

ADOPTION ADVOCATE

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A Foster Care Bill of Rights

BY DANIELLE GLETOW

What rights do kids in foster care really have? To be safe? To be loved? To be prepared for the journey ahead?

After working for over a decade with children who have been impacted by our nation's foster care system, I can honestly say that I have no idea what their rights *actually* are.

I know that as a foster parent from 2006–2009, I don't recall ever being given any written information that specifically outlined the children's rights nor do I recall those rights ever being shared with any of the kids that I cared for. Granted, those children were quite young and perhaps they wouldn't have understood them anyway, but one could argue that the gesture still should have been made.

I know that as a volunteer at several youth group homes I don't recall seeing a posted sign clearly defining these rights so that the children living there could refer to them whenever they needed to. I also don't recall ever being told, by a child welfare professional or a child, how one could report a violation of these rights.

I also know that I have done countless Google searches trying to find one clear and consistent list of these rights and have only come up with a few links that even broach the topic. Within those articles are often more links to state-specific law's and guidelines that explain the rights of children in foster care. I witnessed the signing of one of these laws in Delaware a few years ago. That law, HB46, gives the following "rights" to kids in foster care:



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“To be told why I am in foster care.”

“To live in a safe place without abuse or neglect.”

“To receive food, water, shelter and clothing to meet my own individual needs.”

Food, clothing and shelter...aren't these just basic human rights? What about the right to have a competent, stable and consistent adult presence that will ensure that all of the child's rights will always be upheld? Children need an adult that can guide, nurture, love and protect these fragile, yet brave souls that we have promised a better life to.

Foster Nation launched the #SpeakUp Campaign to shed light and learn about foster care experiences directly from foster youth. Maggie Lin, Chair of Foster Nation, shared: “What was most striking about curating these stories is the realization that about 75% of emancipated youth offer the advice to ‘learn your rights’ and ‘advocate for yourself because no one else will’ to youth currently in the system. These heartfelt submissions from youth all over the country reveal their deepest vulnerabilities and all that they wish they had to navigate the transition to adulthood. Not only do we fail them when we place them in homes without teaching them their rights, it is an atrocity that we do nothing to prepare them as they transition out into the real world.”

Foster care is complex and I greatly respect that is immensely challenging to create policy and rules when most cases are an exception. But at the core of this system there needs to be a stronger focus on providing our young people with one of the most important things in life that most likely had eluded them before entering care: a person who will support them unconditionally.

After all, isn't that abiding love of a parent or caregiver the foundation most of us build ourselves? I have watched far too many children fall through the cracks of our foster care system. I have seen them labeled, often times unfairly. I have seen them misdiagnosed and overmedicated. I have listened to them plead for support, for forgiveness, and most of all, for love.

I am not sure we can pass a law that will be able to clearly articulate this need, or that we can even enforce it. But I know that as I continue to learn more about the children who are left to fend for themselves in a system they did not ask to enter, we have to do better than this.

A 14 year-old girl should not be moved around to three different placements in two days without access to a shower or clean clothing. A 10 year-old developmentally disabled girl should not be placed in a foster home that refuses that change her diapers or bathe her. A newborn baby should not

be delivered to my doorstep without a name, with a case worker telling me, "Name her whatever you want." These are human beings. Some of whom have endured trauma and heartbreak and loss that most adults could not handle. They have been abused, abandoned, neglected and forgotten. And then we place them in foster care and we make excuses when the system fails them too.

There is no excuse. If one child ages out of foster care without being truly prepared to live independently or connected to a lifelong, stable adult resource, then we have failed. If one child dies in foster care, we have failed. I have heard too many child welfare professionals claim success and pride in a system that is often hurting as often as it is helping.

What we need now is the masses. We need that village they say it takes to raise a child to come together and demand that these children's rights be clearer and then, that they be consistently and vigorously upheld.

To this end I propose that the bill of rights for foster children include, at least, the following and that the reading of these rights to the children, foster parents, care givers and caseworkers be done each time a child enters care or changes placements or guardians within the foster care system. They must also be printed and provided to children or clearly posted in a place accessible to the children at any time. As it is critically important to include the voice of foster care alumni; you'll see throughout reflections from youth with the real life experience and insight of what foster youth need and how they are impacted.

