



**CHILDREN'S LAW CENTER
OF MINNESOTA**

KNOWING YOUR RIGHTS

A HANDBOOK FOR YOUTH IN FOSTER CARE

INFORM



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The Purpose of this handbook

This handbook is designed for youth and young adults 10 to 21 years old who are in or have been in foster care under Minnesota state court jurisdiction as a Child in Need of Protection or Services (CHIPS) to help youth understand their rights and provide important information about navigating the foster care system. It is not meant for youth under tribal court jurisdiction or youth in delinquency court. Navigating the foster care system can be challenging and knowing your rights is an important step to understanding the foster care system.



Special Note

This is the sixth printing of this handbook. The information in here is meant to be a guide for youth in foster care. Please check with your lawyer about the specifics of your case.



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We would like to express our gratitude to the many foster care youth we serve for their invaluable insight and feedback.

How this handbook is organized

As a youth in foster care, you may wish to remember that while your time in the foster care system is a significant part of your life story, it's only one chapter. Your future chapters are still unwritten. Some of the people and pathways you read about in this handbook may be very familiar to you and others may not. During this time of change, we hope you find the information here helpful as you continue to write your future life story.



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Juvenile Court

For youth who live in larger counties like Ramsey and Hennepin, juvenile court often takes place in a separate smaller courthouse from the main courthouse like the Hennepin or Ramsey County Juvenile Justice Centers. In other counties, juvenile court hearings are held in the main courthouse on certain days of the week. Some hearings are held in-person at the courthouse while many hearings are held remotely on-line by Zoom.

In a juvenile court CHIPS case, the judge is responsible for making sure the health, safety, and best interests of the children before them are always considered. Safety is the most important consideration. A judge also decides if the county social services department is working hard to provide reasonable or active efforts to each family to help resolve the issues that brought the case to court, and if a child cannot return home, that a safe, stable, permanent home is identified.



Juvenile Court

You have the right to attend court and share any important information with the judge.

If you are 10 years old or older, you have the right to be represented by a lawyer in court. If you don't have a lawyer, you may need to ask for one. You can ask for a lawyer by telling your county worker, Guardian ad Litem, or the judge that you would like a lawyer to be appointed to represent you.





Hearings in Juvenile Court

If you choose to go to court, it's important to show respect to everyone involved in the hearing even if you don't agree with what they are saying to the judge. Everyone has a chance to speak, including you and your lawyer.

You will have an opportunity to speak with your lawyer before court to share what you want to happen in your case. During the hearing, your lawyer will tell the judge your wishes.

Sometimes a judge may decide there are parts of the hearing you should not hear. If this happens, the judge will politely ask you to leave the virtual or physical courtroom and then will have you come back in to explain what happened while you were gone. Your lawyer will be permitted to remain in the hearing even if you are excused.



Hearings in Juvenile Court

This is your opportunity to speak directly with the judge to explain your wishes in your own words. However, you do not have to speak if you do not want to speak, and it is okay to politely tell the judge that you would rather not talk. The judge may also ask you about school, your foster home and contact with your family. When you talk to the judge, address the judge as “Your Honor” and answer the judge’s questions honestly. If you do not understand something, it’s okay to say “Your Honor I do not understand the question” or “Your Honor, may I please talk with my lawyer for a minute?”

Please remember you will need to leave any food and gum outside the courtroom. Before entering the court room, you will also need to remove your hat and turn off your phone. You might need to wait a while for your case to be called. It may be a good idea to bring along a book to read or some homework to complete during your wait.

If your hearing is held by Zoom, a clerk of court will label your screen when you log in. Unless the judge says it’s okay, you will need to keep your screen on during the hearing. You will also need to keep the microphone off until you speak.

People Involved in Your Case



County Worker

Initially, a worker representing the county child services agency will meet with you and your family to determine if your current living situation is safe. If the worker determines staying with your parents is not safe for you, you will be placed in foster care. The worker will do their best to place you with a family member or another trusted adult you know. The worker will create an Out-of-Home Placement Plan (case plan) in collaboration with your parents. This plan outlines the necessary steps your parents must follow to ensure your safe return home. It is possible that you may be assigned new workers during your case. Your worker is required to meet with you monthly.



