



CDSS

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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**

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ARNOLD SCHWARZENEGGER  
GOVERNOR

November 13, 2008

ALL COUNTY LETTER NO. 08-51

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS  
CHIEF PROBATION OFFICERS

SUBJECT: SOCIAL WORKER RESPONSIBILITY TO EDUCATE FOSTER  
CHILDREN ON FOSTER YOUTH PERSONAL RIGHTS

REFERENCE: ALL COUNTY LETTERS 00-58 and 02-54

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

The purpose of this All County Letter (ACL) is to remind you of the requirements regarding the responsibility of social workers to educate foster children in out-of-home care of their personal rights. Welfare and Institutions Code (W&IC) Section 16501.1(f)(4) requires the child's social worker and probation officer to inform children in out-of-home placement of their personal rights, as specified in W&IC Section 16001.9, at least once every six months, at the time of a regularly scheduled social worker or probation officer contact with the foster child. The information must be provided in an age and developmentally appropriate manner that includes an explanation of the rights of the child and addresses the child's questions and concerns in the child's primary language. An interpreter must be provided if one is needed.

The rights of children in out-of-home care and the responsibilities of the social worker with regard to these rights are found in the Manual of Policies and Procedures 31-401.5 and in 31-445.2, which incorporate by reference California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, Section 89372. W&IC Section 16001.9(a) provides that all children in foster care have the personal rights listed in this section (see enclosure). These rights are afforded to children in out-of-home care by Title 22 of the California Code of Regulations (foster family homes); Chapter 4, Article 6, Section 83072 (small family homes); Chapter 5, Article 6, Section 84072 (group homes); Chapter 7, Article 6, Section 86072 (transitional housing placement program); Chapter 5, Subchapter, Article 6, Section 84172 (community treatment facilities); Chapter 5, Subchapter 2, Article 6, Section 84272.

All County Letter No. 08-51  
Page Two

To assist the social workers in carrying out their responsibilities, the Office of the Foster Care Ombudsman (FCO) has available posters and brochures that contain the required information regarding a foster child's personal rights. Copies of the posters and brochures may be downloaded by accessing the FCO website at [www.fosteryouthhelp.ca.gov](http://www.fosteryouthhelp.ca.gov), and ordered by telephone (877) 846-1602 or email [fosteryouthhelp@dss.ca.gov](mailto:fosteryouthhelp@dss.ca.gov). Posters and brochures are available in non-English languages upon request.

If you have any questions regarding the rights of children in out-of-home care, the posters, or brochures, please contact Karen Grace-Kaho, Foster Care Ombudsman at (916) 651-6560 or toll-free at (877) 846-1602.

Sincerely,

***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division

Enclosure

c: CWDA

**Section 16001.9 of the Welfare and Institutions Code reads:**

**16001.9.** (a) It is the policy of the state that all children in foster care shall have the following rights:

- (1) To live in a safe, healthy, and comfortable home where he or she is treated with respect.
- (2) To be free from physical, sexual, emotional, or other abuse, or corporal punishment.
- (3) To receive adequate and healthy food, adequate clothing, and, for youth in group homes, an allowance.
- (4) To receive medical, dental, vision, and mental health services.
- (5) To be free of the administration of medication or chemical substances, unless authorized by a physician.
- (6) To contact family members, unless prohibited by court order, and social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.
- (7) To visit and contact brothers and sisters, unless prohibited by court order.
- (8) To contact the Community Care Licensing Division of the State Department of Social Services or the State Foster Care Ombudsperson regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.
- (9) To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.
- (10) To attend religious services and activities of his or her choice.
- (11) To maintain an emancipation bank account and manage personal income, consistent with the child's age and developmental level, unless prohibited by the case plan.
- (12) To not be locked in any room, building, or facility premises, unless placed in a community treatment facility.
- (13) To attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with the child's age and developmental level.
- (14) To work and develop job skills at an age-appropriate level, consistent with state law.
- (15) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors, and friends.
- (16) To attend Independent Living Program classes and activities if he or she meets age requirements.
- (17) To attend court hearings and speak to the judge.
- (18) To have storage space for private use.
- (19) To be involved in the development of his or her own case plan and plan for permanent placement.
- (20) To review his or her own case plan and plan for permanent placement if he or she is 12 years of age or older and in a permanent placement, and to receive information about his or her out-of-home placement and case plan, including being told of changes to the plan.
- (21) To be free from unreasonable searches of personal belongings.

(b) Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.