

★ KNOW ★
YOUR
RIGHTS

**A REFERENCE GUIDE FOR DEPENDENT YOUTH
AND THEIR ATTORNEYS**

Originally Compiled by Wildwood Legal, PS March 2019
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YOUR SAFETY



You have the right to be safe and to be protected against abuse and neglect.

RCW 13.34.020; Braam v. Washington, 150 Wn. 2d 689,699 (2003); WAC 110-148-1520(1)

You have the right to receive services and support to meet your basic needs.

Braam v. Washington, 150 Wn. 2d 689, 700 (2003)

You have the right to be free from the use of physical restraints as a form of punishment or discipline, including:

- (a) Restriction of movement by placing pressure on joints, chest, heart, or vital organs
- (b) "Sleeper holds" i.e. holds used by law enforcement officers to subdue a person
- (c) Arm twisting
- (d) Hair holds
- (e) Strangulation or otherwise putting hands/arms around the throat
- (f) Chemical restraints, such as pepper spray

WAC 110-148-1620(2)(a-f)

If a foster parent uses a physical restraint on you as a means to keep you or someone else from getting physically injured or to prevent you from seriously damaging property, the foster parent must document what happened and notify your social worker and case manager within 48 hours! This is not something that can be kept secret.

WAC 110-148-1620(3)

You have the right to be free from physical punishment and verbally abusive, neglectful, humiliating, or frightening punishment, including:

- (a) Spanking
- (b) Cursing
- (c) Threats, humiliation, or intimidation
- (d) Locked time-out rooms
- (e) Food deprivation
- (f) Other methods that interfere with your ability to get your basic needs met (e.g. not allowing you to go to sleep or take a shower)

WAC 110-148-1615(4)

Your foster parent must allow you access to services that you need and must allow you to have contact with your social worker and lawyer.

WAC 110-148-1615(6)

YOUR FAMILY & PERMANENCY

You have the right to have your family members and “fictive kin” (close family friends or people in your life who are like family) be given preference as a placement resource if you are not already placed home with your parent or legal guardian.

RCW 13.34.130(6)

It is presumed to be in your best interest to be placed with and/or have contact with your siblings. Talk to your lawyer if you have any questions or concerns about sibling visitation or placement.

RCW 13.34.130(7)

You have the right to keep your electronic mail, personal mail, and phone calls private unless monitoring of these activities is part of a court-approved case plan.

WAC 110-148-1540(1)

You have the right to have your case reviewed by a judge at least once every 6 months.

RCW 13.34.138(1)

You have the right to a speedy resolution of your dependency.

RCW 13.34.020

You have the right to live in a safe, stable, and permanent home.

RCW 13.34.020



YOUR EDUCATION



You have the right to be supported in your academic endeavors, including transportation to/from school; being provided necessary school supplies; and being provided a suitable place to study.

WAC 110-148-1525

You have the right to remain in the same school that you attended prior to being removed from your home if it is practical and in your best interest.

RCW 13.34.130(7)

You have the right to maintain enrollment at the school you currently attend even if you have to move placements again. Ask your attorney about the McKinney-Vento Act and whether it can help you stay at your same school.

YOUR PHYSICAL NEEDS



You have a right to have your physical needs provided for, including adequate hygiene, nutritious meals and snacks, and drinking water.

WAC 110-148-1520(10)

You have the right to eat nutritionally adequate and culturally appropriate food.

WAC 110-148-1515(1),(2)

You have the right to clean, age-appropriate clothing.

WAC 110-148-1470(8)

You have the right to sleep in a clean bed that is appropriate for your size with a mattress that is in good condition. You cannot be forced to share your bed with another person.

WAC 110-148-1470(6)

You cannot be held in a detention facility just because you are a foster youth.

RCW 13.34.060(1)

YOUR HEALTH

You have the right receive regular medical, dental, and vision care. Your foster parent must ensure that you have transportation to/from all your scheduled appointments.

WAC 110-148-1550(1),(2)

You have the right to take medication that has been prescribed to you by your doctor. You do not have to take medication that has not been prescribed to you.

WAC 110-148-1590

You have the right to obtain or refuse birth control services at any age without the consent of a parent or guardian.

RCW 9.02.100(1)

You have the right to receive an abortion and any abortion-related services at any age without getting the consent of a parent, guardian, or the man responsible for the pregnancy.

RCW 9.02.100(2); State v. Koome, 84 Wn.2d 901 (1975)

You have the right to receive prenatal care at any age without the consent of a parent or guardian.

State v. Koome, 84 Wn.2d 901 (1975)

You have the right to obtain tests and/or treatment for sexually transmitted diseases without the consent of your parent or guardian if you are 14 years or older.

RCW 70.24.110

You have the right to not be placed in an in-patient mental health facility without your parents' or legal guardians' permission or the permission of the court.

RCW 13.34.320



YOUR RELIGION, CULTURE, SEXUAL ORIENTATION & GENDER IDENTITY

You have the right to be treated with dignity and respect regardless of your race, ethnicity, culture, sexual orientation, or gender identity.

WAC 110-148-1520(6)

You have the right to be connected to resources that meet your needs concerning race, religion, culture, sexual orientation, and gender identity.

WAC 110-148-1520(7)

You have the right to have your sexual orientation, gender identity and gender expression (SOGIE) supported, to be addressed by your chosen pronouns and chosen name, and to have your privacy regarding your SOGIE protected.

WAC 110-148-1520(10)

You have the right to have your religious or spiritual practices respected in your foster home. Your foster parent must provide you adequate opportunities for religious or spiritual training and participation.

WAC 110-148-1520(8)

You cannot be forced to participate in any religious or spiritual practices that are against your beliefs.

WAC 110-148-1520(8)



YOUR RIGHT TO LEGAL COUNSEL

You have the right to talk to your lawyer; your foster parent cannot keep you from speaking to your lawyer.

WAC 110-148-1615(6)

You have the right to ask the court to appoint an attorney to represent you in your dependency proceedings if you are 12 or older and do not already have an attorney. (“Appoint” means the judge orders that you get an attorney for free.) Your social worker and/or GAL must notify you of the right to make this request.

RCW 13.34.212(2)(c)

No matter how old you are, you have the right to have an attorney appointed by the court to represent you in your dependency proceedings if it has been six months since all parents' rights have been terminated and you are still in a dependency and do not already have an attorney.

RCW 13.34.212(1)(a)

By January 2027, all children who are 8 and older will have an attorney represent them in their dependency proceedings. If a petition to terminate parental rights is filed, then all children no matter their age will get an attorney. The law is already in effect in many counties across the state. You can contact crp@ocla.wa.gov to find out if the law is in effect in your county.

RCW 13.34.212(3)

The Office of Civil Legal Aid (OCLA) oversees many attorneys to make sure they practice to certain standards. Your attorney might be an attorney that OCLA oversees. If you have concerns about how your attorney is treating you or handling your case, you can contact the people at OCLA at crp@ocla.wa.gov. They might be able to help.



YOUR LAWYER'S NAME _____

YOUR LAWYER'S PHONE # _____