Guardian ad Litem

The judge will appoint you a Guardian ad Litem. The guardian's role is to make recommendations to the judge about what they believe is best for you. They will talk to you and others in your life to help make their recommendations. This individual is different from your lawyer and your county worker.



Licensing Worker

This person supports your foster home and monitors the quality of the care you receive. Depending on the type of placement you are in, you may or may not see this person. If you have any concerns about the care you are receiving in your foster home, tell your lawyer, Guardian ad Litem and county worker. You have a right to be free from harm in any foster home.



Foster Parents

Foster parents are responsible for temporarily providing you with a safe and nurturing place to stay during the court process. They are able to go to court and sometimes the judge will ask them about you. The county worker will work hard to find foster parents who are your relatives or important people in your life.

People Involved in Your Case



Relatives

In Minnesota, relatives are people related to you by blood, marriage, or adoption, or are important people in your life or your parents' lives who have lived with you or spent a lot of time with you. They may also be your foster parents. It is important to tell your lawyer who these people are since there is a preference in Minnesota for foster youth to live with relatives.



Judge

The judge is responsible for making sure the health, safety, and best interests of the children before them are always considered. Safety is the most important consideration. This means that it is the judge's job to make sure the county social services agency is doing what they are supposed to be doing to make sure you are safe and well-cared for whether you are in your home or in foster care. Overall, the judge is trying to decide what's best for you—where you will live, who will take care of you, and what kind of support your family needs. Since the judge does not know you and listens to what others say about your life, it is important for the judge to know what **you** want and need to help them make their decisions.



Attorney/Lawyer

Your attorney or lawyer is specially trained to give you advice and speak for you in court. You are not appointed a lawyer because you did something wrong, instead you are appointed a lawyer to make sure everyone at the court hearings on your case knows your wishes and concerns. Your lawyer's job is to figure out the best way to tell the judge what **you** want to happen and why the judge should agree. Your lawyer is also able to communicate your wishes and concerns to the other individuals and their lawyers in your case between court hearings. You have the right to have your own lawyer who only represents you and at times your siblings who are 10 years old and older. Your parents and Guardian ad Litem may have their own lawyers. The County Attorney represents the county social services agency where your county worker works. The County Attorney is not your lawyer.

You and Your Lawyer

The relationship between you and your lawyer is different than the relationship you will have with the other people in the foster care system.

What you and your lawyer talk about is confidential. This means your lawyer cannot tell anyone what you tell them unless you say it is OK (with only a few exceptions)

You should feel comfortable answering your lawyer's questions and asking them any questions you have about your case and your current situation.



Your lawyer's role is to tell you about your rights, responsibilities, and options in your case. If you say it is OK, your lawyer will tell the judge and the other people involved in your case about your requests, how you are doing, and what you would like to have happen in your future.



Some things your lawyer will be interested in are:



How things are going where you are living



Visits with relatives important to you that are not living with you or who you would often visit.



Questions your Lawyer may ask

How are you doing?

What are you worried about?

What makes you happy?

What is important to you?

What do you think is important for people to know about you?

Do you like where you are living? Do you have enough privacy?

Where do you want to live?

Have you seen your siblings if they are not living with you?

Are you missing any personal items?



Questions your Lawyer may ask

How is school going?

Do you have any school needs or wishes?

ex: getting help with school work or wanting to participate in extracurricular activities?

Have you seen a doctor or dentist?

What happened before child protective services became involved in your life?

Are you seeing a therapist? How is it going?

Do you want to go to therapy? Do you have a therapist you want to see?

Do you want to attend your upcoming court hearing?

When and how would you prefer your lawyer contact you?

Your Rights in Foster Care

While in foster care, you have certain rights, including the ones listed here. If you feel your rights are not being protected, talk to your lawyer about your concerns

You have the right to be safe. Your foster parents, caregivers, or other children must not physically, sexually, verbally, or emotionally abuse you. They cannot use physical punishment such as hitting, slapping, spanking, pinching, shaking, or kicking.

