

TAYLOR GREENBERG + STUDENTS OF
STETSON UNIVERSITY COLLEGE OF LAW
PRESENT

KNOW YOUR RIGHTS



An informational guide for teenagers
in foster care.

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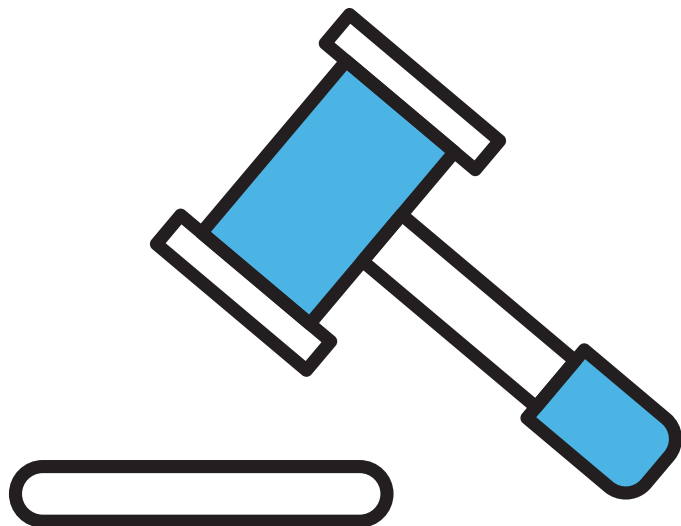
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GLOSSARY OF TERMS

Department of Children and Families (DCF) – the government agency that is responsible for caring for you while you are in foster care

Community Based Care Agency (CBC) – the agency that DCF oversees that is responsible for caring for you in your community. This agency oversees the agency your case manager works in.

** Why are there so many levels of agencies caring for you while you are in foster care? The answer to this is because Florida has what is called a "privatized foster care system." This means instead of DCF directly overseeing your care, the agency in your community does this job to better meet your needs. Ultimately, all these agencies are responsible for making sure your needs are met.*

Case manager – the person who is responsible for making sure your needs are met and providing services to you and your family (if your parents rights are not terminated). Your case manager should be visiting you at least once a month.

Guardian ad litem (GAL) – A volunteer appointed to you by the judge to stand up for your best interests. This person will also be visiting you at least once a month and will make sure your needs are being met.

Guardian ad litem attorney – This is an attorney that fights for your best interests in court.

Attorney ad litem (AAL) – Not every teen is appointed an Attorney ad litem. Under Florida Statute 39.01305 (the special needs statute), kids are appointed attorneys when one of the following apply: (1) you are in a nursing home, (2) you are prescribed psychotropic medication but do not want to take it (3) you have a developmental disability (4) you are in or are being considered for a residential treatment center, or (5) you are a victim of human trafficking. This type of attorney is considered a special needs attorney.

**If you do not have any special needs described above, you may still ask a judge for a pro bono attorney. This is an attorney that does not get paid but will represent your interests. This means they will fight for what you want, even if that is different than what your Guardian ad litem believes is in your best interest. Everything you tell your attorney is kept private.*

Children's Legal Services (CLS) Attorney – This attorney represents the state of Florida. They work under DCF and their job is to make sure you are safe.

Introduction

This booklet was made to explain your rights when you are in foster care. This booklet will also give you tips on how to stand up for yourself if your rights are being violated. When you are informed about the law, you can become your own advocate to make sure the foster care system is meeting your needs. This booklet was made by a group of dedicated law students to teach you about the laws that were made just for you. We hope this booklet helps you understand the foster care system and the rights you have while you are in it. Never stop fighting for yourself because you are your own best advocate!

The Law

Your rights are protections you get under the law. Your rights come from Florida Statutes, the Florida Administrative Code, Court decisions, and federal laws. At the bottom of each page of this booklet are footnotes. The booklet will explain your rights and provide footnotes to cite (or point to) the section of the law that gives you those rights. Footnotes look like this:¹ That way, if you want to go to the judge, your case manager, or your lawyer or Guardian ad litem if you have one, with a concern, you can show them where in the law you have a right that is not being followed.

Disclaimer

Law students created this guide to help you understand your rights, but if you think your rights are being violated you should talk to an attorney. This booklet contains information based on the law, and an attorney can help figure out if the law is not being followed. The information in this guide is here to give you general information and is not legal advice. The team of law students who created this guide worked hard to make sure the information is correct and up-to-date, but we cannot promise the information has no errors, that the law has not changed, or that the information will apply to your specific situation. If you have further questions, please contact an attorney.

¹ Footnote Example

PLACEMENT RIGHTS

INTRODUCTION

When you are taken out of your home by the Department of Children and Families, you have a right to be in a placement that meets your needs, provides you “normalcy,” and is the “least restrictive setting” available. These terms will all be explained later in this section. Read on to learn your rights when you are in a placement while in the care and custody of DCF.

Here are some terms you should be familiar with for this section:

Caregiver - Every child in foster care has a caregiver. If you are in a group home, the staff member who takes care of you and makes decisions for you is the caregiver. In a foster home, your caregiver is your foster parent.

Normalcy - While you are in custody of the DCF, you have the right to “normalcy,” meaning you have a right to have the same opportunities as other people your age. You have the right to have careers and hobbies and to participate in sports and other activities through school or clubs.

Out-of-home care - When DCF takes you from your home because there is an allegation (or, reason to believe) that you have been abused, neglected, or abandoned, you are put in out-of-home care if there is not another family member available to care for you. This is a placement that is not your home. This could be a group home, a foster family, or a residential treatment center.

Placement - This is the place where you will live while in out-of-home care. Your placement can change during your time in foster care.



NORMALCY

****Florida Statutes 409.145 and 39.4091 discuss the rights you have to normalcy****

YOU HAVE THE RIGHT TO LIVE A NORMAL LIFE LIKE OTHER TEENS YOUR AGE, NO MATTER WHAT TYPE OF PLACEMENT YOU ARE PUT IN.

What is Normalcy?

Normalcy is your right to have all the same opportunities as other kids your age. You have the right to pursue careers and hobbies. You also have the right to participate in sports and activities with your friends.

While you have the right to the same opportunities as your friends, your caregiver has to approve your activities to make sure they are appropriate. Caregivers use what is called the "reasonable and prudent parent standard" when deciding whether your activities are appropriate.

What are Considered Appropriate Activities?

Appropriate activities are activities that other kids your age do. This law was created so that kids in out-of-home care can participate in activities without waiting for an answer from a case manager, at a staffing, or at a court hearing. Basically, the law is meant to let you live as normal a life as possible and to do activities other kids your age get to do. For example, if other kids your age play sports after school, are involved in different clubs, go away to summer camp, or have sleepovers, these are all activities you should be able to ask your caregiver to do.

Does that mean I always get to do everything my friends are doing?

No! Not exactly. When considering whether an activity is appropriate or not for you, your caregiver is going to consider a lot of different things. For example, if your grades are low, your caregiver may encourage you to work with a tutor first before starting a new sport. Basically, the caregiver acts like a parent would in making decisions for you.

Who is your Caregiver?

Your caregiver is the person you were placed with. He or she must make decisions for you and make sure your needs are met. Your caregiver should encourage you to have hobbies and participate in activities.

What is the Reasonable and Prudent Parent Standard?

The reasonable and prudent parent standard is what your caregiver uses when making decisions for you. Your caregiver should be looking out for your best interests and making sure you are safe and healthy when making decisions for you. For instance, maybe you really want to go on a field trip at school, but you are coming down with a bad cold. Your caregiver could have you stay home from the field trip because you are sick because he or she is looking out for your health. However, your caregiver cannot tell you not to go on the field trip because they do not want to sign the consent form allowing you to go. Your caregiver can only deny you regular activities if it is in your best interest and he or she is acting as a “reasonable prudent parent” would when making the decision.

Does Normalcy Effect You?

Yes! Normalcy is important for many reasons. One of those reasons include that normalcy is important so you can develop life skills you need and that other teens your age are getting. Normalcy gives you the right to live a “normal” life like your other kids your age.

WHAT IS CONSIDERED “NORMAL?”

“Normal” activities are activities kids the same age are partaking. Caregivers should be involved in your decisions and activities. When caregivers use the reasonable prudent standard, they are deciding whether the activity is appropriate for you. Some appropriate activities include:

1. Extracurricular clubs
2. School and community sports
3. Youth group activities
4. Service organizations
5. Birthday parties and sleep-overs
6. Outings with peers
7. Driver's education
8. Vacations with the out-of-home caregiver's family or other families
9. School or camp field trips
10. Summer and school break camps²

²Fl. Admin. Code 65C-28.019

DETERMINING YOUR PLACEMENT

Now that you know what normalcy is, let's discuss the type of placements. You have a right to normalcy in your placement.

How do I know if I am sleeping in a place that is licensed to care for children?

A foster home, a group home, staying family or a friend of your family are all places you might spend time while you are in out-of-home care. Places that are not licensed to take children are³:

- Case management offices
- Motels
- Any other place that is not a home or group home

What if I don't have a permanent placement and my rights are being violated?

Inform your Guardian ad litem and/or attorney if you have one. If not, you should talk to the judge at your next court hearing. You have a right to be present at every court hearing because it is about you. If you do not feel like your voice is being heard in court, you can ask the judge for a Guardian ad litem or an attorney to help advocate for you. Remember to speak to the judge about what home you would like to live in.

How do I know my placement type?

Typically, you will either be placed with a relative caregiver (someone who is related to you like an aunt, uncle, grandparent, or cousin), a non-relative caregiver (someone you and your family knows but is not a family member), in a foster family, a group home, or a residential treatment facility.



³Fl. Admin. Code 65C-13.031(2)

THE PLACEMENT PROCESS

** Florida Statute 39.523 describes the process that is used to find you a placement **

Who decides where I live? And how do they decide this?

You have a right to be placed quickly, but also in a home that meets your needs. There must be an assessment completed to decide what type of placement will be best for you when a judge decides it is not safe for you to return home.

What is an Assessment?

An assessment is a process completed by people involved in your life to decide what placement is right for you. The team includes your case manager, Guardian Ad Litem and attorney if you have one, your case manager, and any other people who are available and involved in your life. The team is responsible for gathering all information about you that they know including:

- Mental, medical, and behavioral health history;
- Community ties and school placement;
- Current placement decisions relating to any siblings;
- Type of abuse or neglect including sexual abuse and trafficking history;
- Age, maturity, strengths, hobbies or activities, and where you would like to live.

After the assessment is complete, the entire team must consider all the information gathered about you and determine where the best place will be for you to live.

Does that mean I am stuck wherever I am placed?

Your placement is not a permanent decision: the law requires the placement decision be reviewed "as often as necessary" either to ensure your permanency or to address and adjust placement if a special issue comes up. Your voice is important, so if you are not happy where you are living, you should tell your case manager, your Guardian ad litem or attorney if you have one, and the judge.

What happens after the assessment is done?

After the assessment, a decision is made about where you will live. Then, a case plan is created just for you.

Why do I need a case plan?

The people who make the laws in the United States believe that children do better living with families. Because of this belief, the federal government made it the law that children who are removed from their homes should be placed in the **least restrictive, most family-like setting**. To make sure that you are placed in the least restrictive and most family-like setting the law requires that you have a **case plan**.

Your case plan includes all available information that will help those in charge of taking care of you.⁴ Here are some things that will be in your case plan:

- Names and addresses of your health, mental health, and educational providers;
- Your grades and performance in school;
- Your school records;
- A document promising that your placement was decided while considering its closeness; to the school you were enrolled in at the time of placement;
- Your immunizations (vaccines);
- All medical history, including any known problems;
- Any medications you are currently prescribed;
- Any other relevant medical or mental health information as well as any educational information available.



What else is in a case plan?

- A description of the type of placement you will be living in;
- A discussion of the safety and appropriateness of your placement;
- A plan ensuring you receive safe and proper care and services are provided;
- A description of your parents' visitation rights and obligations;
- The plan for sibling visitation if you have siblings and will be separated

Are there any other services I get being a teenager in foster care?⁵

Yes. In fact, if you are 13 years old or older, your case plan should have a description of any programs and services the State offers that would help you prepare for going from foster care to independent living. These are called "independent living services." These services help you learn how to live on your own. Some of these services could include:

- Showing you how to open a bank account;
- Offering driving classes;
- Teaching you how to manage money;
- Showing you how to cook, clean, do laundry, and other household chores

⁴Fla. Stat. sec. 39.6012(2)

⁵Fl. Admin. Code 65C-28.009

DEFINING EACH PLACEMENT

NOW I KNOW HOW I GOT HERE. A TEAM DID AN ASSESSMENT, AND THEN THEY CREATED A CASE PLAN AND PLACED ME WHERE I AM LIVING NOW. CAN YOU EXPLAIN WHAT EACH OF THE PLACEMENTS ARE?

