

THE RIGHTS OF YOUTH: YOUTH IN CARE

April 2009

WHAT DOES IT MEAN TO BE 'IN CARE'?

Being "in care" is the term generally used to refer to young people who have been placed in an alternative home for one of several reasons:



- they have been removed from the care of their parents or guardians for their safety and well-being because they are being neglected or physically, emotionally or sexually abused;
- their parents have died and there is no one else to care for them;
- their parents are temporarily unable to give them the care they need because of, say, an illness; or
- the parents of a young person have asked a child and family services agency to take over care because their child may be experiencing problems – for example, running away, abusing drugs or alcohol, or getting into trouble with the law – and the parents are needing assistance to keep the child safe.

INSIDE THIS ISSUE

1	WHAT DOES IT MEAN TO BE 'IN CARE'?
2	12 RIGHTS OF YOUTH IN CARE
4	OFFICES THAT PROTECT THE RIGHTS OF YOUTH

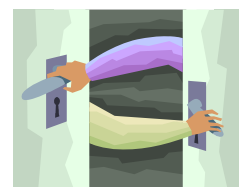
Who decides if I will be in care?

There are usually three ways a young person comes into the care of a child and family services agency. One way is through an agreement between your parents or guardian and a child and family services agency. This agreement is called a Voluntary Placement Agreement (VPA). A second way is through a guardianship order decided by the family courts. The third way is through a Voluntary Surrender of Guardianship (VSG).

1. Voluntary Placement Agreement (VPA): When a family is experiencing difficulties in caring for a young person, they can ask a child and family services agency for help. Your parent or guardian can sign a VPA with an agency. This agreement is time-limited and allows the agency to look after you for a specific period of time. This agreement can be renewed if your family still needs assistance. Under this agreement your parent or guardian is still your legal guardian.
2. Family Court: Family court is a court that deals with family matters. This is not like criminal court. Family courts are there to help families resolve issues, and family court judges are responsible to ensure that your best interests are considered by the agency, by your parent or guardian, and by others who may be involved in your life. A judge will listen to everyone involved – you (if you are 12 years or older), your parents and the social worker, and then decide who should look after you.
3. Voluntary Surrender: This is an agreement where legal guardianship is given from the parent to the agency voluntarily.

If a VPA is not signed and the matter goes to court, a family court judge will typically make two types of orders based on evidence that the child is in need of protection:

- i) A "**Temporary Order**" of guardianship, which is made when a child and family services agency becomes your legal guardian for a temporary period of time. A temporary order gives your parent or guardian time to address the problems that resulted in you coming into care.



- ii) A **“Permanent Order”** of guardianship is made when a child and family services agency is named your legal guardian until you leave care or until you turn 18. This happens when there is no one else to care for you, or when your parents or guardian are not able to resolve the problems that brought you into care within a reasonable amount of time. Under these circumstances you become a **“permanent ward”** of the agency.

Judges also have another option. They can transfer guardianship of you to a responsible adult or adults. This is known as a **Transfer of Guardianship**. In these circumstances another responsible adult, normally a family member other than your parent, asks the court to allow you to live with them. If the judge believes that living with this person is in your “best interests,” then he or she can “transfer” guardianship from your parent to this adult.

Do I have a say in what happens to me?

As a general rule, if you are 12 years of age and over, you are legally required to go to court. You can speak to a lawyer and in some situations have a lawyer represent you. You can also take a support person of your choice with you to court if everyone is in agreement with that person’s attendance. You should speak with your child and family services social worker before you go to court, and they will help you speak to a lawyer. If you are under 12 years of age and want to have a say, talk to your social worker.



What can I do if I have questions about being in care?

If you have any questions or feel uncertain about being in care, or about where you are living while in care, it is important that you speak to your social worker. Your social worker should give you their business card with a number where you can call and talk to them when you need to. Your social worker should also give you the number to after-hours or emergency services to call if you have an emergency.

If you have concerns, you can also call the Office of the Children’s Advocate.

Will I get to see my parents, my siblings or other family while in care?

Your social worker is responsible to ensure that you can still have contact with your parents, siblings and other family members if it is considered to be in your best interests. Contact can include visits, telephone calls, letters and/or e-mails. However, your social worker must at all times ensure that you are safe, both physically and emotionally.

When in care, you and your social worker will talk about “family contact.” It is important that you speak with your social worker about who you can or cannot see, who you want to see, and how often. Once you, your worker and your parents talk and come to an agreement, your worker can make arrangements for contact.

How can I keep connected to my culture and/or religion?

After you and your family meet with a social worker and discuss how they can help, you will be told about the Authority Determination Protocol (ADP). The ADP allows families to choose which child and family services authority can and should help you. The ADP ensures that you can receive the needed services.

You have the right to continue to practice your faith and remain connected to your culture. Child and family services agencies will make every attempt to place you in a home or facility that is culturally appropriate and/or sensitive to and respectful of your background.

12 RIGHTS OF YOUTH IN CARE

(From *Voices Manitoba Youth in Care - Moving In Moving On Moving Out*)

1. You have the right to be told what your rights are.
2. You have the right to say what you think and how you feel about decisions that are being made for you and your future. You can help make decisions that are going to affect your life. If you don’t like the decisions that are being made, you have the right to contact the Children’s Advocate Office and ask them to represent you.
3. You have the right to be kept safe from harm. You should be protected from neglect, sexual abuse, physical abuse and emotional abuse.

