



# Summary of Your Rights and Responsibilities as a Parent Involved with the Child Welfare System

The rights and responsibilities of parents have been mentioned in different parts of the *Guide*. They are summarized here because it is very important to know your rights and responsibilities as a parent in the child welfare system. We have organized parents' rights into three key areas. This section also includes a description of some rights of children and youth in out-of-home care. These children/youth rights are included to help you to understand and advocate for your children's rights.

Parents' rights are not the same in all states. Some of the rights listed in this chapter come from federal law. Rights based on federal law would be the same in all states. Other rights listed here are true in many, but not all, states. It is important to talk with your agency worker or lawyer about which rights exist for parents in your state.<sup>4</sup>

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<sup>4</sup>The authors studied parent handbooks from several states and cities to help in writing this section. We are especially grateful for the work done by the Allegheny County Department of Human Services in Pennsylvania and the New York City Administration for Children's Services. Parent handbooks from these agencies included sections on parents' rights.

## Nancy's Voice

I am the parent. I want the agency worker to know that this means I have certain rights. I know that it means I have certain responsibilities also. My major piece of advice—hard as it is sometimes—is to try to make the agency worker's job easier, not harder, whenever you can. I make a point of thanking her for special acts like buying my son his favorite candy bar. I do this even if I'm also frustrated by other decisions she is making. I try not to complain about little things—like an appointment having to be changed—as long as it is obvious that she is working as hard as she can. I give her information (insurance information, for example). I make calls to school personnel and others. Then I tell her what I find out. This can help her out. It also helps my child and is a constant reminder that I am the parent.

### What are my rights related to service planning?

You have the right to do the following:

- participate in creating your family's and child's service plan
- sign the service plan and to have a written copy
- receive the services that are described in the plan
- be informed of the actual services your child receives
- be informed of any changes in your service plan
- ask your agency worker to coordinate your service plan with any other service plans that you or your children are involved in
- have the service plan written in your own language if English is not your first language
- review information written by the agency worker about you or your child
- have someone else present who can help you understand what is taking place and support you in advocating for yourself and your family

### What are my rights related to child protective services?

If your family is investigated by Child Protective Services, you have the right to the following:

- not to be discriminated against based on disability, age, race, sex, religion, ethnic origin, economic status, or sexual orientation
- know about the report and why an investigation is happening, but not the name of the person who made the report

- know the outcome of the investigation
- an emergency hearing if your child is moved out of your home
- have your name removed from any central registry if the complaint of abuse or neglect is unfounded (in most states, but not all)
- request in-home services to strengthen and support your family
- participate in services to help your family without admitting that the charges against you are true
- be present, bring witnesses, and have your say in all hearings about your child
- choose to have a lawyer represent you (*some, but not all*, states provide a lawyer if you cannot afford one)
- appeal an agency finding of abuse and neglect
- make a complaint or raise any concerns you might have

### What are my rights related to out-of-home placement?

If your child is removed from your home, you have the right<sup>5</sup> to the following:

- know why your child is put in out-of-home placement
- know exactly what needs to happen for your child to return home
- suggest the names of relatives who might care for your child
- have your child be placed with a relative if there is a relative who can care for him safely
- develop a visitation plan, and visit and communicate with your child regularly
- be informed about the progress your child is making or not making while in the foster care system
- be consulted and make decisions about things such as your child's religion, health care, and education
- be informed about the people and/or services involved with your child such as the school, teacher, medical doctor, dentist, and CASA
- go with your child to a medical or dental appointment
- be notified of any medical emergencies your child may have
- inform the agency worker about any problems with your child's placement
- report to the child abuse hotline if you suspect your child is being abused or neglected by the current caretaker

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<sup>5</sup>These rights are available for parents unless a judge directs or orders otherwise.

- request a voluntary placement agreement without relinquishing legal custody if your child needs placement for mental health services (see Section 6)
- insist that any voluntary placement agreement state specifically when and under what circumstances your child may come home
- receive the needed services and supports that will help your child return home
- know the exact date when your child is in foster care for 15 of the most recent 22 months (this is when the agency can request the court to terminate parental rights)
- inform the agency, your lawyer, and the court if the agency has not provided you with the services listed in your service plan
- know if and how concurrent planning (see Section 7) is being used with your child and family
- have your child return home after the conditions required by the court and your family service plan have been met.

### **What are my responsibilities as a parent involved with the child welfare system?**

You have the responsibility to do the following:

- participate in creating your family's and child's service plan
- share important information about your child
- participate in the services that are offered
- keep appointments you have agreed to
- make the agreed upon changes
- do your part in helping your child return home (if that is the goal)
- visit and communicate with your child as agreed upon
- participate in your child's care as agreed upon
- stay in contact with the agency worker
- provide information about your progress and changes in your life
- communicate any concerns that you have to the agency worker or your lawyer

## What are the rights of my child or youth in foster care?<sup>6</sup>

If your child is in foster care, he has the right to the following:

- be treated with dignity and respect
- live in a home that is safe, healthy, nurturing, and comfortable
- care that is age, developmentally, and culturally appropriate
- adequate food, shelter, and clothing
- a thorough assessment of his strengths and needs
- practice his own religion (attend church, mosque, temple, or other religious services)
- participate in plans for his own well-being and his future
- be accepted and treated like a family member by foster parents
- be free from abuse
- have regular and appropriate health care and prompt treatment for any illness or physical, emotional or developmental disability
- talk to a counselor or therapist if he wants or needs to
- have an appropriate educational placement and any assistance needed to succeed
- learn and develop independent living skills
- visit his siblings, parents, and other family members (unless a court has ordered otherwise)
- have regular contact with his agency worker in private
- have a lawyer who will represent his rights and interests in court
- have confidentiality (information can be shared with people who need to know about your child/youth in order to provide him with care and services)

### Practical Tips for Families

- ✓ Find out from your agency worker what your specific rights and responsibilities are in the area where you live. Many states and local agencies have these written down, so ask if you can get a copy. If English is not your first language, ask for the document to be translated or for an interpreter to be present.
- ✓ If you believe that your rights or the rights of your child are not being respected, you can talk with your agency worker or the agency worker's supervisor about this.

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<sup>6</sup>These youth rights were adapted from a list developed by the National Center for Youth Law.