Below is a list of placements from “least restrictive” to “most restrictive.” You have a right to live in the least restrictive setting based on your specific needs. If you have been unable to stay in a less restrictive setting like a foster family due to behavior or other needs you might have, your team may suggest you go to a more restrictive placement to provide more services. Multiple “disruptions” of less restrictive placements is an example of when the placement team may decide to find a more restrictive placement for you. A disruption is when something happened to cause you to move from where you are living. A mental health diagnosis or behavior issues are other reasons the team may look into more restrictive settings.

Least Restrictive

Living with a relative (like a grandparent, aunt, uncle, or cousin) or a non-relative (this is not a foster parent; it is someone you already know, like a close family friend) is considered the least restrictive because it is closest to what you know.

More Restrictive

Foster families are considered “more restrictive” because it takes you just a little farther away from what you know. For example, you may move to a new neighborhood and be farther from what you are used to and people and places you know.

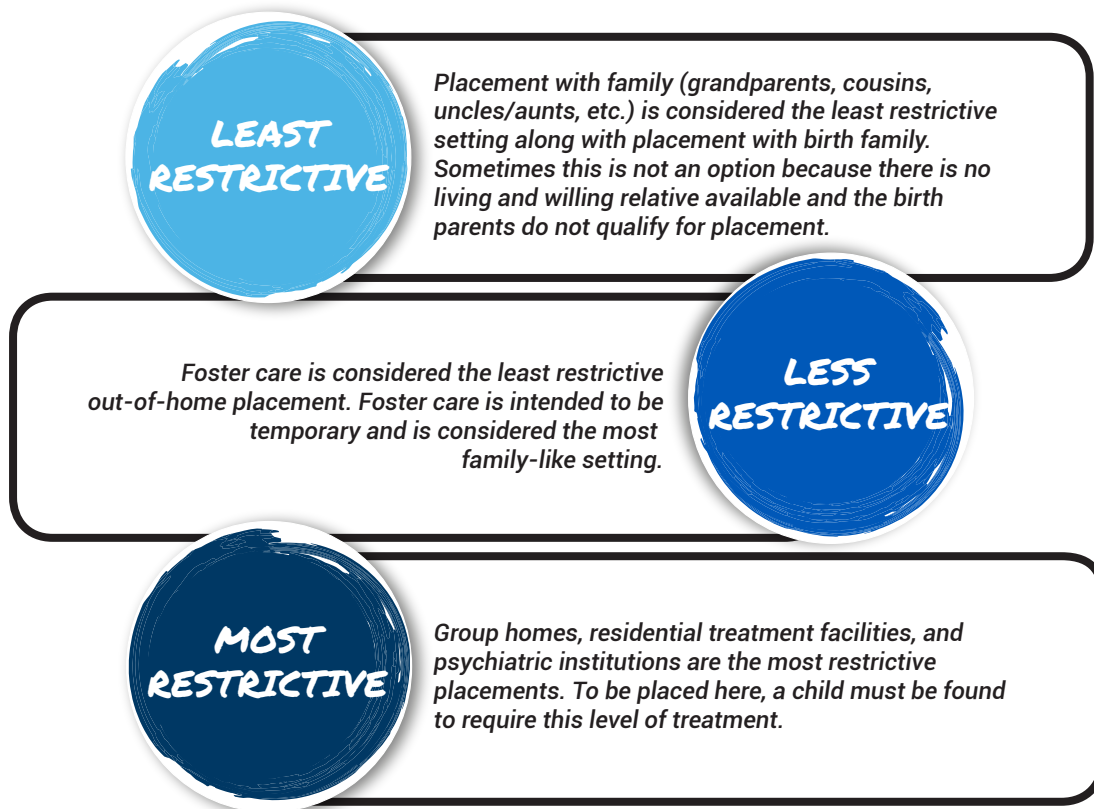
Even More Restrictive

Group homes are considered more restrictive than foster families because under federal law you have the right to live in a home that is most like a family, and a group home is less like a family than a foster home. The law says there needs to be a reason you have to be in a group home other than there are not enough foster parents. For instance, having a mental health diagnosis, having a history of disrupting placements, or having criminal charges can all be reasons you are placed in a group home.

Most Restrictive

The most restrictive placements are residential treatment facilities and Statewide Inpatient Psychiatric Institutions (also called SIPP placements). To go to one of these placements, a doctor will give you an evaluation called a "suitability assessment" and will find you need a higher level of care to get treatment for a mental health diagnosis. The judge will make sure you have an attorney and a Guardian ad litem before the decision is made about going to a residential or SIPP program. Please see the Mental Health section of this booklet for more information on this process.

In case you are still confused, here is a chart explaining the least-to-most restrictive placements.



LESS RESTRICTIVE → FOSTER CARE

There are 2 types of Foster Care Homes

1. **Traditional:** Discussed below.

2. **Therapeutic:** These are specialized foster homes that have foster parents who are trained in handling intense therapeutic services. If you have been in more than one traditional foster home and it has not worked out, your team that makes decisions on placement may look at this option to provide you with more support and services. Please see the mental health section to learn more.

** Fl. Admin. Code: 65C-13.030 discusses your rights while in a foster family **

Can my foster family punish me? What are they allowed to do as punishment?

Yes, they can. Foster parents should only discipline you with kindness and understanding. Foster parents should also only use positive methods of discipline including: praising you for good behavior, telling you when they are disappointed, taking away privileges (like playing video games or seeing friends), or grounding you.

Foster parents shall not:

- Punish you in a mean or severe way;
- Use physical punishment of any kind (hitting, kicking, punching);
- Allow another child or adult to punish you;
- Tease, threaten, or bully you;
- Restrain or lock you in an enclosure, closet, room, bathroom, or any other place;
- Threaten you with kicking you out of the home, reporting you to the police, or prohibiting visitation with family;
- Taking away food as a way of punishing you.



What kinds of food am I supposed to get at my foster home?

All foster parents must provide nutritionally balanced meals and snacks. Nutritionally balanced meals would include fruits and vegetables, protein like fish, meat, or eggs, carbohydrates which include foods like bread, rice, beans, or potatoes. You have the right to eat meals that will keep you healthy and help you grow.

What if I have to eat only certain kinds of food, or if I am allergic to foods?

Your case manager should have provided information to your foster family if you have allergies or other special needs. Foster parents should never give you food you are allergic to or cannot eat.



Who is responsible for taking me to the doctor and the dentist?

Your foster parent is responsible for taking you to your regular doctor and dentist visits. They are also supposed to take you for appointments for things such as hearing aids and glasses.

Do I get my own bed?

Yes! There are laws about sleeping arrangements and personal space. All sleeping areas must be:

- In bedrooms separate from public areas of the house (like a living room or kitchen);
- There should be space that allows for walking, personal storage, and sleeping for the number of children sleeping in the room;
- You should have your own bed that is the right size for you

Sleeping arrangements that are not allowed:

- A coach, sofa, cot, or foldaway bed to be a regular sleeping arrangement;
- A room that is only accessible through another bedroom;
- A sleeping arrangement where you would be in the same bed with anyone else;
- Sharing a room with the opposite sex unless it is to maintain a sibling group

Am I allowed to play in sports or other extra curricular activities?

Yes! You have the right to have all of the same opportunities as other friends your age under normalcy laws. Please see the *Normalcy Section*.

Can I go to a friend's house? What about sleepovers?

Yes! You have the right to do the same activities as other kids your age. For example, your foster parent should not have to request a background check on your friend's family before you have a sleepover just because you are in foster care. This is because your foster parent must act as a "reasonable and prudent parent," and most parents do not run a background check of every family their child spends the night with. However, reasonable parents may choose to meet your friend's parent before you spend the night to make sure they know where you are going. *Please see the Normalcy Section for more information.*

EVEN MORE RESTRICTIVE → GROUP HOMES

There are two types of Group homes.

1. **Traditional:** Discussed below

2. **Therapeutic:** These are special group homes that have staff who are trained in handling therapeutic services. Therapeutic services include things like managing your medications, providing counselors and extra support to you. If you have been in more than one traditional foster home or group home and it has not worked out, your team that makes decisions on placement may look at this option to provide you with more support and services. *Please see the mental health section to learn more.*

Can a group home punish me? What are they allowed to do as punishment?⁶

Each group home should have written policies of discipline and behavior management and this should be provided to you when you first arrive at the group home. Facility staff should never:

- Use physical punishment;
- Threaten, Intimidate, bully, or verbally abuse you;
- Embarrass you;
- Assign extreme exercise or work duties;
- Take away food, clothing, shelter, medical care, contact with family, case manager, or attorney;
- Discriminate or harass you because of your race, nationality, religion, gender, gender expression, sexual orientation, or disability;
- Allow bullying or harassment by another child in the home;
- Attempt to change or discourage your sexual orientation, gender identity, or gender expression

What kind of food am I supposed to be getting at a group home?

All group homes should serve three well-balanced meals a day in the morning, noon, and evening and provide snacks between meals. A well-balanced meal includes fruits and vegetables, protein like fish, meat, or eggs, carbohydrates which include foods like bread, rice, beans, or potatoes. You have the right to eat meals that will keep you healthy and help you grow. The menus must be approved by a professional dietitian (someone whose job is to make sure you are getting the healthy food you need), and the staff is supposed to eat the

⁶ Fla. Admin. Code 65C-14.021

same meals you eat. The group home should keep a list of the food they are giving you that can be reviewed by DCF⁷.

What if I have to eat only certain kinds of food, or if I am allergic to foods?

Your case manager should have provided information to the group home if you have allergies or other special needs. If you are not getting the food that you need and like to eat, contact your case manager, your Guardian ad litem or attorney if you have one, and report it to the judge at your next court hearing.

Who is responsible for taking me to the doctor and the dentist?

A group home staff member is supposed to take you to your regular doctor and dental appointments and take you to appointments for things such as hearing aids or glasses. Sometimes there is confusion about who is supposed to take you to the doctor (your case manager or the group home), but the law says the group home is responsible for doing these things⁸.

WHAT OTHER THINGS CAN I EXPECT WHEN LIVING IN A GROUP HOME?⁹

- The group home should have written information for you about community activities and services available to you. They should have transportation to activities so that you can be a part of the community.
- There should be a list of indoor and outdoor activities for you to get involved in.
- You can have chores as long as they do not get in the way of school or visits with family.
- You should have time each day for privacy.
- The group home must make sure you have all hygiene items you need and that you have access to them (like soap, razors, toothpaste, tampons, etc.)
- The group home must make sure you have all the clothing that you need.
- The group home must respect your religion (for example: if the group home goes to Church every Sunday and you do not believe in going to Church they cannot make you go.)
- The group home must give you an allowance every month and should keep a record of this in writing. *See Money section for more on allowance.*

⁷ Fla. Admin. Code 65C-14.010

⁸ Fla. Admin. Code 65C-14.014

⁹ Fla. Admin Code 65C-14.018

How many staff members should be supervising the kids in the home?

If all kids are above the age of six the, there should be one staff member for every 6 kids when you are awake, and one staff member for every 12 kids when kids are asleep.¹⁰

MOST RESTRICTIVE → RESIDENTIAL FACILITIES & SIPP

What are my rights in a residential setting or a SIPP program?

This is the most restrictive setting and the judge will order you to have both an attorney and a Guardian ad litem to advocate for you if you are going to be placed in one of these settings.

This placement is for kids who need treatment for mental health. *Please see the mental health section of this booklet for more information on this.*



¹⁰ Fla. Admin. Code 65C-14.023

MEDICAL RIGHTS

INTRODUCTION

What are Medical Rights?

Medical rights are rights that are related to your medical care. They include:

- [1] your right to all basic medical care/treatment you need (doctor's appointments, dental appointments, medication, emergency room visits, and more);
- [2] your right to have different doctors for the type of medical illnesses/conditions you have;
- [3] the medical insurance benefits you can get; and
- [4] a court order for any medical testing or procedures you may have to undergo.

What are the goals DCF has established for protecting children's medical rights in foster care?¹¹

Your health information is personal. When you come into foster care, you should be told that your health and safety is important, and the State has goals for children in foster care:

- **Have a full risk, health, educational, medical and psychological screening;**
- **Be referred to and get services,** including necessary medical, emotional, psychological, psychiatric, and educational evaluations and treatment, as soon as possible;
- **Get access to all state and federal programs,** including: Medicaid (health insurance so you can see a doctor) and other medical services for children.