4. You have the right to have your basic needs met regardless of where you live. This includes a right to nutritious meals, clean clothing, shelter and to have people who accept and respect you for who you are.
5. You have the right to know who your social worker is and what their phone number is. Also, you have the right to speak to your social worker on a regular basis.
6. You have the right to live in an environment that fulfills your needs; where you are listened to; respected and cared about. As well, you have the right to have your spiritual, cultural and religious beliefs accepted and respected.
7. You have the right to live in an environment where you have your own personal space and privacy. This could include not having your foster parents or group home staff going through your bedroom or your personal things unless there are safety concerns.
8. You have the right to have a written copy of your case plan. You also have the right to be involved with your case plan.



9. You have the right to have information about you kept confidential. This means that social workers and foster parents should only be discussing information about you with other people that need to know. For example, doctors, counsellors or teachers.
10. You have the right to be given the support services and counselling that is needed to help you.
11. You have the right to contact the Children's Advocate Office if your rights aren't being met. You have the right to ask the Children's Advocate Office to represent you and help you stand up for what you need.
12. If you are over the age of 12, you have the right to attend court and have your own lawyer represent what you want and need. You have the right to state what your needs are and give your opinion about decisions that are being made about you and your future.

What if I am not being properly cared for/treated while I am in care?

Talk to your social worker. If problems still remain, call the Children's Advocate Office.



How do I leave care?

How long a young person remains in care is different for everyone. Normally when you come into care a "case plan" is developed with you, your parents and your social worker. The plan outlines what needs to be done, who needs to do it, and how long everyone has to finish what they need to do so you can go home.

If you cannot return home, you can leave care if another responsible adult, usually a family member, takes over from your parent and becomes your legal guardian.

For a young person who is a permanent ward you will leave care if you are adopted.

Finally, once you turn 18 you can leave care and live on your own.

What if I need help after 18?

Usually everyone leaves care when they are 18. In special circumstances, if you are a permanent ward and if you agree, you can also stay in care up to the age of 21. Most often young people who stay in care after age 18 do so when they require special services because they have exceptional needs.

Before you turn 18, your social worker and you should plan what will happen after you leave care. Your social worker should help you get connected to any service or help you may need, such as income assistance, housing or student aid. If you are turning 18 and leaving care, talk to your social worker about what help is available to you.

You Have a Voice!

If you have any questions about being in care or just want to talk to other youth in care, you can call:

Voices Manitoba Youth in Care
929 Main Street
Winnipeg, MB
R2W 3P2
Ph: 982-4956

Voices is a youth run organization for youth in care or youth who have been in care (ages 14 to 24).

Office of the Children's Advocate

The Children's Advocate represents the rights, interests and views of children and youth who feel they are not getting the services they need from a child and family services agency or department.

An advocate is someone who speaks with you and for you. Advocacy is about supporting and helping to make sure you are heard and taken seriously.

The Office of the Children's Advocate will do its best to help you and support you whenever you have a concern. More specifically, the Advocate:

- can listen; give you information about how you can solve your situation on your own; help you say what you want to say; call someone for you and explain what you want or need; and assist you in participating in decisions that affect your life.
- may also: arrange a meeting with all the people involved and try to sort things out; work to change the system for all children and youth having the same problem; and work with the community to promote and support advocacy for all children and youth.

Information about the Office of the Children's Advocate, *The Child and Family Services Act* and *The Adoption Act* can be found on its website www.childrensadvocate.mb.ca.

Office of the Manitoba Ombudsman

The Manitoba Ombudsman investigates complaints from anyone who feels he or she has been treated unfairly by departments or agencies of the provincial or a municipal government.

There are also laws in Manitoba that require the provincial and municipal governments, school divisions, hospitals and health professionals such as doctors to respect and uphold your information access and privacy rights. The Ombudsman investigates complaints under those laws.

If you feel a decision or action of someone in government that affects you was wrong or unfair, or if you have questions about your information access and privacy rights, you may contact the Ombudsman's Office. There is an intake officer you can speak to and who will listen to you. You can discuss your complaint privately.

If your concern is something they can investigate, they will explain the process. If it is not something that they can investigate, they will try to refer you to someone who can help.

Information about the Manitoba Ombudsman Office, *The Ombudsman Act*, *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act* can be found on its website www.ombudsman.mb.ca.

OFFICES THAT PROTECT THE RIGHTS OF YOUTH

OFFICE OF THE MANITOBA OMBUDSMAN

Winnipeg

750 - 500 Portage Avenue
Winnipeg, MB R3C 3X1
Ph: 982-9130
Toll-free: 1-800-665-0531
Fax: 942-7803
www.ombudsman.mb.ca

Brandon

202 Scotia Towers
1011 Rosser Avenue
Brandon, MB R7A 0L5
Ph: 571-5151
Toll-free: 1-888-543-8230
Fax: 571-5157

OFFICE OF THE CHILDREN'S ADVOCATE

100 - 346 Portage Avenue
Winnipeg, MB R3C 0C3
Ph: 988-7440
Toll-free: 1-800-263-7146
Fax: 988-7472
www.childrensadvocate.mb.ca

MANITOBA HUMAN RIGHTS COMMISSION

Winnipeg

7th Flr-175 Hargrave Street
Winnipeg, MB R3C 3R8
Ph: 945-3007
Fax: 945-1292

Brandon

Provincial Government Building
353-340 Ninth Street
Brandon, MB R7A 6C2
Ph: 726-6261
Fax: 726-6035

The Pas

2 Flr-Otineka Mall
PO Box 2550
The Pas, MB R9A 1K5
Ph: 627-8270

TOLL-FREE: 1-888-884-8681

TTY: 1-888-897-2811

Collect calls accepted in all locations
www.manitoba.ca/hrc

The content of this publication may be subject to change. Check the websites of the Manitoba Human Rights Commission, the Children's Advocate or the Ombudsman for updates.