcy Task Force on the YBOR included in their [Protection and Safety Procedure #30-2015](#). This task was delegated to the Voice Subcommittee.

The survey referenced above gathered feedback based on the current youth bill of rights to identify additional areas that should be included and what should specifically be covered by the broad list of rights. The group additionally created a facilitation guide to capture feedback in group settings. 37 youth responded to the individual survey, and two facilitations with a total of seven youth contributed information. A summary of the survey information can be found on the [Nebraska Children’s Commission website](#).

## MAIN THEMES EMERGING FROM YOUTH FEEDBACK

1. **Youth need as much information as possible about resources and services that are available to them.** Many youth noted that they did not know what was available to them, and so at times, went without many important and necessary resources.
2. **Youth need to begin the transition to adulthood earlier, and with additional thought to the youth’s abilities, wishes, and goals.** Many youth felt that they did not begin the transition to adulthood or begin gaining skills soon enough. Additionally, many youth felt pushed into goals that they did not have, or into situations for which they did not have the skills.

3. **Caseworkers, probation officers, and other direct workers are essential in youth achieving positive outcomes.** When these workers were well trained and had reasonable caseloads, it made a positive impact on youth experience and outcomes.

4. **Youth need to be treated with respect.** This respect should include the “golden rule,” fair treatment, and listening to the youth’s perspective.

## BARRIERS TO RIGHTS

1. **Youth need to be empowered to make medical decisions, both through education and through clarification of right to refuse or consent to medical treatment.** The Psychotropic Medications Committee has identified this as a barrier to youth, and is actively working to achieve changes in statute and regulation.

2. **Liability issues related to foster youth driving and transportation should be clarified so that foster parents are protected when youth begin driving.** While foster parents’ are protected from adverse licensing action related to reasonable and prudent parenting decisions, they may still be financially liable for damages. This potential liability can prevent foster parents from assisting youth in obtaining their driver’s license and driver’s education.

## RECOMMENDED YOUTH BILL OF RIGHTS

The next several pages include an YBOR that was drafted from the feedback of youth. The document outlines what currently exists in the DCFS Bill of Rights, necessary additions per LB746, best practice recommendations, and the input from youth based on their experiences. While it is essential for youth to be made aware of these rights, work still needs to be done to ensure that youth understand them. Youth feedback shows that many youth do not know their rights. This information should be made available frequently throughout their time in out-of-home placement. System-wide collaboration is necessary to ensure that youth have regular and developmentally appropriate ways to take in this information.

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# NEBRASKA YOUTH BILL OF RIGHTS

## PERSONAL RIGHTS

- **to be treated with respect**
- **to be safe and well cared for** and to avoid exploitation
- **to be who I am**
- to have my basic needs met
- to keep my personal belongings with me and to age appropriate privacy unless there is a documented reason for supervision to prevent self-harm or harm to others
- to be free from unreasonable searches of personal belongings
- to have confidentiality consistent with state and federal law
- to be free from harassment, corporal punishment, unreasonable restraint or confinement (i.e., solitary, lockdown, segregation), and physical, sexual, emotional and other abuse
- to be disciplined in a manner that is appropriate for my maturity, development, and health with explanation of why I am being disciplined
- to privately call the Nebraska Abuse Hotline at 1-800-652-1999 if I or any child I know is being abused or neglected.
- to attend religious services and activities of my choice and be placed, as far as practical, with someone of my own religion
- to be in an environment that maintains and reflects my culture when possible
- to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities and to have my caseworker and judge consult with and talk to me about my opportunities to participate in activities
- 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, immigration status, color, religion, gender, gender identity and expression, sexual orientation, mental or physical disability, medical diagnosis, and foster care status
- to receive and provide communication in my primary language when possible, with reasonable accommodation if I am visually or hearing impaired
- if born in another country, to receive help applying for lawful immigration status if and when I become eligible

## FAMILY CONNECTION RIGHTS

- to have lifelong family connections (**LB746** & **in BOR**)
- to have reasonable efforts made to reunify me with my parents and to be preferentially placed with my relatives if I cannot remain with my parents
- to have reasonable efforts made to place me and my siblings in the same foster or adoptive placement and/or to have frequent or ongoing communication with my siblings unless it is not safe (and if it is not safe, I have a right to know the reasons it has been determined not safe)
- **to safely visit** and communicate with **my family** and other significant people in my life on a regular basis (unless a judge says I cannot or HHS sets reasonable limits)
- to be informed of court or case plan restrictions that may prevent me from seeing any family member
- to be able to have contact with safe and supportive persons outside of the foster care system who hold a family-like role in my life
- if pregnant or parenting, I have a right to raise and make decisions for my own children, as any other minor would, unless a judge says I do not
- if a member of an Indian tribe or eligible to be a member of an Indian tribe
  - to have my tribal relationship protected
  - to have active efforts made to prevent the break-up of my family or to reunite me with my family
  - to be returned to my family home when it is safe to go back home

- to learn of my parent(s)' tribal affiliations and other information affecting my tribal relationship when I turn 18

## NOTICE AND ASSISTANCE IF RIGHTS ARE NOT MET

- to be given verbal and written information about how and to whom I can make a request to participate in age or developmentally appropriate activities if I am in a group home
- to receive a hard copy of my rights within seventy-two hours of placement and at every dispositional, review and permanency planning hearing and to have them explained to me in an age or developmentally appropriate manner
- to object to anything in the case plan during case reviews, court hearings, and case planning conferences
- **to seek assistance if these rights aren't being met, without getting in trouble** and to receive response and/or follow through regarding my complaint
- to be able to privately ask my case worker, attorney, guardian ad litem, CASA or any other individual in my case to help me file a complaint
- to privately call the Nebraska Abuse Hotline at 1-800-652-1999 or the Nebraska Ombudsman's Office at 1-800-742-7690