Here are some terms you should be familiar with for this section:

Legal custody – this means the court gives a person (relative caregiver, foster parent, adoptive placement) or agency (in this case DCF) the right to have physical custody of the child and the right and duty to protect, nurture, guide, and discipline the child. This person must also provide the child with food, shelter, education, and **ordinary medical, dental, psychiatric, and psychological care.**¹²

¹¹ Fla. Stat. sec. 39.4085(6)-(7),(23)

¹² Fla. Stat. sec. 39.01(34) (West 2017)

Medical Consenter - A person the court says can make decisions about the medical care you need. This person may be a foster parent, a case worker/manager, a relative, or your parent.¹³ In most cases, a doctor cannot see you unless your medical consenter is there and has approved the treatment.¹⁴

This person will be able to make medical decisions for you without the court being involved unless it is a serious medical procedure (like an operation). If the procedure is serious, your medical consenter must get a court order for you to have it done.¹⁵ If you are in pain or sick it is important you let your medical consenter know right away.¹⁶

Primary Care Doctor (PCP) - A doctor you see normally to take care of your medical needs. You should receive all your basic medical care from your PCP. A caregiver can call your PCP when you are sick or if you get hurt. Seeing your PCP helps find out health problems early. This can help prevent going to the emergency room.¹⁷

Medical Specialists - Doctors who have completed more school and practice in a specific area of medicine (for instance, there are doctors that just treat heart issues, some just treat stomach issues, some treat skin issues, and more.)¹⁸

Medicaid- This is a government program that provides medical coverage (or insurance.) Any child under the care of DCF gets Medicaid benefits.¹⁹ Under Medicaid, there are different types of insurance plans. Most kids in foster care are under the insurance plan called Sunshine Health, but there are many other plans available.



¹³ Sunshine Health, Child Welfare Specialty Plan Member Handbook 7 (2017). available at [https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%20003062017%20\(003\).pdf](https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%20003062017%20(003).pdf).

¹⁴ *Id.*

¹⁵ Fla. Stat. Ann. § 984.19(2) (West 2014).

¹⁶ Sunshine Health, Child Welfare Specialty Plan Member Handbook 6 (2017). available at [https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%20003062017%20\(003\).pdf](https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%20003062017%20(003).pdf)

¹⁷ *Id.* at 28.

¹⁸ *Id.* at 34.

¹⁹ Sunshine Health, Member Resources, [Sunshinehealth.com](https://www.sunshinehealth.com/members/child-welfare-plan/member-resources.html), <https://www.sunshinehealth.com/members/child-welfare-plan/member-resources.html> (last visited March 20, 2018).

MEDICAID INFORMATION

What Medicaid insurance plan do I have?

You have the right to choose an insurance plan that meets your medical needs. Most children in foster care have the Medicaid plan called Sunshine Health, so the below information is about this insurance plan.²⁰ You have the right to choose another Medicaid insurance plan if Sunshine Health is not meeting your needs.

Where can I find the rules and benefits of my insurance?

Sunshine Health provides a member handbook which explains their policies and outlines your benefits. You can view this handbook as an online PDF at SunshineHealth.com, under the "Child Welfare Plan" link.²¹

Is there ever a time I don't need a medical consentor?

In an emergency. If you go to the ER and are in serious danger, doctors do not need your medical consentor to be there to treat you.²²

You can learn about other types of insurance plans on

www.flmedicaidmanagedcare.com



²⁰ Sunshine Health, Member Resources, Sunshinehealth.com, <https://www.sunshinehealth.com/members/child-welfare-plan/member-resources.html> (last visited March 20, 2018).

²¹ Sunshine Health, Sunshine Health Child Welfare Specialty Plan, sunshinehealth.com, <https://www.sunshinehealth.com/members/child-welfare-plan.html> (last visited March 20, 2018).

²² [https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%20003062017%20\(003\).pdf](https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%20003062017%20(003).pdf).

WHAT IS AN EMERGENCY?

- Broken bones;
- Gun or knife wounds;
- Severe chest pain or heart attack;
- You are pregnant, and in labor and/or bleeding (such as if you suspect the baby is coming or you are having a miscarriage).
- Convulsions or seizures;
- Shock (you may sweat, feel thirsty or dizzy, or have pale skin);
- Trouble breathing; or
- Suddenly unable to see, move, or speak.²³
- Drug overdose;
- Poisoning;
- Bad burns;

(This list does not include every emergency. If you have any other serious symptoms or concerns for your health, do not hesitate to go to the emergency room, and a doctor will tell you if the problem is serious enough that they can help you without your medical consentor's permission.)²⁴

I feel too sick to wait for a regular doctor's appointment, but this isn't a life-threatening emergency. What are my options?

Your caregiver can call your Primary Care Provider and see if they can give you care instructions over the phone. Your caregiver can also call the twenty-four-hour health hotline and speak to a registered nurse over the phone at 1-855-463-4100. A doctor or nurse will tell you if you need to go to an urgent care clinic or the emergency room. You or your caregiver can find one on the Sunshine Health Provider Directory.²⁵

Do I need to bring my insurance card to every appointment?

This is the doctor's choice. Some doctors will need you to bring your insurance card. Some will accept a photo of the card on your phone. Some will see you even if you only know your insurance number. To be safe, when possible, keep your insurance card with you. Take a picture of your insurance card and keep it on your phone or stored in your email in case your card is lost or damaged.

²³ *Id.* at 35.

²⁴ *Id.*

²⁵ *Id.* at 34-35.

What happens if I lose my insurance card?

Contact member services at Sunshine Health to report it lost or stolen. Members services can be reached at 1-855-463-4100.²⁶

How often should I go to the doctor's office?

Sunshine Health recommends that you visit the doctor at least once a year for a check-up,²⁷ as well as any time you have health problems like feeling sick or are in pain.²⁸



Can I get my glasses replaced if they are broken or lost?

Your insurance will cover one pair of glasses as “medically indicated.”²⁹ That means if you no longer have a pair of glasses because they are lost, broken, or your prescription has changed, you can get another pair. If only one piece is broken, they may be repaired instead of getting a new pair.

Tip: keep your old glasses when your prescription changes so that you have a back-up in case your current glasses are lost or broken. This way you won't be without any glasses when you wait for repairs, or an open appointment with your eye doctor.

Does my insurance cover birth control?

Yes. To read more about the “family planning” options available to you, see pg. 46 of the Sunshine Health Member Handbook.³⁰

I need treatment that isn't covered by my insurance. What happens now?

The Sunshine Health Child Welfare Plan covers all medically necessary treatment that isn't experimental.³¹ Your medical consenter and doctor will need to work together to request coverage of that service as medically necessary.³²

I don't feel comfortable talking to the doctor in English. What should I do?

Your insurance covers interpreter services.³³ Talk to your medical consenter about requesting an interpreter for your next appointment. An interpreter is someone who will speak to you in the language you understand to explain what the doctor is saying in English.

²⁶ *Id.* at 11.

²⁷ *Id.* at 45.

²⁸ *Id.* at 28.

²⁹ *Id.* at 22.

³⁰ *Id.* at 46.

³¹ *Id.* at 32.

³² *Id.*

³³ *Id.* at 7.

It is difficult for me and my guardian to get to my appointments. What should I do?

Your insurance offers non-emergency medical transportation services. Depending on your needs, this may include bus tokens/fare, vans, taxis, etc. In order to take advantage of this service, you must get prior approval, and contact Logisticare's customer service at 1-877-659-8420, at least 24 hours before your appointment.³⁴

My foster parent/group home manager says there isn't money to get me Tylenol/cough medicine/allergy medicine, but I feel miserable. What should I do?

Your caregiver can request an extra \$25 allowance every month for "over the counter" medical supplies which are ordered through a Sunshine Health catalogue.³⁵ You can have your caregiver obtain over the counter products such as vitamins, aspirin, birth control products, and Band-Aids by calling 1-866-577-9010 to request the covered items be mailed to you.³⁷ If you believe your guardian is unfairly withholding medical supplies from you, you should talk to your guardian ad litem or attorney if you have one, your case manager, or the judge at your next court hearing, or another trusted adult.

I think the doctor may be wrong about an illness or injury I have. What should I do?

Your insurance covers a "second opinion."³⁷ If you feel the doctor may be wrong about a problem your health, ask your medical consentor to request a second opinion. This means another doctor can see you and tell you what they think is wrong.

I don't really like my doctor, and I would like a different one. What should I do?

Your insurance allows you to change your doctor at any time, for any reason. You just have to tell them of the change.³⁸ Explain to your medical consentor what the problem is with your current doctor and ask them to find you a new one (or suggest one if you have someone in mind). They must be covered by your insurance. You can find out if they are covered by your insurance by calling Member Services at 1-855-463-4100.

³⁴ *Id.* at 37.

³⁵ *Id.* at 38.

³⁶ *Id.* at 24.

³⁷ Sunshine Health, *Child Welfare Specialty Plan Member Handbook 33* (2017), available at [https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%2003062017%20\(003\).pdf](https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%2003062017%20(003).pdf)

³⁸ *Id.* at 29.

I don't agree with a decision that my medical consenter has made for me. What should I do?

Try explaining the reasons you don't agree and listen to the reasons your medical consenter has for making their decision. You may be able to come to an agreement through talking it out. If you still have concerns after talking to your medical consenter, talk to a trusted adult who can back you up, or give you good advice. You may also want to speak to your Guardian ad litem or attorney if you have one, or the judge at your next court hearing.

I would like to change who my medical consenter is. How do I do that?

The court appoints your medical consenter.³⁹ The court can change that appointment, or your medical consenter can file a change and appoint a new consenter.⁴⁰

What happens to my insurance when I turn 18?

If you were enrolled in Medicaid (Sunshine Health) when you aged out of foster care, you qualify for Medicaid until you turn 26.⁴¹



³⁹ *Id.* at 7.

⁴⁰ *Id.*

⁴¹ Fla. Dep't of Children and Fam., Medicaid, myflfamilies.com, <http://www.myflfamilies.com/service-programs/access-florida-food-medical-assistance-cash/medicaid> (last visited March 20, 2018).

ACCESS TO MEDICAL SPECIALISTS

What are the different types of specialists I have access to?⁴²

Dermatologist: treats skin problems, including skin cancers, acne, and warts.

Gastroenterologist: treats stomach problems, including acid reflux, ulcers, and polyps or growths that occur in the large intestine.

Podiatrist: provides medical and surgical treatment to feet and ankles. They also treat fractures, dry and cracked heels, deformities, athlete's foot, sports injuries, and ingrown toenails.

Gynecologist: treats the overall health of female patients and their reproductive systems. They treat hormone imbalances, cysts, pelvic pain, urinary tract infections, sexually transmitted diseases, and premenstrual syndrome, also known as PMS. They can help you get birth control and screen you to make sure you are not at risk for cervical cancer.

Obstetrician: treats women during pregnancy and childbirth. It is very common for a doctor to specialize in both gynecology and obstetrics, making them an OB-GYN.

Ears, Nose, and Throat Doctor (ENT): treats ear, nose, and throat conditions such as ear infections, hearing problems, allergies, sinus conditions, and problems swallowing.

TO LOOK UP MORE SPECIALISTS:⁴³

Go to: <https://providersearch.sunshinehealth.com>

Step 1: Type in your location.

Step 2: Select the health network you are covered under.

Step 3: Click "detailed search." Click the "type of provider" option and scroll down to "specialist." Next, click "specialty" and select the type of specialist you are looking for.

⁴² Sunshine Health, Child Welfare Specialty Plan Member Handbook 20-25 (2017). available at [https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%20003062017%20\(003\).pdf](https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%20003062017%20(003).pdf)

⁴³ Sunshine Health, Member Resources, [sunshinehealth.com](https://www.sunshinehealth.com/members/child-welfare-plan/member-resources.html), <https://www.sunshinehealth.com/members/child-welfare-plan/member-resources.html> (last visited March 20, 2018).

Do I need a referral from my primary care doctor to make an appointment with a specialist?

No, paper referrals are not required to make an appointment with certain specialist that are covered under Sunshine Health's network of providers.⁴⁴ However, to make an appointment with a specialist who is out of your network (meaning your insurance does not cover this doctor), a referral from your primary care doctor is needed and will have to be submitted for approval to Sunshine Health.⁴⁵

ACCESS TO SEXUAL HEALTH MEDICAL SPECIALISTS

Will I be able visit a gynecologist?

Females have the right to see a gynecologist if you are having problems with your period, are sexually active, need to be tested for a sexually transmitted disease (STDs), or are interested in receiving birth control.⁴⁶ If you are under the age of 18, you need to consult with your medical consentor to schedule an appointment.⁴⁷

Will anything I discuss with my gynecologist be told to my legal guardian, case manager, or guardian ad litem?

What you discuss with the doctor is 100% confidential, meaning it will be kept private.⁴⁸

How do I get birth control?

Your gynecologist will perform an exam of your reproductive parts and can prescribe birth control, which can range from a pill you take once a day to prevent you from becoming pregnant, to a shot, or something inserted into your body. There are many different options and you can discuss them all with your doctor to figure out what is best for you. Be sure to discuss with your doctor whether you can receive contraceptives (birth control) at their medical office or have them mailed to your home.⁴⁹

⁴⁴ Sunshine Health, Child Welfare Specialty Plan Member Handbook 34 (2017). available at [https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%2003062017%20\(003\).pdf](https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%2003062017%20(003).pdf)

⁴⁵ *Id.*

⁴⁶ Sunshine Health, Child Welfare Specialty Plan Member Handbook 20 (2017). available at [https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%2003062017%20\(003\).pdf](https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%2003062017%20(003).pdf)

⁴⁷ *Id.* at 46.

