

Children's Rights

Minimum Standard §749.1003

Advantage Adoptions - OCOC Staff and Adoptive Parents are committed to children having every right guaranteed all citizens, while teaching them to respect the rights of others. Because we are an organization concerned with a child's rights, any report of suspected abuse or violation of rights will be reported to the Texas Department of Family and Protective Services in accordance with the law. Investigations will follow as conducted or instructed by the Texas Department of Family and Protective Services.

Advantage Adoptions – OCOC Staff and Adoptive Parents will adhere to the DFPS children's rights, which read as follows:

- (a) A child's rights are cumulative of any other rights granted by law or other licensing rules.
- (b) You must adhere to the child's rights, including:
 - (1) The right to appropriate care and treatment in the least restrictive setting available that can meet the child's needs;
 - (2) The right to be free from discrimination on the basis of gender (if your agency accepts both genders), race, religion, national origin, or sexual orientation;
 - (3) The right to have his physical, emotional, developmental, educational, social and religious needs met;
 - (4) The right to be free of abuse, neglect, and exploitation as defined in Texas Family Code §261.401;
 - (5) The right to be free from any harsh, cruel, unusual, unnecessary, demeaning, or humiliating punishment, which includes:
 - (A) Shaking the child;
 - (B) Subjecting the child to corporal punishment;
 - (C) Threatening the child with corporal punishment;
 - (D) Any unproductive work that serves no purpose except to demean the child, such as moving rocks from one pile to another or digging a hole and then filling it in;
 - (E) Denying the child food, sleep, toileting facilities, mail, or family visits as punishment;
 - (F) Subjecting the child to remarks that belittle or ridicule the child or the child's family; and
 - (G) Threatening the child with the loss of placement or shelter as punishment;
 - (6) The right to discipline that is appropriate to the child's age and developmental level;
 - (7) The right to have restrictions or disciplinary consequences explained to him when the measures are imposed;
 - (8) The right to a humane environment, including any treatment environment which provides reasonable protection from harm and appropriate privacy for personal needs;
 - (9) The right to receive educational services appropriate to the child's age and developmental level;
 - (10) The right to appropriate equipment and supplies for, and training in, personal care, hygiene, and grooming;

- (11) The right to live as normal a life as possible, including:
 - (A) Having normal interaction and experiences within the foster family and participating in foster family activities; and
 - (B) Engaging in age and developmentally appropriate childhood activities, such as extracurricular activities, social activities in and out of school, and employment opportunities.
- (12) The right to have adequate personal clothing, which must be suitable to his age and size and comparable to the clothing of other children in the community, and reasonable opportunities to select his clothing;
- (13) The right to have personal possessions at his home and to acquire additional possessions within reasonable limits;
- (14) The right to be provided with adequate protective clothing against natural elements such as rain, snow, wind, cold, sun, and insects;
- (15) The right to maintain regular contact with his family unless the child's best interest, appropriate professionals, or court necessitates restrictions;
- (16) The rights to send and receive uncensored mail, to have telephone conversations, keep a personal journal and to have visitors, unless the child's best interest, appropriate professionals, or court order necessitates restrictions;
- (17) The right to hire independent mental health professionals, medical professionals, and attorneys at his own expense;
- (18) The right to be compensated for any work done for the agency or home as part of the child's service plan or vocational training, with the exception of assigned routine duties that relate to the child's living environment, such as cleaning his room, or other chores, or work assigned as a disciplinary measure;
- (19) The right to have personal earnings, allowances, possessions, and gifts as the child's personal property;
- (20) The right to be able to communicate in a language or any other means that is understandable to the child at admission or within a reasonable time after an emergency admission of a child, if applicable. You must make every effort to place a child with foster parent(s) who can communicate with the child. If these efforts are not successful, you must document in the preliminary service plan your plan to meet the communication needs of the child;
- (21) The right to confidential care and treatment;
- (22) The right to consent in writing before permitting any publicity or fund raising activity for the agency including the use of his photograph;
- (23) The right not to be required to make public statements acknowledging his gratitude to the foster home or agency;
- (24) The right to be free of unnecessary or excessive medication;
- (25) The right to have a comprehensive service plan that addresses the child's needs, including transitional and discharge planning;
- (26) The right to participate in the development and review of his service plan within the limits of the child's comprehension and ability to manage the information;
- (27) The right to receive emotional, mental health, or chemical dependency treatment separately from adults (other than young adults) who are receiving services;
- (28) The right to receive appropriate treatment for physical problems that affect his treatment or safety;

- (29) The right to be free from pressure to get an abortion, relinquish her child for adoption, or to parent her child, if applicable; and
- (30) The right to report abuse, neglect, exploitation, or violation of personal rights without fear of punishment, interference, coercion, or retaliation.

(Child 16 and older) When I am age 16 and older in Adoption care, I also have the right:

1. To attend Preparation for Adult Living (PAL) classes and activities as appropriate to my case plan.
2. To a comprehensive transition plan that includes planning for my career and help to enroll in an educational or vocational job training program.
3. To be told about educational opportunities when I leave care.
4. To get help in obtaining an independent residence when aging out.
5. To one or more Circle of Support Conferences or Transition Planning Meetings.
6. To take part in child leadership development opportunities.
7. To consent to all or some of my medical care as authorized by the court and based on my maturity level. For example, if the court authorizes, I may give consent
 - to diagnose and treat an infectious, contagious, or communicable disease;
 - to examine and treat drug addiction;
 - for counseling related to preventing suicide, drug addiction, or sexual, physical, or emotional abuse; and
 - for hospital, medical, or surgical treatment (other than abortion) related to the pregnancy if I am unmarried and pregnant
8. If I consent to any medical care on my own, without the court or DFPS involved, then I am legally responsible for paying for my own medical care.
9. To request a hearing from a court to determine if I have the capacity to consent to medical care (Sec 266.010).
10. To help with getting my driver's license, social security number, birth certificate, and state ID card.
11. To seek proper employment, keep my own money, and have my own bank account in my own name, depending on my case plan and age or level of maturity.
12. To get necessary personal information within 30 days of leaving care, including my birth certificate, immunization records, and information contained in my education portfolio and health passport.

I/WE HAVE READ AND AGREE TO ADHERE TO THE RIGHTS AS LISTED ABOVE:

Kinship/Adoptive Parent

Date

Kinship/Adoptive Parent

Date

Kinship/Adoptive Child

Date