Need to Know Series:

Privacy Issues for All Youth in Care

Youth In Progress

New York State Foster Care Youth Leadership Advisory Team

"The mission of Youth In Progress is to enhance and advance the lives of today's and tomorrow's youth by supporting their sense of self and responsibility. To do this, we pledge to educate everyone involved in the various systems Youth In Progress members represent, to the realities of this experience."

Privacy Issues

All youth in care have a right to privacy. You have the right to be given space that is private and to store personal things safely and securely. If your caregiver has reasonable cause to believe that you have stolen something or have something that is dangerous or illegal, your caregiver may be required to notify your caseworker or someone else at the agency. In addition, you have a right to privacy with regard to medical issues.

Privacy in Foster Homes

The following applies to all foster homes, including kinship foster homes. Caregivers must provide:

- a bedroom in which there:
  - is no one of the opposite sex sharing the room (for children over seven);
  - are no more than three people in a youth's bedroom;
  - are no caregivers/adults in a youth's bedroom (for children over three); and
- a bedroom that is not located in an unfinished attic or basement.

Privacy in Juvenile Justice Facilities

The following applies to all juvenile justice facilities. Facility case managers and community services case managers must see that the following are provided:

- a bedroom or sleeping area in which there is no one of the opposite sex sharing the room;

- good, natural lighting and ventilation with at least one window opening to the outside; and
- a bed and adequate storage space for clothes and personal belongings.

Staff are not permitted in your room unless there is an emergency, or facility searches are taking place.

In all settings, you have a right to contact your biological family members, adoptive parents or guardians, and to have privacy in doing so.

There are different kinds of placements for different youth because children, youth and families have different needs.

Differences Based on Placement Settings

Youth may be placed in:

Foster Home with Relatives:

A youth would live in the home of a relative(s) who would be the youth's foster parent(s). This is called “kinship foster care.” The relative in charge would serve as a caregiver, much like a non-relative foster parent. Caregivers set the rules for their home, including rules about privacy and privileges.

Foster Home with Non-Relative Foster Parents:

A youth would live in a family setting. The foster parents may have their own children living there as well as other foster youth/children. Individual foster parents set the rules about privacy, rights and rules in their home.

Group Home:

A group home is a placement for youth that generally has more supervision and structure than a foster home. It is a setting in the community in which there are up to 12 foster youth living together. At least one staff member is there at all times. Most of the time, youth share a bedroom with at least one other youth. There should be a place to lock up certain possessions. Youth in group homes have access to a phone and computer; however, each setting may have restrictions on the amount of time and access, as well as other rules about privacy and privileges. There are specific foster homes and group homes for youth who are pregnant, where they may receive child care instruction and assistance during pregnancy.

Residential Treatment Center:

This is a type of institution in which youth live in a cottage or other residence unit on the campus of a residential treatment center. They live with other foster youth and usually have a roommate. Residential treatment centers are generally very structured. Staff oversee who comes and goes, and youth typically need permission or an escort to leave the cottage and grounds. As youth demonstrate positive behavior and the ability to meet expectations, they earn privileges such as leaving the cottage to go places in the community, or to get a job. This is at the discretion of the agency. In a residential program, youth are assigned a social worker or youth counselor who meets with them and is available if the youth has concerns or questions about privacy. The youth can also call their county caseworker.

Youth usually start by attending a school on the grounds of the residential treatment center, but may eventually attend a public school in the school district where the residential treatment center is located. Youth have a right to call or visit with their family, although initially contact may be limited as the youth adjusts to the center. Residential treatment centers have the right to take away privileges if there is reasonable cause.

Division of Juvenile Justice and Opportunities for Youth (DJJOY) Facilities:

If you have been adjudicated by the NYS court system (criminal court or family court) and are in the custody of the NYS Office of Children and Family Services (OCFS), you may be placed in one of the following levels of care:

Secure Centers: — Secure Centers are facilities that provide the most controlled and restrictive of the residential programs operated by OCFS. Secure facilities provide intensive programming for youth requiring a highly controlled and restrictive environment. The majority of youth admitted to secure facilities are sentenced as Juvenile Offenders or Juvenile Offenders/Youthful Offenders by the county supreme courts.

Limited Secure Facilities: — Limited Secure facilities provide the most restrictive service setting for the Juvenile Delinquent population. First admissions to these facilities are adjudicated Juvenile Delinquents (Limited Secure) by the family courts. Limited secure facilities are also used for certain youth previously placed in secure facilities as a first step in their transition back to the community. Most limited secure facilities are located in rural areas and are protected by a perimeter fence, and virtually all services are provided on-grounds. Services provided include education, employment training, recreation, counseling, medical and mental health services.

Non-Secure Facilities: — Non-Secure facilities consist of a variety of urban and rural residential centers that range in size from a 60-bed rural residential facility to 25-bed community residential facilities. Admissions to these facilities are adjudicated Juvenile Delinquents. Youth in non-secure residential centers require removal from the community but do not require the more restrictive setting of a limited secure facility.