⁴⁸ *Id.*

⁴⁹ *Id.*

Does Medicaid cover the cost of birth control?

Your Medicaid (health insurance) plan should cover the cost of birth control. This means you don't have to pay anything to get birth control.⁵⁰

What is not covered under Medicaid?

Medicaid does not cover the cost of condoms, or the Emergency Contraceptive Pill (also known as the "Plan B pill" or the "morning after pill.") You can get this pill at a pharmacy in an emergency to prevent unplanned pregnancy if you are not on birth control already, and the pill must be taken within 72 hours of unprotected sex for it to work.⁵¹

Is there any way to receive birth control without an adult's consent?

If you are married, are a parent, are pregnant, or your doctor believes you could suffer from health problems if unable to get birth control then you do not need permission from your parent or guardian to receive birth control.⁵²

If I am pregnant and want to terminate the pregnancy, can I have an abortion?

Unless a doctor finds that you are unable to make this decision for some reason,⁵³ you, as a teen in foster care, should be able to make the choice to have an abortion without needing consent from your legal guardian.⁵⁴ But, DCF cannot consent to an abortion on behalf of any child under their care, which means the court must order that you can get this procedure done.⁵⁵

If I decide to have an abortion, will my legal guardian be notified?

Yes, the doctor performing an abortion on anyone under the age of 18 is required to tell your parent/legal guardian about it at least 48 hours beforehand.⁵⁶ There are some reasons the doctor would not tell your legal guardian: if there is a medical emergency, if you already have a child, or if your parent/legal guardian signed a paper saying they don't need to be told about this.⁵⁷

⁵⁰ *Id.*

⁵¹ Sunshine Health, Child Welfare Specialty Plan Member Handbook 48 (2017). available at [https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%20003062017%20\(003\).pdf](https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%20003062017%20(003).pdf).

⁵² Fla. Stat. sec. 381.0051

⁵³ Fla. Stat. sec. 390.0111(3)

⁵⁴ *In re T.W.*, No. 74, 143, 1989 Fla. LEXIS 1226, at *20 (Oct. 12, 1989).

⁵⁵ Fla. Stat. sec. 984.19(2)(c)

⁵⁶ Fla. Stat. sec. 390.01114

⁵⁷ Fla. Stat. sec. 390.01114(3)(b)

Are there other ways I can have an abortion without my parent or legal guardian knowing?

Yes, you can get what is called “a judicial waiver of notice” by going to court. You must show that you are mature enough to decide to terminate your pregnancy without telling your parent/legal guardian.⁵⁸ This is something that your case manager or guardian ad litem can help with, but what you tell them will not be kept secret. You can ask the court to give you an attorney, and what you say to them is kept secret.⁵⁹

What if I want to keep the baby?

If you decide to have the baby the State and DCF will help you. You should receive medical care before the baby is born, baby care classes, birthing classes, and a safe place to live during your pregnancy and after the baby is born.⁶⁰



⁵⁸ Fla. Stat. sec 390.01114(3)(b)(1)

⁵⁹ Fla. Stat. sec. 390.01114(4)

⁶⁰ Sunshine Health, Child Welfare Specialty Plan Member Handbook 46-47 (2017). available at [https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%2003062017%20\(003\).pdf](https://www.sunshinehealth.com/content/dam/centene/Sunshine/pdfs/SH%20CWSP%20Member%20Handbook%20-%20Final%20-%2003062017%20(003).pdf).

MEDICAL TREATMENT FOR SEXUALLY TRANSMITTED DISEASES (STDs)

What is an STD?

STDs are diseases that are passed from one person to another through sexual contact. Some of the more common STDs include chlamydia, syphilis, gonorrhea, human papillomavirus (HPV), genital herpes, and HIV.

How are STDs spread?

You can get an STD by having vaginal, anal, or oral sex with someone who has an STD. STDs can be spread even if you don't have sex. Some STDs, like herpes and genital warts, are spread just by skin-to-skin contact with an infected area or sore.

Why are STDs spread so easily?

One reason STDs spread easily is because many STDs do not show symptoms for a long time. This means you could feel fine and still have an STD. Some people with STDs don't even know that they have them, and because you can't tell whether someone has an infection, you may be in danger of getting an STD if you don't use protection.

What can I do to protect myself from getting an STD?

- The only way to completely prevent STDs is to not have sex and not have any intimate contact with someone who may be infected. This means not having any vaginal, anal, or oral sex. Remember, it's okay so say "no" if you don't want to have sex.
- If you do decide to have sex, you and your partner should get tested for STDs beforehand. Condoms and dental dams can be used to help prevent STDs when having vaginal, anal, and oral sex, but they are never 100 percent guaranteed to prevent STDs. That is why it is best to get tested beforehand.

What do I do if I think I have an STD?

As noted above, females who suspect they have an STD may talk with their gynecologist. Both males and females can also speak to their primary care physician (regular doctor) about symptoms of an STD.

Do I need permission from my medical consenter or parent/legal guardian to get services/treatment for an STD?

No, you do not need permission from your medical consenter, your parent, or your legal guardian to seek testing or any treatment related to an STD.⁶¹

If I get treatment for an STD, is the doctor allowed to tell my parent/legal guardian/medical consenter.

Your doctor is not allowed to reveal any information directly to your parent, legal guardian, or medical consenter.⁶² However, doctors must report any positive STD or HIV results to the Department of Health.⁶³ DCF can request the results of any positive STD or HIV test of any child under its care, and the Department of Health must give them these results.⁶⁴

Will my doctor tell my medical consenter/parent/guardian/case manager or guardian ad litem if I have contracted an STD?

If you are seeking treatment for a sexually transmitted disease, your treatment will remain confidential (private) between you and your doctor.⁶⁵

ACCESS TO SERVICES RELATED TO SEXUAL ASSAULT

What is Sexual Assault?

Any sexual contact that you do not consent to is sexual assault. Sexual assault does not always include intercourse (sex). Sexual assault can include any contact with private body parts that you don't want, don't agree to, or are forced to do.⁶⁶



⁶¹ Fla. Stat. sec. 384.30(1)

⁶² Fla. Stat. sec. 384.30(2)

⁶³ Fla Stat. sec. 402.115

⁶⁴ *Id.*

⁶⁵ Fla. Stat. sec. 384.30

⁶⁶ Fla. Stat. sec. 39.01(71)

What is consent and how is it given?

Basically, consent must be given voluntarily, knowingly, and preferably verbally. It is your decision to decide what, if any, sexual activity is right for you. Agreeing to sexual activity (saying yes or giving consent) means that you have freely decided to engage in that activity. If you feel pressured emotionally or physically, but still go along with the act because you feel you don't have a choice or don't know how to get out of the situation, you are not giving consent.⁶⁷

What do I do if I have been sexually assaulted or believe I have been sexually assaulted?

- Call 911. Sexual assault is a serious crime and should be reported. Do not worry about getting into trouble. In these situations, the police are concerned about your health and safety.
- Go to the hospital. Do not shower, go to the bathroom, or change your clothes before you go. The doctors at the hospital and the police need to examine you to see whether you are hurt and collect any evidence from your clothing and/or body during the medical exam.

What if I don't feel comfortable calling 911 or going to the hospital?

You can call the National Sexual Assault Hotline. When you call 800-656-HOPE(4673) you will receive confidential support from a trained staff member who can help you find a local health facility that is trained to care for survivors of sexual assault.⁶⁸ A trained staff member will be able to help you talk through what happened, answer basic medical questions you may have, and provide you with information about local resources that can assist with your next steps toward healing and recovery.

Will the information I share with a staff member from the Assault Hotline always be kept confidential?

Yes, unless the staff member you speak with believes you are in danger of abuse by a parent, legal custodian, caregiver, or someone else responsible for taking care of you. In this case, the staff member must report the information.⁶⁹ This is done for your safety.

⁶⁷ Fla. Stat. sec. 39.01(7)(c)

⁶⁸ RAINN, *About the National Sexual Assault Telephone Hotline*, rainn.org, <https://www.rainn.org/about-national-sexual-assault-telephone-hotline> (last visited April 3, 2018).

⁶⁹ Fla. Stat. sec. 39.201(1)(a)

Are there other resources available for me if I have been sexually assaulted?

Yes, the following resources are available to anyone who has been sexually assaulted:

- www.911rape.org
- www.nsvrc.org
- www.rainn.org
- www.loveisrespect.org

MENTAL HEALTH RIGHTS

INTRODUCTION

What is Mental Health?

When you hear the term “mental health” you may wonder what it means and how is it different than physical conditions or illnesses. Mental health—like physical health—is something we all have. Like physical health, it can range from good to poor, and can also change over time.

Good mental health helps people form positive relationships with others, handle ups and downs, and generally enjoy life. Mental health doesn't just mean being happy all the time. Everyone experiences a range of emotions and knows what it's like to be sad, angry, afraid, or upset. However, sometimes mental health problems can lead to difficulties in controlling emotions, which can be hard for both children and adults to manage on their own.

Mental health problems can affect one's thoughts, body, feelings, and behavior. There is a wide range of mental health problems including depression, attention-deficit/hyperactivity disorder, anxiety disorders, eating disorders, schizophrenia, and conduct disorder.⁷⁰

⁷⁰ *Helping Children Understand Mental Illness*, Mental Health Assoc. of Se. Pa., available at https://www.pa-fsa.org/Portals/0/Docs/Parents/Challenging-Situations/Helping_Children_Understand_Mental_Illness.pdf; David Satcher, M.D., *Mental Health: A Report of the Surgeon General—Executive Summary*, *The INT'L J. PSYCHOSOCIAL REHABILITATION*, Vol. 31, No. 1, 5-13 (February 2000). <http://www.psychosocial.com/policy/satcher.html>

Are Mental Health Problems Common?

Yes, mental health problems are very common. Around one in five teenagers is diagnosed with a mental health disorder, making mental health problems one of the leading causes of disability among youth.⁷¹ In fact, many mental illnesses begin before adulthood with one-half of all cases of mental illness beginning by age 14, and three-fourths beginning before age 24.⁷² Foster youth often face complex health challenges. Between 40 percent and 60 percent of children in foster care have at least one mental health problem.⁷³

Learning that you have a mental health and/or substance abuse problem and need professional help can be painful or frightening. You are not alone. Your caregiver, case manager, and the qualified mental health or substance abuse professionals must work together to decide what care and treatment is best for you.

If you have not been diagnosed with a mental health problem, but have difficulty controlling your emotions, please talk to someone about seeking professional help. This is especially true if you feel any of the following symptoms:

- Having unexplained fears;
- Being very angry or irritable much of the time;
- Acting sad or hopeless;
- Feeling life is too hard to handle;
- Having thoughts of suicide or wanting to die;
- Being constantly concerned about physical problems or appearance; or
- Losing interest in things you used to enjoy.



⁷¹ Susan Wile Schwarz, *Adolescent Mental Health in the United States*, National Center for Children in Poverty, June 2009, available at http://nccp.org/publications/pdf/text_878.pdf.

⁷² *A Family Guide to Children's Mental Health Services and Supports*, Department of Children and Families State of Florida, at 4, available at <http://www.centerforchildwelfare.org/kb/mentalhealth/FamilyGuideBookDCF.pdf>.

⁷³ Nat'l Conf. of State Leg., *Health Oversight For Children And Youth In Foster Care*, NCLS (June 14, 2017), <http://www.ncsl.org/research/human-services/health-oversight-for-children-and-youth-in-foster-care.aspx>.

Here are some terms you should be familiar with for this section:

Assent - you are aware of your mental health condition and are willing to accept and work on the doctor's treatment plan.⁷⁴

Confidentiality - the right to keep what you say between you and your therapist private

Consent - understanding what you are being told, being aware of any risks and other options, and agreeing.

Examples of consent and assent:

You must first "assent" before you can "consent." For example: if you were only 1 year old, you could not "assent" to taking medicine for a cold because you are too young to understand that you are even sick. You can't "consent" to taking medicine because you don't understand if someone tells you that you are sick. However, if you were 10, you could "assent" to taking cold medicine because you can understand that coughing, sneezing, and a fever are signs of a cold. You could also understand that taking medicine would help you. You can also "consent" because you know the symptoms of a cold, you know that taking the medicine will make you feel better, and you agree to take it because of these reasons.

ACCESS TO MENTAL HEALTH SERVICES

How Do I Get Access to Mental Health Services?

Health insurance makes it possible for you to get health care when you need it. Medicaid is a government run insurance that provides medical coverage. In Florida, foster children are automatically enrolled in Medicaid and most have the insurance plan called Sunshine Health. However, there are many other Medicaid plans available and you have the right to choose your plan. *Please see the Medical Rights section for more information.*

⁷⁴Fla. Admin. Code 65C-35.001(1)

There are many therapies, services, and supports available to you. Talk to your case manager, your Guardian ad litem or attorney if you have one, and the judge if you would like to receive mental health treatment.

It is possible that you have heard the term "Comprehensive Behavioral Health Assessments" or its acronym "CBHAs." CBHAs are for children and youth who come into foster care.

