

Legal Rights of Foster Children, Foster Parents, Siblings and Others

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I. Introduction to the Foster Care System

II. Foster Children

a. Who makes decisions for foster children?

1. The Agency (A Social Worker)
2. The Court (A Judge)
3. The Lawyer-Court Appointed Special Advocate -Guardian ad Litem
4. The Biological Parent(s)
5. The Foster Parent(s)
6. The Foster Child

b. What are “children’s rights”?

c. Do foster children have the same, more, fewer, or different rights than other children?

d. Foster children and their participation in the court process

e. Reunification and permanency

f. Religious Issues

g. Protection against harm

h. Gender identity issues

i. Privacy

j. Clinical (medical treatment) trials

k. Special Juvenile Immigrant Status (SJIS)

III. Foster Children: Emancipation and Aging Out

a. Developing legal trends

b. Creating new rights

IV. Foster Parents

a. Contracts and agreements with the placing agency

b. Authority over foster children

c. Foster parent as advocate: The Treatment Team

d. Foster parents' rights statutes

1. Access to information

2. Right of participation

3. Other "rights"

e. Procedural rights under Adoption and Safe Families Act and analogous state laws

f. Preventing the removal of foster children: Are We Family?

g. Preferences for adoption placement

h. Special education and surrogate parents

i. Independent contractor, agent and "state actor" status

V. Siblings

a. The relationship rights of siblings

b. Judicial opinions regarding sibling's rights to a relationship with one another

c. Federal law and the U.S. Constitution

VI. Grandparents

a. *Troxel* and its impact

b. State laws regarding grandparents

c. Responding to placement opportunities in removal from home situations

d. Visiting grandchildren in foster care

e. Surrenders for adoption, termination of parental rights and adoption: Impact on grandparent's rights

VII. Relatives

a. Current state of the law regarding rights of relatives

b. State laws regarding relatives

VIII. Biological Parents

a. Visiting their children in foster care

b. Reunification

c. Participation in major decisions

d. Religious issues

e. Placement for adoption and related Issues

IX. Conclusion