Community Residential Homes (Group Homes): — Community Residential Homes are 7 - 10 bed community-based residential programs that service Juvenile Delinquents adjudicated through the family courts. Youth in community-based programs require out-of-home placement but can function in a group home setting within the community structure. The community-based facilities make extensive use of community resources to provide services to youth.

Lockers and Room Searches

A school may search your locker at any time. School staff may also search your backpack or purse if they have reasonable cause to believe that you are breaking the law or a school rule. Reasonable cause is based on specific information, not just a hunch or feeling. If a caregiver has reasonable cause to believe that you have something illegal or dangerous or have stolen something, the caregiver is required to notify your caseworker. Your property (including a purse, wallet, backpack, clothing, etc.) may be searched by your caseworker and/or caregiver if they have reasonable cause to believe that there is a risk of serious harm to you or others from the use or distribution of something dangerous, illegal or stolen.

For youth in residential placement with OCFS, similar to any school, your room and possessions may be searched at any time. In addition, rooms and possessions are routinely searched by staff at least twice a month.

Phone and Computer Use

Each caregiver has his or her own rules about using the phone and computer where you live. There may be rules about the amount of time you may talk on the phone or use the computer. You have the right to privacy during phone calls. If you want to make a long-distance call, you should ask about the rules where you live.

You have the right to call or write your law guardian as needed. Everything that is talked about with your law guardian is confidential. This means that the law guardian cannot tell other people what you have said without your permission. You can find out who your law guardian is by asking your caseworker. You also have the right to call your caseworker if you have questions about a decision made by an agency worker.

E-mail and Cell Phone Use

If you want an e-mail account, you should try to work out the best way to do that with your agency. There are free e-mail accounts you may be able to use if the foster home is already hooked up to the Internet. Foster parents and group home staff are likely to have parental controls on computers regarding Internet usage. At the discretion of the foster parent or group home staff, you may lose your right to use a cell phone or computer/Internet privileges if you have violated rules regarding their use, or if there are other reasonable concerns. In this type of situation, it is likely that the caseworker would be notified to address these concerns. You also have the right to contact your caseworker if you feel that your rights have been violated.

Phone and Computer Use in OCFS Facilities

The Division of Juvenile Justice and Opportunities for Youth (DJJOY) recognizes the value of telephone calls in helping you maintain contact with your family members. If you are in a juvenile justice facility, you are permitted to receive calls from immediate family, a foster parent or guardian, or from your legal representative. You are also permitted to make outgoing calls to immediate family members. The facility will develop specific daily time frames for you to make or receive calls. Incoming and outgoing calls are limited to 10 minutes in duration and one call per day. Computer access is determined by education staff. See your *Resident Manual* for additional information on phone and computer use.

For More Information

NYS OCFS *Resident Manual*

NYS OCFS Office of the Ombudsperson: Phone: 1.888.219.9818 or go online at **www.ocfs.state.ny.us/main/Ombudsman/OmbudsmanComplaintForm.asp**

New York State *Handbook for Youth in Foster Care*, written by Youth In Progress, available at **www.ocfs.state.ny.us/main/publications/Pub5028.pdf** or **www.youthinprogress.org**

Youth in Progress Statewide Team

Erika Leveillee (518) 956.7884
eleveill@pdp.albany.edu

Region 1: Stand Up 4 Youth

Chris Flowers (518) 956.7886
cflowers@pdp.albany.edu

Peter Padilla (716) 847.4663
peter.padilla@ocfs.state.ny.us

Region 2: Youth On The Move

Chris Flowers (518) 956.7886
cflowers@pdp.albany.edu

Dana Brown (585) 238.8282
Dana.brown@ocfs.state.ny.us

Region 3: Voices United

Chris Flowers (518) 956.7886
cflowers@pdp.albany.edu

Shannon Gorman (315) 423.1201
Shannon.Gorman@dfa.state.ny.us

Region 4: Youth 4 Progress
AND
Region 3 and Region 4: North Country Youth in Progress

Chris Flowers (518) 956.7886
cflowers@pdp.albany.edu

Marie Limbach (518) 474.1168
Marie.Limbach@ocfs.state.ny.us

Region 5: Youth of Mid-Hudson and Adolescent Leaders of Tomorrow

Geetika P. Gilberti (631) 444.7996
Geetika.Gilberti@stonybrook.edu

Nelson Lopes (845) 708.2449
Nelson.Lopes@ocfs.state.ny.us

Region 6: The Movement

Melissa Rivera (212) 396.7619
M.Rivera@hunter.cuny.edu

Pamela Brown (212) 383.1797
Pamela.Brown@ocfs.state.ny.us

This material was developed by the
Center for Development of Human Services, Buffalo State College
and revised by the
Professional Development Program,
Rockefeller College, University at Albany,
under a training and administrative services agreement with the
New York State Office of Children and Family Services
through **The Research Foundation of SUNY.**

Pub. 5084 (Rev. 12/11)