What Are CBHAs?

CBHAs are a complete report of your behavioral health needs.⁷⁵

Why Are They Done?

CBHAs are used to help guide your case planning and services you might need. Services found as needs in your CBHA are then put into your case plan, and you should start these services within 30 days.⁷⁶ An example of a service you might need would be dental care, a tutor for math, or a counselor to talk to about the changes you are going through being in foster care.

Who Does the CBHA?

CBHAs must be performed by someone trained to do them. That means your regular medical doctor cannot do a CBHA. DCF will schedule your CBHA.⁷⁷

When do I get a CBHA done?

All children who are taken into state custody and placed in a licensed placement are supposed to have a CBHA performed within 30 days. Children who go to relatives or non-relative placement do not automatically have a CBHA performed. But they may still be eligible for them. If you are enrolled in Medicaid and meet the criteria you may have a CBHA performed once every 12 months.⁷⁸

Is the information in my CBHA private?

The people involved in your case like your case manager, the judge, your parents, your foster parents, and your Guardian ad litem if you have one may all view your CBHA, and it will be filed with the court.

⁷⁵Fl Admin. Code 65C-28.014.

⁷⁶*Id.*

⁷⁷*Id.*

⁷⁸*Id.*; *Comprehensive Behavioral Health Assessments ("CBHA's") For Children in State Care*, Children's Legal Services Grantees, available at <http://centerforchildwelfare.org/kb/resource/CBHA%20Memo%20by%20Childrens%20Legal%20Svcs.pdf>.

CONFIDENTIALITY RIGHTS BETWEEN YOU AND YOUR THERAPIST

If I go to therapy, does my therapist have to keep everything I say confidential?

If you are going to therapy, you have the right to invoke (use) what is called the “therapist-client confidentiality privilege.”⁷⁹ This means that anything you say to your therapist is confidential and must be kept between you and the therapist.

How do I use this right?

If you do not want DCF or your Guardian ad litem to have full access to your mental health records or the things you talk about in therapy, you must tell your therapist, case manager, and the court that you want to invoke this **privilege of confidentiality**.⁸⁰ If you want someone to talk to but don't want the court and everyone involved in your case to know the conversations you have with your therapist, you have a right to keep the conversations private.

Will confidentiality cover everything related to my mental health services and therapy?

No, DCF and your Guardian ad litem if you have one are allowed access to some information related to mental health services, but they must first file a court order asking to do so, and even then, only certain information will be given to them under the “least intrusive means.”⁸¹

What does a court consider to be the least intrusive means?

This means that before DCF or your Guardian ad litem can access any information to your mental health records, the judge will look at your records and decide what information can be given to DCF or your Guardian ad litem, and it will only be information needed to help with your case plan to provide you services.⁸² Your records can only be seen by DCF or your Guardian ad litem in the Judge's chambers, and DCF and your Guardian ad litem will not get copies to take with them.



⁷⁹ Fla. Const. art. §23; *In re T.W., A Minor*, 551 So. 2d 1186, (Fla. 1989); Fla. Stat. §90.503(1)(c)(1)-(3) (2014).

⁸⁰ Fla. Stat. sec. 90.503(1)(c)(1)-(3) (2014); *E.C. v. Guardian Ad Litem*, 867 So. 2d 1193 (Fla. 4th DCA 2004); *S.C. v. Guardian Ad Litem*, 845 So. 2d 953, 960 (Fla. 4th DCA 2003).

⁸¹ *E.C. v. Guardian Ad Litem*, 867 So. 2d 1193 (Fla. 4th DCA 2004); *S.C. v. Guardian Ad Litem*, 845 So. 2d 953, 960 (Fla. 4th DCA 2003).

⁸² *Id.*

RIGHTS INVOLVING PLACEMENT IN A RESIDENTIAL TREATMENT CENTER

What is a Residential Treatment Center?

Residential Treatment Facilities (RTF) are centers for someone to live who has a mental health diagnosis and needs to live in a place that will give them extra help to cope with their mental health diagnosis. That also means that there are rules to follow and people living in these centers are not allowed to leave when they want to. You may hear people refer to these treatment centers as "SIPP" placements.

When can DCF place me in a Residential Treatment center?

If you are in an emergency shelter situation, where you were just removed from your home, DCF can place you in a 24-hour residential facility without first getting a court order.⁸⁴ However, if you are already in foster care, DCF must get a court order before you can be placed in a residential treatment center.⁸⁵

If DCF does not need a court order to place me in a Residential Facility if I am in an emergency shelter situation, do I have any rights/protection?

Yes, even though DCF doesn't need a court order to place you in a treatment center, they must give you what is called a suitability assessment first.⁸⁶ This assessment lets DCF know if you have any mental diagnoses that you would need residential treatment.⁸⁷ After the assessment is done, the doctor who does the assessment must explain to you the results of their assessment and explain where they think you should live and why.⁸⁸ If the assessment finds that you do not need to be in residential treatment center, you will be placed somewhere else. Not everyone who has a mental health diagnosis is put into a residential treatment center. A doctor will say you need to go to a residential treatment center if your safety or the safety of others is at risk due to a mental health condition that you need help with.

⁸⁴ Fla. Stat. sec. 39.407(6)

⁸⁵ Fla. Stat. sec. 394.67(21)

⁸⁶ Fla. Stat. sec. 39.407(6)

⁸⁷ *Id.*

⁸⁸ *Id.*

Once I am placed in a residential treatment center, in an emergency shelter situation, will I stay there until my case is over?

Not necessarily. DCF must submit to both the court and to your Guardian ad litem a treatment plan for you within 10 days of placing you in a residential treatment facility and continue to submit a report every month on the progress of your treatment.⁸⁹ After the first treatment plan is submitted, the court must hold a hearing to review the suitability assessment, your placement, and any progress made on your treatment plan to decide if you should be in a residential treatment center or instead placed in a “less restrictive setting” like a foster home, with relatives, or in a group home.⁹⁰ The same hearing must happen every three months until you are no longer in a residential treatment center.⁹¹ During the hearing you can tell the Judge whether you want to be in the residential treatment center or not and why.

When do I get a treatment plan after being placed in a residential treatment facility?

Within the first 10 days of placement, the residential treatment facility’s Director must make sure that a treatment plan has been made and it must be explained to you, the Department, and your Guardian Ad Litem.⁹² Within the first 30 days the facility must review how the placement is going. They must tell DCF, in writing, whether you are being helped and if you would be better off living in less restrictive setting.⁹³ Every month, DCF must tell the Judge how you are doing.⁹⁴

Are there more protections for me if I am in the custody of DCF and my parents are working on a case plan?

Yes, DCF needs to get a court order before they can place you in a residential treatment center if you are already in out-of-home care.⁹⁵ Before DCF can get a court order there must be a suitability assessment completed by a licensed psychiatrist/psychologist.⁹⁶ This assessment lets DCF know if you have any mental health diagnoses that put your safety or the safety of others at risk and requires residential treatment placement.



⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² Fla. Stat. sec. 39.407 (6)(a)(3)(e)

⁹³ Fla. Stat. sec. 39.407(6)(a)(3)(f)

⁹⁴ Fla. Stat. sec. 39.407(6)(a)(3)(g)

⁹⁵ Fla. Stat. sec. 394.67(21)

⁹⁶ Fla. R. Juv. P. 8.350.

What happens after the suitability assessment?

Three things can happen:

- First, the psychiatrist/psychologist can recommend that a residential treatment center is not necessary.⁹⁷
- Second, the psychiatrist/psychologist can recommend residential treatment, allowing DCF to submit the results to ask the court for residential placement, then a hearing will be set for the court to determine placement.⁹⁸
- Third, the psychiatrist/psychologist can determine that you should be placed in a residential treatment center right away, allowing DCF to place you in a residential treatment until a hearing can occur, which must be within 48 hours.⁹⁹

What happens at these court emergency placement hearings?

For your protection, you will be appointed a lawyer to represent you, and the hearing may not take place without your lawyer.¹⁰⁰ You will also be appointed a GAL, if you have not already, who must be notified of the hearing.¹⁰¹ If all parties (you/your lawyer, DCF, and the GAL program) agree that a residential treatment center is appropriate, and you volunteer to go to the treatment center, the motion for placement will be granted.¹⁰² If you disagree, and don't want to be placed in a residential treatment center, your lawyer will communicate this to the court, and a hearing will be set by the court to determine placement.¹⁰³ In other words, if you do not want to be placed in a residential treatment center then you should tell your attorney and/or GAL. This does not mean you will not go to a residential treatment center, but it does mean you will have a chance to tell the judge why you don't want to go before a decision is made.

What happens at the Placement Hearing?

The court will determine if you will be placed in a residential treatment center by considering your suitability assessment, a recommendation from your GAL, and your opinion on being placed in a residential treatment center.¹⁰⁴ All parties will be able to present evidence and call witnesses, but it is DCF who must prove that you should be placed in a residential treatment center by having the psychiatrist/psychologist who did your suitability assessment speak to the Judge in Court.¹⁰⁵

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *G.T. v. DCFS*, 935 So. 2d 1245, 1252, 1253 (Fla. 1st DCA 2006).

Who determines and reviews my progress in the residential treatment facility?

Before your three months at the residential treatment facility, an evaluator who does not work at the residential treatment center must perform a review of your progress and how you have been doing based on your treatment plan.¹⁰⁶ After the first three months, the court is required to review your progress, at a hearing, every 90 days.¹⁰⁷ If the judge ever finds that residential treatment is not what is best for you, the court will order DCF to place you in the least restrictive setting that is best for your need.¹⁰⁸

PSYCHOTROPIC MEDICATION

Psychotropic Medication is defined in Florida as “any medication prescribed with the primary intent to stabilize or improve mood, mental status, behavioral symptomatology, or mental illness.”¹⁰⁹ This means, generally, any drug that affects your mind, emotions, or behavior.”¹¹⁰ Psychotropic medications affect the central nervous system and can change your behavior or perception (what you see, hear, smell, and touch.)¹¹¹ That is why it is important to know your rights about taking psychotropic medications.

What does the doctor have to explain to me about the medication?¹¹²

The doctor must fully explain to you everything about the medication he or she is prescribing you. The doctor must tell you:

- 1 The name of the medication
- 2 The reason for the medication
- 3 The signs or symptoms you should report to your caregiver
- 4 Alternative treatment options
- 5 An explanation of the reason for the treatment
- 6 How to take the medication
- 7 Side effects
- 8 Drug interactions with the medication
- 9 Possible side effects of stopping the medication
- 10 How treatment will be monitored
- 11 The doctor's plan to reduce or stop the medicine

¹⁰⁶ Fla. Stat. sec. 39.407(6)(a)(3)(g)(2)

¹⁰⁷ Fla. R. Juv. P. sec. 8.350(11)

¹⁰⁸ Fla. Stat. sec. 39.407(6)(a)(4)

¹⁰⁹ Fla. Admin. Code 65C-35.001(21)

¹¹⁰ Medical Definition of Psychotropic drug, Medicine Net, <https://www.medicinenet.com/script/main/art.asp?articlekey=30807>

¹¹¹ *Id.*

¹¹² Fla. Admin Code 65C-35.005(1)

What if I tell the doctor I don't want to be on the medication?¹¹³

The doctor must note in your medical report if you do not wish to take the medication. If you do not agree to take the medication, you will be appointed an attorney.

How do I get an attorney?

If you decline to take medication or do not assent, the court must appoint you an attorney.¹¹⁴

What must my attorney help me with?

Your attorney must provide you with a complete range of legal services.¹¹⁵ This means that you will have an attorney to help you through your entire case involving your placement in foster care, including any appeals.¹¹⁶

When is a Court order required to give me psychotropic medications?

DCF must get approval from the court to start to give or continue to give you psychotropic medications.¹¹⁷ There are a few emergency situations that DCF can give you psychotropic medications before getting the court's approval.¹¹⁸ Those emergency situations are when you are in a hospital, crisis stabilization unit, or a residential treatment facility.¹¹⁹ DCF must tell the court within three days that you are on medication in these situations. DCF must also tell the court that your doctor believes waiting to give you the medication would cause you serious harm.¹²⁰ DCF must provide the court with paperwork required to continue psychotropic medication and must include the doctor's medical report.¹²¹

Does my age matter?

Children may not consent to psychotropic medication alone, but minors 13 years or older have some additional rights. A minor 13 years or older has a "right to request, consent to and receive mental health diagnostic and evaluative services and/or outpatient crisis intervention services including, psychotherapy, group therapy, counseling, or other forms of verbal therapy provided by a mental health professional or mental health facility."¹²²

¹¹³ Fla. Admin Code 65C-35.005(2)

¹¹⁴ Fla. Admin. Code 65C-35.005(2); Fla. Stat. § 39.01305 (3)(b).

¹¹⁵ Fla. R. Juv. P. 8.231(c)

¹¹⁶ *Id.*

¹¹⁷ The motion must not be incomplete. See Fl Stat. sec. 39.407(3)(c)

¹¹⁸ Fla. Stat. sec. 39.407 (3)(e)2

¹¹⁹ *Id.*

¹²⁰ Fla. Stat. sec. 39.407(e)1.

