

Know Your Rights: Foster Care

This fact sheet is for educational purposes only. Nothing here should be considered legal advice. Please consult a lawyer for more specific information. Updated as of March 2026

Key Terms

- **Foster Care:** when the state places you in temporary or permanent care with someone other than your parents or legal guardians. This happens if a judge decides you aren't safe at home, if you were abandoned, or if your parents are currently unable to care for you.
- **Transitioned Aged Youth (TAY):** someone ages 14-26.
- **Permanency Planning:** process to establish a permanent legal home through reunification with parents, adoption, legal guardianship, or permanent care with kin.
- **Transition Planning:** the process to prepare TAY for a successful, independent life outside of the foster care system.
- **Aging Out:** the process of leaving foster care because you have reached a certain age (usually 18 or 21).

Legal Support & Rights

- **Access to a Lawyer:** every child in foster care in Massachusetts is **provided with a lawyer free** of charge. Your lawyer's job is to **represent your wishes in court**.
- **Court**
 - If you are 14 or older, you have the right to ask the court to appoint a specific guardian for you, even without your parents' approval.
 - You should have access to your case plan and court documents in your preferred language.
 - If your primary language is not English, the court must provide an interpreter for you at all hearings.
- **Familial Rights**
 - You have the legal right to see your family members while in care, including biological parents and siblings.
 - If you are 12 or older, the law specifically allows you to request visits with your siblings. Your caseworker and lawyer should help make this happen.
- **Education**
 - You have the right to remain in your "school of origin" (where you went before you entered foster care) unless it is not in your best interest.
 - If you must change schools, you have the right to be enrolled **immediately**, even if you do not have your birth certificate, medical records, or school transcripts.
- **Personal & Medical**
 - You have the right to receive necessary medical, dental, and mental health services.
 - If you are under 18, usually a parent, guardian, or DCF must consent to your medical care.
 - You have a right to a reasonable degree of privacy, including private phone calls and a place to keep your personal belongings.

Foster Guardians & Homes

- **Basic Rights**
 - Being safe and healthy.
 - Getting a good education.
 - Being part of decisions about your life.
 - Getting clear information about what's happening.
- **DCF must work with you to create a transition plan** at least 90 days before you leave foster care. This plan must cover housing, health insurance, and education/job training.
 - Your lawyer should help you through this process and advocate for best interest.

DCF's Responsibility to Support Transitioned Aged Youth (TAY)

- Begins at age 14 in DCF custody.
- DCF works together with the child to begin youth specific transition planning.
 - Youth Readiness Assessment Tool (YRT).
- A lawyer is mandated to be an active advocate for youth in this process.
 - Children in the custody of DCF are entitled to legal representation, and the Children and Family Law Division (CAFL) of the Committee for Public Counsel Services (CPCS) typically provides this representation.
- The plan must include a written description of the programs and services that will help prepare for the transition from foster care to adulthood.

This entire process should not be done as just a formality.

Role of an Attorney in Transition Planning

- When...
 - there are objections to parts of the Permanency Report.
 - DCF fails to provide adequate transition planning.
 - the TAY is not playing an active role in meetings, planning, and hearings.
- To ensure that Judges are playing their active oversight role.
- Private lawyers can ask the judge to give them money to can hire social worker expert to help.
- Staff attorneys at CPCS (Committee for Public Counsel Services) usually have social workers in each office.

If the young person are not included as an active member of the process, the attorney should advocate to make it happen and negotiate out of court, and when that doesn't work, they can go to the judge to make DCF do thier job

Permanency For Young Adults (PYA) Agreement

- Work with a shared understanding of youth's life skill needs.
- Use the Youth Readiness Assessment Tool as an outline for the plan.
- Develop a plan for how youth will meet criteria.
 - Include specific options:
 - Education, employment/work skills development, housing, health insurance and medical care, local opportunities for mentoring, specific support services, special immigrant juvenile status, and guardianship petition for youth/young adults determined not competent.

DCF's Responsibilities in Permanency Planning

- DCF shall offer to continue responsibility/support services to 18-22 year olds even if they leave or the DCF elects to terminate the young person.
- DCF and the youth, with advocacy from their attorney develop a Voluntary Agreement or Voluntary Placement Agreement.
- DCF is mandated to provide a program of support acceptable to the youth/young adult that meets required criteria.

Resources

- **Homeless Youth Handbook**
 - <https://www.homelessyouth.org/en/us/massachusetts>
- **Foster Child Bill of Rights**
 - <https://www.mass.gov/files/documents/2016/07/xx/foster-child-rights.pdf>
- **Sibling Bill of Rights**
 - <https://www.mass.gov/doc/sibling-bill-of-rights-0/download>
- **DCF Support Programs**
 - <https://www.mass.gov/guides/other-support-programs#-life-skills-support-program->
- **DCF Central Office**
 - <https://www.mass.gov/locations/dcf-central-office>