Your foster parents, caregivers or other children should not talk badly about you or your family. You should not be made to feel bad about yourself or your family.

You have the right to have your basic needs met (food, shelter, clothing)



You have the right to be treated as part of the family. Your foster parents should not treat you differently than their other children.



Your Rights in Foster Care

You have the right to be protected from abuse and/or neglect

You have the right to see a doctor, a dentist, and a therapist. Your county worker has the responsibility of making sure that your medical, dental, and mental health needs are met.



You have the right to attend school and stay at your school even if you move away from your current home.

Your Rights in Foster Care

Being in foster care should not impact whether you participate in extracurricular activities, such as sports or music. If you want to participate in extracurricular activities, your county worker and foster parent should work out a plan to make sure that it can happen.



You have the right to live in the least restrictive setting that will meet your needs. This may be a relative or non-relative foster home, residential treatment center and if you are 18 years or older, it may be an independent living arrangement.

Your Rights in Foster Care

You have the right to have a written out-of-home placement plan (case plan) that identifies your needs, explains how they will be met, and helps plan for your future. The plan should be explained to you by your county worker, so you understand what it means. You should also talk to your lawyer about the plan.

The case plan should explain:



Why you were placed in foster care.



What issues your family needs to work on for you to go home.



Who can help you get to school



What days your parents and/or brothers and sisters can visit you (if it is in your best interest to see them)

Your county worker should discuss this plan with you before asking you to sign it. You have the right to ask for changes to the plan. You also have the right to ask for a lawyer to help you prepare the plan.

At age 14, you also have the right to the creation of an Independent Living Plan (ILP). This plan is discussed in more detail later in this handbook.



A decorative header image featuring silhouettes of a family (two adults and two children) walking together. The silhouettes are in a light brown color against a white background. A white banner with a green circular logo is overlaid on the left side of the image.

Brothers and Sisters

You have certain right regarding your siblings.

Placement with Siblings

If you and your siblings are removed from your home, you have the right to be placed together in the same home if possible. However, if the court decides it is not in your best interest to be placed with your siblings, or if after making “reasonable or active efforts” the agency was not able to find a placement for all of you, the agency does not have to place you and your siblings together. “Reasonable efforts” means that the agency has tried to place you and your siblings together but could not find a foster home for you together. “Active efforts” requires more efforts than “reasonable efforts.”

If you have not been placed with your siblings, the agency should keep looking for a home where you can all live together. This applies to all your siblings in the case, including half-siblings, step-siblings and adopted siblings.



Brothers and Sisters

Visits & Contact with Siblings

If it is not possible for the agency, to find a home for you and your siblings to live together, the agency must set up a plan for you to be able to visit your siblings, unless the judge decides it is not in you or your siblings' best interests for you to have contact. This applies to all siblings, including half-siblings, step-sibling and adopted siblings who are placed in foster care. If you would like to maintain contact with your siblings when their case is dismissed and you will be in a separate living arrangement, ask your lawyer if it is possible to get a sibling contact agreement or court order for this contact.



Brothers and Sisters

Separation for Adoption



Unless there are special circumstances, it's best for siblings to be adopted together. If the plan is for you to be adopted into a different family than your siblings, your county worker must receive approval from the court for this to happen. When your county worker makes this request, your lawyer can tell others whether or not you agree. You have the right to a special court hearing to tell the judge if you disagree and why you disagree.

Visits/Contact with Siblings for Adopted Children



If you are adopted, you may still be able to see, talk to, or have other types of communication with your siblings. Your adoptive parent(s) can make a contact agreement with your sibling(s) so you can continue to talk to and see them. Your adoptive parent(s) and your siblings will have to agree to the contact agreement, and the agreement can be enforced by the court. The

contact agreement must be worked out and agreed to before you are adopted.

If you are not allowed to visit or have contact with your siblings, call your county worker or lawyer for more information.

Family Contact



While you are in foster care, you have the right to see your parent(s) unless the judge decides it is not in your best interest to do so. The visits may be supervised or unsupervised, depending on what the judge thinks is best.