¹²¹ *Supra*; the medical report is admissible over a hearsay exception. Fla. Stat. § 39.407(d); But see Fla. Stat. § 90.803

¹²² Fla. Stat. sec. 394.4784(1)(2)



What if I don't like my doctor or want another opinion?

A motion can be filed to get a second opinion. If the judge grants the motion, the case manager must make an appointment within one day after the court orders it. Then, the case manager has 21 days to get the second opinion of the doctor.¹²³

Do my complete health records need to be in my treatment plan?

Your health records must be part of your care plan and must be provided to you within a timely manner by your case manager.¹²⁴

Who must give me my medications?

Your caregiver is solely responsible for administering and keeping logs of your psychotropic medication use.¹²⁵

Who can give consent to give me psychotropic medications?

Under no circumstances may your protective investigator, case manager, caregiver, or staff from a Residential Treatment centers provide consent for you when you are in out-of-home care for you to be given psychotropic medication."¹²⁶ Extended family members, such as step-parents, grandparents, adult siblings, or aunts and uncles, cannot consent to you being given psychotropic medications, without a court order.¹²⁷ However, a parent can consent to you being given psychotropic medications, if their parental or custodial rights have not been terminated.¹²⁸ Without consent from a parent or an emergency situation, mentioned above, a court order is required to give you psychotropic medications.

Does my caregiver need to come with me to medical appointments about my medications?

Your caregiver's schedule must be considered when scheduling appointments about your medications.¹²⁹ Your caregiver must make every effort to attend medical appointments with you. Your caregiver must also get information about your medications, possible side effects, and provide your information to the prescriber as requested.¹³⁰ If your caregiver cannot come with you to appointments, then your case manager must go with you.

¹²³ Fla. Admin. Code 65C-35.012.

¹²⁴ Fla. Admin. Code 65C-35.002(2).

¹²⁵ Fla. Admin. Code 65C-35.011(3); Fla. Admin Code 65C-35.011(4).

¹²⁶ Fla. Admin. Code 65C-35.007(2)

¹²⁷ Fla. Stat. sec. 743.0645.

¹²⁸ Fla. Admin. Code 65C-35.007(1)

¹²⁹ Fla. Admin. Code 65C-35.004(1)

¹³⁰ *Id.*

RIGHTS FOR LGBTQ YOUTH

INTRODUCTION

LGBTQ IS AN ACRONYM THAT STANDS FOR LESBIAN, GAY, BISEXUAL, TRANSGENDER, OR QUESTIONING.

Here are some terms you should be familiar with for this section:

Lesbian, gay, and bisexual - describe a person's sexual orientation, or the romantic or emotional feelings they have towards other people.¹³¹

Lesbian - refers to women who like other women.¹³²

Gay - can refer to any person who is attracted to people of the same sex.¹³³

Bisexual - this means you are attracted to both men and women.¹³⁴

What does the term transgender mean?

Transgender refers to a person's gender identity. A transgender person's gender identity does not match the sex assigned to him or her at birth. Gender identity and sexual orientation are separate aspects of a person's identity: A transgender person may be bisexual, gay, or straight (or may identify in some other way).¹³⁵

What does "questioning" mean?

Some youth identify as questioning when they start to recognize that they may be part of the LGBT community. This does not mean that sexual orientation or gender identity is a choice.¹³⁶

¹³¹ <https://www.childwelfare.gov/pubPDFs/LGBTQyouth.pdf>

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

Now that we understand some general terms, here are some special protections under the law for youth in foster care who identify as LGBTQ:

How does the law define LGBTQ?

Gender or **gender identity** means a person's internal identification or self-image as male or female. Gender identity may or may not correspond to the gender that is listed on the person's birth certificate. The terms "male," "female," or "nonbinary" describe how a person identifies.

Gender expression refers to the way a person expresses gender through appearance, dress, grooming habits, mannerisms and other characteristics.

Sexual orientation means a person's emotional or physical attraction to members of the same gender, a different gender, or any gender.

Transgender means having a gender identity that is different than the person's gender listed on the person's birth certificate.¹³⁷

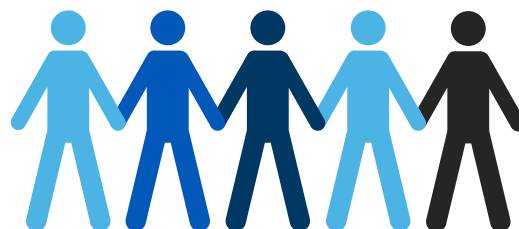
What if my placement tries to use their religion to change who I am?

Only you and your parent (unless rights have been terminated) have the right to determine your religious affiliation. If you don't want to attend a religious activity (like going to Church) with your caregiver or group home, another activity must be arranged for you.¹³⁸

Your placement cannot express negative opinions about your sexual orientation or gender identity, and they cannot use their religion to convince you to change who you are. If this is happening to you, tell your case manager, your attorney and/or Guardian ad litem if you have one, and the judge.

Can I be excluded from certain activities or services because I identify as LGBTQ?

No. The law says that you cannot be denied services based on your race, religion, gender, gender expression, sexual orientation, or transgenderism. This means that you cannot be denied a placement, certain activities, or services because you identify as LGBTQ.¹³⁹



¹³⁷ Fla. Admin. Code 65C-14.001

¹³⁸ Fla. Admin. Code 65C-14.021 (10)

¹³⁹ Fla. Admin. Code 65C-14.040 (5)

I am a transgender youth and want to be placed in a group home with the gender I identify as.

Is this possible?

Yes. For transgender youth, in determining whether the youth should be placed with their gender listed on their birth certificate or their identified gender the following factors will be considered:

- The physical safety of the transgender youth;
- The emotional well-being of the transgender youth;
- The youth's preference;
- The recommendation of the youth's guardian ad litem;
- The recommendation of the youth's parent (unless rights are terminated);
- The recommendation of the youth's case manager;
- The recommendation of the youth's therapist, if applicable.

For example: If you identify as a female and would like to be placed in a group home for girls, you should let your case manager, your attorney and/or Guardian ad litem if you have one, and the judge know. Your voice matters in this decision and you have a right to be heard.

What if my group home does not let me dress as the gender I identify as?

You should be involved in the selection and care of your personal clothing and you shall be allowed to possess and bring personal belongings with you when going to a new placement. They may limit or supervise the use of these personal items using the reasonable and prudent parent standard. (*See Normalcy Section for more information*) However, they may not restrict items based on your gender identity or expression.¹⁴⁰ This means that a group home or foster parent can have some say in your clothing choices but cannot restrict what you wear based on your gender expression.

For example: if you want to wear a shirt with inappropriate words or pictures on it, your caregiver can tell you not to wear it because they are acting as a parent would. However, they cannot tell you to not wear a certain pair of pants because "they are for boys" because that relates to your gender expression. Your gender expression is protected under the law.

What about my personal care, hygiene and grooming?

You should be provided with training in personal care, hygiene and grooming, appropriate to your gender, gender expression, culture and development.¹⁴¹

¹⁴⁰ Fla. Admin. Code 65C-14.021 (8); F.S. Section 409.145(3)

¹⁴¹ Fla. Admin. Code 65C-14.018

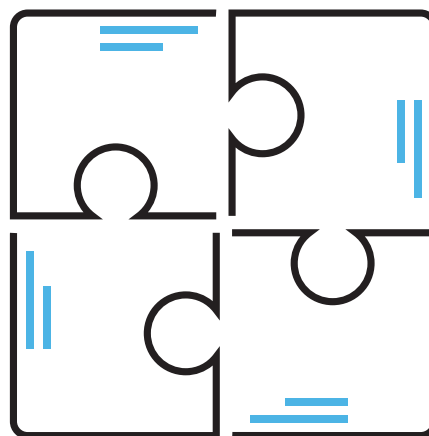
There are some staff in my placement that treat me differently and some other children harass me due to being LGBTQ, is that okay?

- It is not okay! Group home staff should NEVER engage in discriminatory treatment or harassment because of your race, national origin, religion, gender, gender expression, sexual orientation, disability, or any other characteristic.
- They shall not allow harassment or bullying of you by staff or other youth based on your race, national origin, religion, gender, gender expression, sexual orientation, disability, or any other characteristics.
- Finally, they shall not attempt to change or discourage your sexual orientation, gender identity, or gender expression.¹⁴²

The agency is required to document 40 hours of training for the group staff in the first year of employment. It is mandatory that the training include topics such as a foster child's "sexual orientation, gender identity and gender expression."¹⁴³ Group staff should be trained and sensitive to the rights of the LGBT foster child.

Can the group staff make me go to "reparative" therapy or try to "discipline" me for my status as an LGBTQ youth?

No. Neither a group home nor a foster parent can attempt to change or discourage your sexual orientation, gender identity, or gender expression.¹⁴⁴



¹⁴² Fla. Admin. Code 65C-14.021 (3)(h)-(j)

¹⁴³ Fla. Admin. Code 65C-14.023

¹⁴⁴ Fla. Admin. Code 65C-14.021 (3)(j)

MONEY RIGHTS

INTRODUCTION

This section is all about money. Some youth in foster care have special accounts that hold money for them due to a disability or having money from the death of a family member. Not all teens have these accounts, but every teen in foster care has the right to receive an allowance. Read on to learn all about money and your rights to money while in foster care.

ALLOWANCE

Foster care allowance - the money you get each month to help you learn how to spend, save, and earn (every kid in out-of-home care gets this.)¹⁴⁵

Personal allowance - an amount of money set aside from your Master Trust account for your personal needs (not every child has a Master Trust account. See below for more information on Master trust accounts.)¹⁴⁶

More on Foster Care Allowance:

The foster care allowance is important because you can learn the value and use of money. You should be given a cash allowance each month, so you can practice earning, spending, and saving. Only children in licensed out-of-home care (a foster home or a group home or a residential setting) are required to receive an allowance. If you are living with a relative or non-relative you are not entitled to receive this allowance.¹⁴⁷



¹⁴⁵ Fla Admin. Code 65C-17.002(6)

¹⁴⁶ Fla Admin. Code 65C-17.002(9)

¹⁴⁷ Fla. Admin. Code 65C-14.018(11)

Can my group home/foster parent take away my allowance as a punishment?

Your allowance CANNOT be withheld as a form of discipline or tied to your behavior or completion of chores.¹⁴⁸ A group home or foster parent may put some restrictions in place if you are not following rules, but no one is ever allowed to withhold your allowance.

What can I buy with my allowance?

You may save or spend your allowance. There could be some rules on how you spend your money. For example, you may not be allowed to buy something dangerous. You are not expected to buy hygiene items, school supplies, clothing or other necessities out of your allowance. Your foster parent, group home, or caregiver are required to purchase these items for you.¹⁴⁹

What if I am not receiving my allowance?

Your case manager should be checking with you during each home visit to verify that you received the allowance. So, if you are having any issues with receiving your allowance you should tell your case manager as soon as possible. You may also contact your Guardian ad litem or attorney if you have one to tell them you are not receiving your allowance.

How much should I be receiving for allowance?

You should be getting the same amount of foster care allowance as all other teens your age. Your foster parent or group home gets this money each month and is required to give it to you. They are also required to keep a record of when they give you your allowance.¹⁵⁰ When your case manager asks if you are receiving your monthly allowance be sure to check with them to make sure that you are getting the correct amount of allowance.

Can anyone refuse to pay my monthly allowance or require the use of my master trust funds personal allowance instead?

No, because the monthly allowance is included in the money your foster placement receives each month and a portion must be given to you.¹⁵¹ Any "personal allowance" received from your Master Trust Account is in addition to the monthly allowance. Not every child has a Master Trust. See below for more info on Master Trusts. Remember the allowance cannot be withheld for discipline or not completing chores. Inform your case manager immediately if you do not receive your monthly allowance.

¹⁴⁸ Fla. Admin. Code 65C-14.018(11)

¹⁴⁹ Fla. Admin. Code 65C-14.018(11)

¹⁵⁰ Fla. Admin. Code 65C-14.018(11)

¹⁵¹ Fla. Admin. Code 65C-17.002(6)

What if I want to do more chores to get more allowance money each month?

There is a way to ask your case manager to change the amount of your allowance.¹⁵² At each judicial review hearing, your case manager must provide you with notice to be able to change your allowance amount.¹⁵³ You will have to fill out a form called an "Application for Review of Assessed Fee or Change in Allowance." See below in the "Fee Waiver" section for a copy of the form.

I am currently in an emergency shelter or a group home, am I supposed to get allowance?

Yes. You must receive your allowance at least monthly if you are in out-of-home care. You are not expected to use allowance to purchase personal hygiene items, school supplies, clothing, or other necessities even if you are in a shelter or group home.

SOCIAL SECURITY BENEFITS

What are social security benefits?