## YOUTH VOICE AND PARTICIPATION RIGHTS

- to have regular contact and the ability to speak privately with caseworkers, attorneys, probation officers, CASAs, foster youth advocates and supporters, or anyone else involved with or (in) my case
- **to know when court hearings are scheduled and to attend** and participate in **hearings regarding my care** unless a judge determines it is not in my best interests
- to have caseworkers, probation officers, and other direct workers that are well trained and have reasonable caseloads
- to have a guardian ad litem attorney to represent my best interests
- to meet with my guardian ad litem, in my placement, within two weeks of my guardian ad litem being assigned to my case, and at least once every six months (unless my judge approves alternatives to in person meetings due to special circumstances like geographic distance)
- to have my own court-appointed attorney if my interests are in conflict with what my guardian ad litem believes is in my best interests
- to be involved in the development of my own case plan and transition plan, and to be informed of any changes to these plans
- to have two or more individuals selected by me to participate on my normalcy team
- to attend and participate in family team meetings, treatment team meetings, and school meetings
- to have my voice heard in my case
- if a member of an Indian tribe or eligible to be a member of an Indian tribe:
  - to have my input on placement taken into consideration when appropriate
  - to have my court case take place in a tribal court

## ACCESS TO INFORMATION AND SERVICES RIGHTS

- **to be fully informed about what is happening to me** and to understand the system or systems in which I am involved in an age appropriate manner
- to know why I was placed in foster care and why I am still in foster care
- to ask questions if I do not understand something
- to receive a list of local community resources, including, but not limited to, support groups, health clinics, mental and behavioral health and substance abuse treatment services and support, pregnancy and parenting resources, and employment and housing agencies
- **to have adequate health care, including mental health care** and substance abuse treatment
- to have a medical exam within two weeks of removal from my home
- to receive education on my right to refuse or consent to medical treatment
- to not participate in any experimental treatment

- to be informed about the types of physical and mental health care I receive, to see and understand my treatment plan, and have a say in treatment decisions being made
- to be informed about medications, medication options, and have a voice in decisions about the prescription of medication (unless a doctor or judge says I cannot refuse to take medications)
- to have a copy of my emergency behavioral health intervention plan so that I know I will be kept safe if I become a danger to myself or others
- to be able to access and review all records and electronic reports, including clinical records, upon request
- to have age-appropriate, medically accurate information and medical care on sexual and reproductive health
- **to receive a good, stable education**
- to attend the same school, prior to foster care or as my previous placement, unless a judge or my caseworker determines it is not in your best interest
- **to receive a free credit report annually** and help resolving any mistakes
- to access my personal information including but not limited to: my birth certificate, social security card, proof of Medicaid enrollment, health care card, immunizations, medical and educational records, and medical power of attorney
- to have honest and clear communication
- if born in another country, to be connected with the nearest consulate office (a consul is an official representative from another government that works to protect citizens of other countries that live in the United States)
- to receive assistance from my caseworker and foster parent in accessing a learner's permit and driver's license when old enough

## PERMANENCY AND PLACEMENT RIGHTS

- **to have permanency**
- to live in the most family-like setting that is safe, healthy, comfortable, and meets my needs
- to have minimal placement changes and a stable and nurturing living environment
- to be treated as a family member within my placement and provided the opportunity, without obligation, to participate in family activities, holidays, traditions, and rituals
- if a member of an Indian tribe or eligible to be a member of an Indian tribe
  - to have my placement options be in this order: (1) a member of my extended family, (2) a member of my tribe, (3) some other Indian family, (4) a non-Indian family committed to protecting my culture
  - to be placed in a home that is a reasonable distance from my family home
  - to be returned to my family home if I was improperly removed

## TRANSITION TO ADULTHOOD RIGHTS

- to receive skills, knowledge and resources needed to be a successful adult (*LB746 & in BOR*)
- to receive information about post-secondary educational and employment supports available to me
- to have a transition plan created from age 14 and older that addresses the following needs: education, employment, health care and eligibility for Medicaid, behavioral health treatment and support, financial assistance, housing, relationship development, and other adult services
- to have an opportunity to hold a job and work to develop skills at an age and developmentally appropriate level that is consistent with state law
- to plan for my future
- to receive information about the Bridge to Independence program if I am in an out-of-home placement at (or from) age 16 or older

**Contact Information**

**If I am being abused or neglected, or I know another child or youth who is being abused or neglected, I need to call the Nebraska Abuse Hotline at 1-800-742-7690.**

**Caseworker Information**

My caseworker is: \_\_\_\_\_

I can call my caseworker at: \_\_\_\_\_

My caseworker's supervisor is: \_\_\_\_\_

I can call my caseworker's supervisor at: \_\_\_\_\_

**Guardian ad Litem Information**

My Guardian ad Litem is: \_\_\_\_\_

I can call my Guardian ad Litem at: \_\_\_\_\_

**CASA Information**

My Court Appointed Special Advocate is: \_\_\_\_\_

I can call my Court Appointed Special Advocate at: \_\_\_\_\_

**Placement Information**

My current placement is with: \_\_\_\_\_

My placement address is: \_\_\_\_\_

I can contact my placement by calling: \_\_\_\_\_