If you don't want to see one or both of your parents, or if you have any other questions about contact with them, tell your lawyer and county worker.

If your parents' rights to you have been terminated and you are a state ward, you do not have a right to see your parent(s) unless:

- The judge signs an order at the Termination of Parental Rights (TPR) hearing saying that you can still have contact with your birth parent(s).
- The judge decides that it is in your best interest to have contact with your parent(s). A judge may allow you to talk to or see your parent(s) in a limited or special situation if such contact would not be harmful to you.



Family Contact - Parents

Visitation with Your Parents - After Adoption

If you are adopted, you may still be able to see, talk to or have other communication with your birth parents. Your adoptive parent(s) can make a contact agreement with your birth parent(s) so that you can talk to and see them. This is a written order and comes from the judge. Both your birth parent(s) and your adoptive parent(s) have to approve the agreement, and the agreement has to be worked out and agreed to before you are adopted.

Your adoptive parent(s) can make a contact agreement with your birth relatives or previous foster parents that want to have contact with you, so that you can continue to see or talk to them. Your adoptive parent(s), birth relatives, or the previous foster parents all have to agree to the communication agreement. In some situations, your birth parent(s) may also need to agree to the communication agreement between your adoptive parent(s) and the birth relatives or previous foster parents that wish to have contact with you.

If you have any questions, call your lawyer or county worker for more information.

Family Contact - Relatives

With Relatives

You have the right to visit your relatives if the judge decides that the visits are in your best interests. A “relative” is someone related to you by blood, marriage or adoption, or a person who is an important friend you have lived with or had a lot of contact with.

If you have any questions about visiting your birth relatives or previous foster parents, please call your county worker or lawyer for more information



With Relatives - After Adoption

If you are adopted, you may still be able to see, talk to, or have other communications with your birth relatives or previous foster parents. The agreement must be worked out and agreed to before you are adopted, and can be enforced by the court.

Permanency Options

You have the right to a timely permanency decision.

After being placed out of your home for six months, there will be a “permanency progress review hearing,” where the judge will learn about how your parent(s) have been doing in fixing the problems that brought your case to court and what has been done to consider where you can live permanently.

The judge must start the process of deciding where you will live permanently within 12 months of when you were placed out of your home.

The judge can decide to:

- Return you to a parent, which is called “Reunification”;
- Terminate your parents’ rights and authorize adoption efforts;
- Transfer of permanent legal and physical custody of you to a relative;
- Authorize permanent custody to the county social services agency if you are age 16 or older; or
- Authorize temporary legal custody to the county social services agency to place you in foster care for a specified period of time.



Your Rights if Parental Rights have been Terminated

You are a state ward if your parents' parental rights have been terminated

As a state ward, the court will review your case every 90 days. You have the right to attend these hearings. Your input at these hearings is important so the judge understands what kind of family you think would be best for you and what you would like to see happen in your case.

If you are 14 years old or older, you must agree to an adoption before the judge can order it.

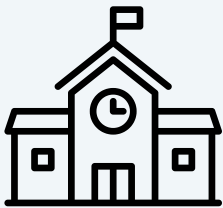




Youth Ages 14-21

Independent Living Plan (ILP)

If you are in foster care, and are 14 or older, you have the right to have an Independent Living Plan (ILP) to help you transition to adulthood. The plan is about you, and you should participate in making it. You have the right to look it over with your lawyer before you sign it. Your plan should be updated every 6 months or as your goals change. Your ILP should talk about the following goal areas, action steps to achieve your specific goals, and resources for these goals;



- Education: includes high school graduation and college, vocational, or technical school plans;



- Health Care Planning and Medical Coverage: includes understanding your health (physical, dental, vision and mental health) needs, accessing health care services and coverage and learning how to create a health care directive;



- Transportation: includes learning how to use public transportation, driver's education and help getting a driver's permit or license;



Youth Ages 14-21

Independent Living Plan (ILP)



- Employment: includes career exploration, job searches, interview tips, and job skills;



- Money Management: includes learning how to manage money, including opening a bank account, learning about your credit history, paying bills, and developing a budget;



- Housing: includes finding and maintaining a safe and stable place to live;



- Social and Recreation Skills and Cultural Activities: includes creating positive social skills and interactions, as well as participating in recreational and cultural activities;

Exploring other specific available resources, services and supports that may be available.