Social security benefits are monthly payments made to you if you qualify for one of the federal social security programs including survivor benefits, OASDI benefits, SSA, SSI, and SSDI, all of which are described in more detail below.

What are Survivor Benefits?

When a person dies who was receiving money from the federal government because they were either too old or too disabled to work, their children may be able to receive their "survivor benefits".¹⁵⁴

What are "Old-Age, Survivors, and Disability Insurance" (OASDI) benefits?

OASDI benefits are like survivor benefits. The difference is that not only the children of the person who died are able to get the benefits, but also anyone else who was relying on the person receiving the benefits.¹⁵⁵



¹⁵² Fla. Admin. Code 65C-17.002(6)

¹⁵³ Fla. Admin. Code 65C-17.005(1)

¹⁵⁴ Wash. State Dep't of Soc. & Health Servs. v. Guardianship Estate of Keffeler, 537 U.S. 371, 123 S. Ct. 1017 (2003)

¹⁵⁵ *Id.*

What information can I get if I am receiving the OASDI benefits?

If you are a child receiving OASDI benefits, you can get the social security information of the person who was receiving the benefits. This can help you to have more information on the insurance benefits you should be getting. If you have gotten OASDI benefits and they are being held in trust you, you should be able to see the accounting (the amount of money in the account and how it is being used), and you must also be told how to access that money.¹⁵⁶

What are Social Security Administration (SSA) benefits?

An SSA benefit is money a child will get each month after a parent or caregiver dies. This money comes from the earnings the person who died made over their lifetime. For every check someone gets at a job, a certain amount is taken out of the check and saved by the federal government. These savings are called social security. If someone dies and his or her child is under the age of 18, they may be entitled to receive this social security money.¹⁵⁷

Am I still able to get SSA Survivor Benefits after adoption?

Yes, even after being adopted, you can still can receive benefits. The benefit amount is based on the earnings of the person who died -- the more the person paid into Social Security, the greater the child's benefits will be.¹⁵⁸

Where are my SSA Survivor Benefits funds located?

SSA funds will be held in your Master Trust. The SSA places no limit on how much money the child can accumulate from this benefit.¹⁵⁹

What are Social Security Disability (SSDI) Benefits?

You may receive SSDI benefits when an insured parent or guardian is disabled and receives SSDI herself. There is no limit to the amount child may accumulate in the master trust account.¹⁶⁰

What are Supplemental Security Income (SSI) Benefits?

SSI is a welfare program for persons who are aged, blind or disabled. Mental health diagnoses can also qualify as a disability for a child to be able to receive these benefits. For example, if you have ADHD, you may be able to get SSI benefits. Your case manager should apply

¹⁵⁶ The Social Security Act §§ 205(j) and 1631(a)(2)(A)(ii); 42 U.S.C. §§ 405(j) and 1383(a)(2)(A)(ii).

¹⁵⁷ 42 U.S.C. sec. 402(d)(1)(A)-(C)

¹⁵⁸ 42 U.S.C. sec. 402(d)(1)(H)-(G)

¹⁵⁹ Fla. Admin. Code 65C-17.002(8)

¹⁶⁰ 42 U.S.C. sec. 402(d)(1)(H)-(G)

for SSI benefits if it is believed you have a disability that qualifies.¹⁶¹

When are Survivor Benefits given out?

Survivor Benefits are paid after the death of the adult. These benefits end at age 18 for youth who have finished high school but can be paid through age 19 as long as the youth is attending high school full time. Youth who are themselves disabled may be able to have continued benefits called Childhood Disability Benefits.¹⁶²

What benefits are available for youth with disabilities?

(1) Supplemental Security Income (SSI) - youth who receive SSI as children must reapply as adults in order to continue receiving benefits after age 18. You can apply for adult SSI six months before your 18th birthday.¹⁶³

(2) Childhood Disability Benefits (CDB) - benefits for adults with disabilities whose parents are retired, dead, or have a disability that began when they were children (prior to age 22) and whose parents worked and paid social security taxes and are now either retired, dead or disabled. *Note: The amount of the CDB payment is based on how much the parent worked and paid taxes, so it may be more money than SSI. If the payment is less than the SSI monthly amount, an adult can receive both SSI and CDB payments.¹⁶⁴

What are the financial risks of accepting benefits?

If You Receive Services That Are Not Asset-Based (meaning they have nothing to do with how much money you or your parent made. Example: SS Survivor Benefits or Childhood Disability Benefits) then you do not risk losing future benefits. However, SSI is Asset-based, so if your Master Trust account goes over 2,000 dollars you could be at risk of losing this benefit.¹⁶⁵

Who is responsible for keeping up with the status of my account?

Case managers are responsible for keeping you and your family informed of the status of your account and options for using the money. Your case manager is supposed to act as a "prudent parent" in budgeting for your day-to-day needs and your future needs. Your case manager should also talk to you about what you want, and is supposed to consider your "reasonable wishes." Your case manager should also talk to your foster parents or other

¹⁶¹ 42 U.S.C. sec. 1382c(a)(3)(C) (West 2018).

¹⁶² 42 U.S.C. sec. 402(d)(1)(C)-(H) (West 2015).

¹⁶³ 42 U.S.C. sec. 1383c(c) (West 1996).

¹⁶⁴ 42 U.S.C. sec. 402(d)(1)(G) (West 2015).

¹⁶⁵ 42 U.S.C. sec. 1382(a)(1)(A) (West 2018).

caregivers about what you need.¹⁶⁶

Can the State take my money?

Money held in the Master Trust belongs to the youth, BUT the State has the Right to Take Some Money Out for Two Purposes: (1) The State can take money out to pay itself "administrative fees" such as for bank charges under Florida Statute Section 402.17(6)(b). (2) The State may also take some of the money to pay for the "cost of care" -- the amount of money actually paid for residential services (payments to the foster home or group home for your room and board).

***Note:** The State cannot take all the money you receive each month to cover the cost of care. At a minimum, it must leave at least \$15 of "personal allowance." But you have a right to fee waiver. This is a way to use your money for something else you want instead of the state paying for your "cost of care." See below for information on a fee waiver and how to get one.¹⁶⁷

SUPPLEMENTAL SECURITY INCOME FEE WAIVER

SSI is a monthly benefit that is intended to pay for the daily living expenses and needs of a person who is low income and disabled. If you are receiving SSI, your case manager is in charge of monitoring the money you get each month in an account that is called a Master Trust. Children receiving SSI usually get around 735 dollars a month, and the personal allowance taken from that amount is generally \$30 per month. This money is set aside before any other payments are made from the account for other things such as your monthly "cost of care" which is the money the state will take out of your account to pay your foster parent or group home each month. See *Master Trust* section for more information.

Fee Waiver.

A "Fee Waiver" is a way for you to request the State not to use your money to pay for your "cost of care" and instead pay for something else (or save the money as long as your account does not go over 2000 dollars.) Examples could be a sport, a laptop, clothing, or a hobby. Your "cost of care" pays for you to live at your foster placement or group home.

¹⁶⁶ Fla. Admin Code 65C-17.003(1) (West 1999).

¹⁶⁷ Fla. Admin Code 65C-17.002(9) (West 1999).

Am I able to request a Fee Waiver?

Any child in the care of DCF may ask for a fee waiver.

Who can request a Fee Waiver for me?

You can start the process to request a fee waiver by asking your case manager, attorney, or Guardian Ad Litem to help you prepare an "Application for Review of Assessed Fee or Change in Allowance." This application is attached to the Notice of Fee Assessment that you are supposed to be provided at each judicial review.

Should I wait to receive notice of my ability to request a fee waiver?

No. You can ask for a fee waiver at anytime. Your case manager must provide you with notice of your ability to ask for a fee waiver at every judicial review. The notice must also be provided to the court and your guardian ad litem, attorney, parents, foster parents, and caseworker. However, you do not have to wait until a judicial review to receive the "Notice of Fee Assessment" to begin the process.

What do I use the "Application for Review of Assessed Fee or Change in Allowance" form for?

You can use the Application to ask the state not to take some or all of the "cost of care" from your account, freeing up the money to be used for something else you want.

Reasons to Request Fee Waiver & Directions on How to Complete the Waiver Form

As you get ready to fill out the form you should think about what you need to use the money for. Your request will not be granted if you don't have a good reason. Your application should describe in detail what you plan to do with the money and why the request is important.

- Think: Do you need one lump sum of money for a one time expense (like a musical instrument or summer camp) or an increase in your monthly amount (like music lessons or club membership)?

A detailed explanation that shows you have a plan is more likely to be granted than a general or unclear request. Keep in mind the goal is to show that the money will be better served if used for the reason you are providing.

A committee of at least three people will decide whether to approve your request. When you submit your "Application For Review of Assessed Fee or Change In Allowance", you can ask to meet with the Committee so you can explain your reasons.

What if the State denies my request for a fee waiver?

If the Committee denies your request for a fee waiver or change of allowance you are entitled to file an appeal with the Division of Administrative Hearings. You are entitled to have a lawyer assist you with an appeal. The state is supposed to provide you with a list of lawyers who might be able to help you.

REASONS FOR ASKING TO KEEP MORE MONEY

Here are examples of some reasons that might support your request:

- You are a parent – so you need the money to support your child.
- You have a hobby or talent that you need financial assistance to develop – so you need the money for private music or sports lessons, summer camps, or special equipment.
- You are approaching 18 – so you need the money to get ready to live on your own, for example you need to save in order to pay rent, utility deposits, and furnish an apartment.
- You need tutoring to catch up on some subjects or to prepare for special examinations.
- You have a disability and need equipment or services not covered by Medicaid or the school.



FILLING OUT THE FORM PROPERLY

As discussed in the Q&A Section, Application for Review of Assessed Fee or Change in Allowance is the “fee waiver” form that you must use to ask the State/CBC to let you keep more money. This form can be found on the DCF website. You can ask for three different things:

- 1) Request for monthly re-assessment to a lower amount for a specific period of time.** A monthly re-assessment may be used for different reasons. First, if the current assessment is more than your actual cost of care, you should have it re-assessed to the actual amount. (For example if they are deducting the “cost of care” for a therapeutic home, but you don’t live there anymore.) Second, you should ask for a reassessment if you need access to a large sum of money every month -- for example to take care of a child. Third, you should ask for a re-assessment if you need to save money for two or more months to purchase an expensive item, such as furniture or rental deposits before you turn 18.
- 2) Request for “one time” credit of \$__.** Ask for a one-time credit is when you want to purchase a specific item or service that you cannot save for.
- 3) Request for change in allowance from \$__ per month to \$__.** Ask for a change in allowance if there is a specific amount you need every month, such as music lessons or tutoring. It is also an appropriate way to save money for a larger purchase, or to have cash on hand when you turn 18. The term allowance used here does not mean the pocket money you get every month; rather it is the money that stays in the account when your cost of care is deducted.



MASTER TRUST ACCOUNTS

What is a master trust account?

A master trust account is a way for DCF to manage your money while you are in their custody

Who has access to my master trust account?

Your case manager and members of DCF have access to your account when you receive Supplemental Security Income (SSI) benefits or Social Security benefits.

How long do I have the master trust account?

The account is closed when you age out of foster care, or are adopted, or go live with a family member.

Can I look at what is in my account?

Yes, every child has the right to look at their account's records.¹⁶⁸



Can I ask to see the fees charged to the account?

Yes, you can request to review the fees assessed to your account, and to be told of the criteria for a reduction or waiver of fees.¹⁶⁹

Can I apply for a fee waiver?

Yes, every child may apply for a fee waiver and you must be provided with notice of this at every judicial review hearing.¹⁷⁰

Do I get an allowance?

YES! There must be at least 15 dollars per month (but it is usually 30) set aside in your master trust account for your "personal allowance." You can ask for an increase in your allowance by filling out the "Application for Review of Assessed Fee or Change in Allowance."¹⁷¹ Please see the "Allowance" section for more information on this.

¹⁶⁸ CF Operating Procedure 175-59(8)(j)

¹⁶⁹ Fla. Stat. sec. 402.33(7)(a)

¹⁷⁰ Fla. Admin. Code 65C-17.002(5).

¹⁷¹ Fla. Admin. Code 65C-17.002(9).

Your Master Trust Account has different sections that holds money for different purposes. Two types of these accounts are called "current needs" and "long term needs." These are both "subaccounts."

I have a subaccount called "current needs." What are those?

Your current needs include: the cost of living at the foster home or in the foster family's home, medical expenses, personal comfort items (clothing, radio, television, books, art supplies, sports, equipment, special activity fees), transportation (to school, work, or other activities), and other approved expenses.¹⁷²

I have another subaccount in my master trust called "long term needs." What are considered long-term needs?

Your long-term needs include: education or job training (including books, testing, therapy, tutoring, fees, supplies, equipment, tools, uniforms, safety equipment, attendant care, child care, prepaid college tuition plan) and independent living expenses (security, telephone, utilities, deposits, furniture) and other approved expenses.

MONEY LIMITS

How much money can I have in my account?

