

620.363 Rights of foster child.

A child who is placed in foster care shall be considered a primary partner and member of a professional team. A foster child, as the most integral part of the professional team, shall have the following rights to:

- (1) Adequate food, clothing, and shelter;
- (2) Freedom from physical, sexual, or emotional injury or exploitation;
- (3) Develop physically, mentally, and emotionally to his or her potential;
- (4) A safe, secure, and stable family;
- (5) Individual educational needs being met;
- (6) Remain in the same educational setting prior to removal, whenever possible;
- (7) Placement in the least restrictive setting in close proximity to his or her home that meets his or her needs and serves his or her best interests to the extent that such placement is available;
- (8) Information about the circumstances requiring his or her initial and continued placement;
- (9) Receive notice of, attend, and be consulted in the development of case plans during periodic reviews;
- (10) Receive notice of and participate in court hearings;
- (11) Receive notice of and explanation for changes in placement or visitation agreements;
- (12) Visit the family in the family home, receive visits from family and friends, and have telephone conversations with family members, when not contraindicated by the case plan or court order;
- (13) Participate in extracurricular, social, cultural, and enrichment activities, including but not limited to sports, field trips, and overnights;
- (14) Express opinions on issues concerning his or her placement, care, or treatment;
- (15) Three (3) additional rights if he or she is age fourteen (14) years or older. These additional three (3) rights are the right to:
 - (a) Designate two (2) additional individuals to participate in case planning conferences or periodic reviews, who are not the foster parent or his or her worker, and who may advocate on his or her behalf. The cabinet, child-caring facility, or child-placing agency may reject an individual with reasonable belief that the individual will not act appropriately on the child's behalf;
 - (b) Receive a written description of the programs and services that will help prepare him or her for the transition from foster care to successful adulthood; and
 - (c) Receive a consumer report yearly until discharged from care and to receive assistance in interpreting and resolving any inaccuracies in the report, pursuant to 42 U.S.C. sec. 675(5)(I);
- (16) Receive, free of charge when he or she is eighteen (18) years or older and preparing to exit foster care by reason of attaining the age of eighteen (18) years old, the following:

- (a) An official birth certificate;
 - (b) A Social Security card;
 - (c) Health insurance information;
 - (d) A state-issued identification; and
 - (e) A copy of the child's cabinet case history, including:
 - 1. Family medical history;
 - 2. Placement history records; and
 - 3. The child's medical records, including physical, dental, vision, and mental health records;
- (17) Request placement be made where he or she feels the most safe and accepted;
- (18) Participate in a sibling or half-sibling's court hearing if deemed appropriate by the cabinet, court of jurisdiction, and guardian ad litem, if applicable; and
- (19) Raise his or her child and make decisions on behalf of his or her child unless a health or safety risk is determined by the cabinet or due to the treatment needs of the youth.

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History: Amended 2022 Ky. Acts ch. 75, sec. 20, effective April 1, 2022. -- Created 2019 Ky. Acts ch. 33, sec. 7, effective June 27, 2019.