Credit Report

As a youth in foster care at age 14 and older, you are entitled to an annual credit report. If there are any issues or concerns found in your credit report, talk to your county worker and your lawyer



Important Documents

As you look for employment and plan your future, you will need a variety of documents. These documents include;

- social security card,
- green card or visa, if applicable,
- certified copy of your birth certificate, and state ID or driver's license.



You will also need your school records to make sure your credits are current and you have passed your standardized tests. When you are 18 years old, you will also need:

- medical and dental records,
- a contact list for healthcare providers, and
- an insurance card.

Young Adults



The State of Minnesota offers financial assistance to current and former foster care youth up to the age of 26 who wish to enroll in college or attend a vocational training program.

Education and Training Voucher Program (ETV) provides current and former foster care youth with up to 5,000 per year for post-secondary schooling. Funds can be used toward tuition or other costs related to post-secondary education (e.g., books, transportation, computers, housing, living expenses, childcare).

The Fostering Independence Higher Education Grants (FIG) is a financial aid program that seeks to eliminate barriers for Minnesota students who were in the foster care system after their 13th birthday and are attending eligible Institutions in Minnesota.

As a youth in foster care, you may also qualify for scholarships. Talk to your lawyer and county worker to find out how you can learn more.

Young Adults



If you were in foster care and are completing your **FAFSA** (Free Application for Federal Student Aid) for school, talk to your current or previous county worker or lawyer if you have questions about the application.

Six months before you turn 18 years old, the county must tell you about the possibility of receiving foster care benefits until you are 21 years old. You should receive a letter. Make sure you read it and contact the person who sent it to you. If you do not receive a letter, make sure your lawyer contacts your county worker before you turn 18 years old.

Young Adults Ages 18-21

If you are currently in a foster home placement and about to turn 18 years old, you may qualify for continued foster care benefits for your housing and living expenses.

If you are over 18 years old and left your foster home placement after your 18th birthday, and wish to receive services, contact the county that last handled your case or your lawyer to see if you qualify for continued foster care benefits.

If you are a state ward and left care before or after your 18th birthday, you may also return to care if you meet (at least one of) these requirements:

- Attending high school or taking classes for a GED;
- Enrolled in college or vocational school;
- Participating in a program or activity designed to promote or remove barriers to finding a job;
- Working for at least 80 hours per month; or
- Unable to do any of the activities described above due to a medical condition.

Youth on Medical Assistance who leave foster care at the age of 18 or older qualify for free health insurance through Medical Assistance (MA) until age 26 regardless of income. This insurance offers coverage for many essential services, including check-ups, dental care, prescriptions, glasses, and counseling.



Police Involvement

If you are stopped for questioning by the police about your behavior...

Stay calm. Don't run, argue, resist, or obstruct the police. Think carefully about your words, movement, body language, and emotions. Keep your hands where police can see them. Always greet police officers as "officer." Do not talk back, raise your voice, or swear at the police officer.

Determine if you are free to go. Before answering an officer's questions, ask **"Officer, am I free to go?"** If the officer lets you leave, do so immediately. If the officer's answer is unclear, or if they ask additional questions, repeat **"Officer, am I free to go?"**

Remain silent. The only questions you need to answer are your name, address and date of birth. If you wish to remain silent, you must tell the police officer **"I do not mean to be uncooperative, but I am going to remain silent and would like an attorney with me for any questioning."** and then stay quiet.

You do not have to consent to a search of yourself or your belongings, but police may "pat down" your clothing if they suspect you have a weapon. If police detain and frisk you, you have the right to clearly state that you do NOT consent to a search. You should only *verbally* refuse; do not *physically* resist.

Let your foster care lawyer know about your contact with the police.



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