The overall amount of money in the accounts cannot exceed \$2,000 if you are receiving SSI. All money in the current needs account, long term needs account, and Medicaid income trust account count toward your \$2,000 limit.

DUTIES OF CASE MANAGER AND DEPARTMENT

Who sets up the Master Trust Account?

The Community Based Care agency (CBC) directed by the case manager, establishes the trust account.¹⁷³ Your case manager will manage the money in your account.¹⁷⁴

Can the caseworker/department spend all/most of the child's money?

The department must get judge/court to approve any "extraordinary action" when spending the money in the child's account.¹⁷⁵

¹⁷² Fla. Admin. Code § 65C-17.002(3)(a-e).

¹⁷³ CF Operating Procedure 175-59(7)(a).

¹⁷⁴ CF Operating Procedure No. 175-59 (¶7).

¹⁷⁵ Fla. Stat. sec. 402.17(2)(a)

What are the reasons money can be taken out of your account?

Your case manager may withdraw money to meet your current needs, long term needs, and disability needs.¹⁷⁶ The State may also take money out of the child's account for administrative fees.¹⁷⁷ And finally, the state can take money out of your account for "cost of care" which is the cost to pay your placement each month.¹⁷⁸

Can administrative fees be taken out of my account?

The department may take money out of your account for administrative fees (including banking and investment fees, property fees, auditing fees, property management fees, or other fees approved by the department).¹⁷⁹

If my account goes above \$2,000 will I lose all of my benefits?

If you are receiving SSI, these benefits cannot be over 2000 dollars.¹⁸⁰

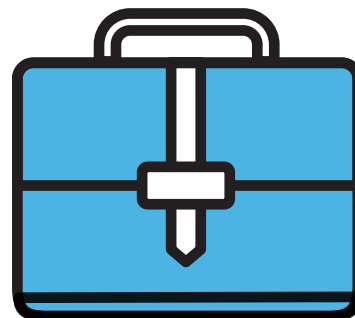
What happens if the accounts are about to reach \$2,000?

Within five days of learning the accounts have \$1,500 or more in accounts, the CBC should review the accounts, and create a 3 month plan to make sure the accounts don't reach \$2,000.¹⁸¹ The CBC should consider possible purchases, including: any medical expenses, clothing and footwear, accessories, personal comfort items (toys, hair dryer, t.v., etc.), and any education or job needs.¹⁸²

CASE MANAGERS

What does a case manager do regarding my Master Trust account?

The case manager is in charge of keeping track of your current needs account and must anticipate your needs for items in the future.¹⁸³ Case managers are also responsible for keeping you, your family, your attorney (if you have one) and your Guardian ad litem (if you have one) and your family (unless parental rights have been terminated) informed of the money in the account, and the options for using the money.¹⁸⁴



¹⁷⁶ Fla. Stat. sec. 402.17(2)(c)

¹⁷⁷ Fla. Stat. sec. 402.17(6)(b)

¹⁷⁸ Fla. Admin Code 65C-17.002(3)(a)

¹⁷⁹ CF Operating Procedure (8.)(k)(1-4)

¹⁸⁰ CF Operating Procedure (8.)(b)

¹⁸¹ CF Operating Procedure (9)(2) & (a)

¹⁸² CF Operating Procedure (9)(2)(c)(1-4).

¹⁸³ Fla. Admin. Code 65C-17.003(1).

¹⁸⁴ CF Operating Procedure 175-59 (9)(d)(2006).

Your case manager must keep you informed of all purchases from the account.¹⁸⁵

The case manager/department must inform you, your parents (if parental rights are not terminated), guardian ad litem, and attorney for any money taken out of your account over \$500.¹⁸⁶ The case manager must make sure that your most recent quarterly accounting is included at every judicial review and a copy must be given to you.¹⁸⁷

Who keeps records on the money in my Master Trust account?

The CBC office must maintain up-to-date accounting records for the Master Trust account and subaccount.¹⁸⁸

What must be included in the Master Trust account records?

The records must include (a) type of benefit payment, (b) monthly benefit amount, (c) any interest earned and any other adjustments, (d) monthly cost of care and any other withdrawals/adjustments, and (e) the current balance in each subaccount.¹⁸⁹

What happens to the money or property I might own before going into foster care?

If you had any money or property prior to going into foster care, the department or agency shall accept and administer the property in a trust, and they will be responsible for taking care of that money and property for your benefit.¹⁹⁰ You should tell your case manager right away if you have money or property when you come into the care of DCF. The judge may order an attorney to help manage your money or property.

Can I get charged for the department looking after the money or property I had before going into foster care?

The department may take money out of your account to cover administrative fees. These allowable administrative fees include: bank/investment company charges/fees (including investment counseling and management charges), independent auditing charges, property management fees, other fees/charges approved by district administrator or designee.¹⁹¹

¹⁸⁵ Fla. Admin. Code 65C-17.003(1).

¹⁸⁶ Fla. Admin. Code 65C-17.003(1).

¹⁸⁷ Fla. Admin. Code 65C-17.006(1).

¹⁸⁸ CF Operating Procedure (8.)(g.)

¹⁸⁹ CF Operating Procedure (8.)(c)(1-3).

¹⁹⁰ Fla. Stat. § 402.7(2)(a) & Fla. Admin. Code 65C-17.001

¹⁹¹ CF Operating Procedure (8.)(k)(1-4).

ADOPTED/AGING OUT/LEAVING BEFORE 18

How long must the case manager/department take care of my money?

The case manager and department must take care of your money until you are adopted, reunified, or until you turn 18.¹⁹²

How do I get my money and property once I am no longer in foster care?

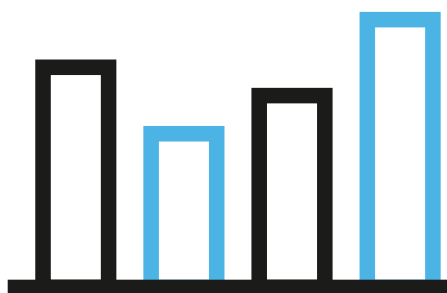
When you turn 18 your money and property must be sent to you, but if the judge doesn't order that it is transferred to you, it may be sent back to the Social Security Administration before it is then given to you.¹⁹³ This can cause a delay in receiving your money. If you leave the custody of DCF before 18 (to live with a relative, if you are adopted, or if you are reunified), DCF must notify the court and make arrangements for the money and property to be transferred to your guardian.¹⁹⁴ It is best to talk to your guardian ad litem or attorney if you have one to make sure your money will be sent to you when you leave care.

How do I receive my money if I age out of foster care?

Within 90 days after the child turns 17, the department must send you a social study report, which is supposed to include information on all of the money you have, and the department must show the child how to access these funds.¹⁹⁵

Does my attorney get to see the Master Trust records?

The records for your money and property shall be sent to your attorney if you have one, and it will be filed with the court at the child's judicial review.¹⁹⁶



¹⁹² Fla. Stat. sec. 402.17(2)(a)

¹⁹³ Fla. Stat. sec. 402.17(7)(a)

¹⁹⁴ Fla. Stat. sec. 402.17(7)(d)

¹⁹⁵ Fla. Stat. sec. 39.701(3)(a)(3)

¹⁹⁶ CF Operating Procedure (8.)(g)

INDIVIDUAL DEVELOPMENT ACCOUNTS

What is an Individual Development Account (IDA)?

An IDA is a program designed to help people save money for a specific goal. The IDA account will match any money you save to meet that specific goal. There are three goals that an IDA can be used for: first time home buying expenses, postsecondary education expenses, or qualified business expenses. This means you get FREE money if you are willing to save your money.¹⁹⁷

How do they work?

You must apply and get approved for an IDA program. Once you are approved, you create a savings account with the bank of the IDA's choosing. The IDA program creates a separate account at the same bank. Whenever you deposit money into your savings account, the IDA will deposit matching funds into their separate account.¹⁹⁸

Who runs the IDAs?

There are a wide variety of different IDAs, and they are all managed by different private organizations. They receive their funding from a variety of different sources including the federal government, state government, local government, or private donors.¹⁹⁹ Because different organizations run their own different IDAs, their rules can vary quite a lot.²⁰⁰ This means that no two IDAs are exactly the same. They can have different requirements to sign up, different matching amounts, and different restrictions. This means that it is important to find an IDA that not only will allow you to sign up, but to find one that will best fit your needs.

How much do they give me?

The amount that they match varies depending on the IDA program and what you are saving for. Sometimes they will match an amount less than \$1 for every \$1 you save. Other accounts will match up to \$8 for every \$1 you save. They will also offer bonuses for good work, or penalties for poor work. They do always have a maximum amount that they will

¹⁹⁷ Fla. Stat. sec. 445.051

¹⁹⁸ Florida Department of Economic Opportunity, Guidance Paper Welfare Transition Individual Development Accounts, AWI FG 02-027, at 6 (April 22, 2002).

¹⁹⁹ *Id.* at 7.

²⁰⁰ Department of Housing and Urban Development, Individual Development Accounts: a Vehicle for Low-Income Asset Building and Homeownership, <https://www.huduser.gov/portal/periodicals/em/fall12/highlight2.html> (Fall 2012).

match, but again, that maximum amount varies depending on the IDA. The maximum amount will usually fall between \$1,500 and \$6,000.²⁰¹

Can I deposit money into it whenever I want?

The amount of deposit and how often they must come in is determined by the IDA program.²⁰² Not making the periodic deposits can result in penalties or termination of the account.²⁰³ You can take a leave of absence in emergency situations.²⁰⁴ During this time, you do not have to make deposits until a time determined by the IDA.²⁰⁵

What's the catch?

Well, you can't spend money in the IDA freely on whatever you want. You have to get permission to spend the money in either your savings account or the separate matching account.²⁰⁶ When you do spend money from those account, you have to spend it to accomplish your specific goal.²⁰⁷ Emergency situations are an exception. You can spend money from your savings account for an emergency situation, such as a health crisis.²⁰⁸ In these situations, you can take a leave of absence from the program to allow you to handle whatever the situation may be.²⁰⁹ If you spend money from either account for a non-qualified purpose, it will terminate the account.²¹⁰ You can keep whatever money you deposited into your savings account, but the matched funds go back to the IDA organization.²¹¹

Does anything else come with an IDA?

Yes. As part of the IDA program, you are required to complete a financial education course.²¹² The course is given by the IDA organization.²¹³ Completion of the course is usually required before money can be withdrawn from the account.²¹⁴

²⁰¹ Florida Department of Economic Opportunity, Guidance Paper Welfare Transition Individual Development Accounts, AWI FG 02-027, at 15 (April 22, 2002).

²⁰² *Id.* at 2.

²⁰³ *Id.* at 20.

²⁰⁴ *Id.* at 218.

²⁰⁵ *Id.*

²⁰⁶ *Id.* at 16.

²⁰⁷ *Id.*

²⁰⁸ *Id.* at 17.

²⁰⁹ *Id.* at 18.

²¹⁰ *Id.* at 17.

²¹¹ *Id.*

²¹² *Id.* at 13.

²¹³ *Id.* at 16.

²¹⁴ *Id.* at 9.

Who qualifies for an IDA?

As usual, it depends on the IDA. IDAs have different qualifications for being accepted.²¹⁵ Usually they have requirements based on yearly income. Some of these restrictions can also be about age. Some IDAs are open to children joining while others require the applicant to be an adult.

How do I find an IDA?

IDA programs exist regionally. The first place to check is your Regional Workforce Board (RWB).²¹⁶ These RWBs are usually made up of one or several counties, so find out what RWB your county is in. Then, contact the RWB to see if they offer any IDAs. If they do not, there is still hope. Many IDAs are private and have their own websites. A quick web search can find if there are any in your county.

How do I apply?

The application process begins by getting in contact with the IDA program through a phone call or email. Once contact is made, they will tell what steps they require next. This could mean filling out forms, a personal meeting, or even an orientation.

How long does the IDA last?

They usually have a set amount of years they will be active for, or a maximum amount they will match, whichever comes first.²¹⁷ The account will also terminate when you withdraw all the funds from the accounts.²¹⁸ When the account ends, any remaining money in the matched account returns to the IDA program, so make sure to take advantage of it.²¹⁹



²¹⁵Department of Housing and Urban Development, Individual Development Accounts: a Vehicle for Low-Income Asset Building and Homeownership, <https://www.huduser.gov/portal/periodicals/em/fall12/highlight2.html> (Fall 2012).

²¹⁶Florida Department of Economic Opportunity, Guidance Paper Welfare Transition Individual Development Accounts, AWI FG 02-027, at 6 (April 22, 2002).

²¹⁷*Id.* at 15.

²¹⁸*Id.* at 19.

²¹⁹*Id.* at 20.

We hope that this guide helped you understand what some of your rights are while in foster care. We hope you use this guide to advocate for yourself and let others know when something is not right. Remember, if you think your rights are being violated and have nowhere to turn, you can always ask the judge to appoint you a lawyer. Finally, don't be afraid to stand up for yourself. You deserve to have the best possible care while you are in the custody of the state.