A Foster Care Bill of Rights should include...

You have the right to be told why you are entering foster care.

You have the right to be told approximately how long you may be in foster care and in your current placement.

You have the right to be safe and protected.

"If you're in the foster system now, know your rights! Do not be scared to #SpeakUp. It may feel as if the foster care system is preparing you for a prison system, but it does not have to be that way. If you feel unsafe, mistreated, disrespected, neglected, or rejected from your foster home, know that there are people to talk to. You often have two social workers, a lawyer and a judge who all have numbers that you have the right to obtain and to call whenever you feel necessary. Do not be afraid to reach out, speak to truth, and ask for real change from every resource connected to foster care. They are owed to you."

– Harmony B.

You have the right to be treated with respect and dignity.

You have the right to be lovingly cared for.

“When I was being emancipated, I needed someone to tell me that it was going to be ok and that I was going to survive my circumstances despite aging out abruptly. Not only did I need someone to tell me those things, I also needed a team of people to introduce me to opportunities and resources to help me get there. I needed stable housing, quality relationships, and advocates who could help me navigate my educational journey post-high school as well as be there to support me through life challenges. My transition into adulthood was rather abrupt and traumatic.”

– Amnoni M.

You have the right to be properly fed and to exercise your decision not to eat unhealthy foods.

You have the right to clean bathing facilities that must be accessible as often as you need them.

You have the right to a clean and comfortable living space inclusive of furniture in good condition with enough room for your belongings.

You have the right to transfer your belongings in appropriate luggage that must not include plastic bags.

You have the right to practice your religious beliefs without risk of punishment, ridicule, or danger.

You have the right to identify with and live as the gender and sexuality of your choice without risk of punishment, ridicule, or danger.

You have the right to participate in your case plan.

“From the system, I learned it was my right to participate in decisions made about me. I learned to be strong and stand up for myself and advocate for others. Ask questions! ‘Nothing about you without you.’ If you don’t know something, ask. If you’re confused, ask. Know that your voice matters. Know you have rights and you deserve to know what’s going on with YOU!”

– Jazmen H.

You have the right to contact your siblings and friends.

You have the right to a quality, uninterrupted education.

You have the right to an explanation and age appropriate participation in medical care and the prescription of medication.

You have the right to a case plan that seeks to find a permanent, loving family through reunification or adoption.

“What I needed the most when I emancipated was family. I was just told I had a court date 11 days after my birthday. Turned out that I was emancipated. It was so unexpected. Never give up. Learn your rights. Ask your social worker about your rights, if you don’t know them.”

– Tyraughn B.

You have the right to speak to the judge and attorneys regarding your case, your placement and your needs and concerns.

You have the right to contact a non-governmental third-party advocate to share concerns if you feel any of your rights are being violated.

“Keep your head up. It may seem really bleak at the moment, but there are people who care. There are people who will fight for you. It is also important to speak up. Even when you don’t think anyone is listening—speak up if you are being mistreated or if you feel upset. This is so important that you be vocal so that people can help take you out of your current situation.”

– Felicitas R.

This list should just be the beginning. Young people who have experienced foster care should be the final authors of this law. They should be the ones we listen to so we can learn and do better. It is not enough that we are simply removing them from what we perceive to be inadequate parenting or imminent danger. We must ensure that we are placing them on a better path forward with enough love, support and stability to let them reach their true potential.

“The true character of a society is revealed in how it treats its children.”

– Nelson Mandela

Special thanks to Maggie Lin of Foster Nation who shared the powerful youth quotes from their #SpeakUp campaign. Learn more at www.fosternation.org.

ABOUT THE AUTHOR

Danielle Gletow is the Founder and Executive Director of One Simple Wish. One Simple Wish uses technology to bring awareness to the foster care system and brightens the lives of thousands of children by connecting them to people who care. To learn more visit www.onesimplewish.org.



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