

CHILD'S RIGHTS

Sherwood & Myrtie
Foster's Home for Children
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www.fostershome.org
254-968-2143

These guidelines, from Minimum State Standards for Basic Child Care, are put in place to insure the youth's physical, psychological, social and moral safety.
Foster's Home for Children hopes to not only provide a home, but a Sanctuary for the future.

Youth: _____ **Date:** _____

Caregivers: _____ **ext.** _____

Vice President for Children's Services
Name and extension #: _____

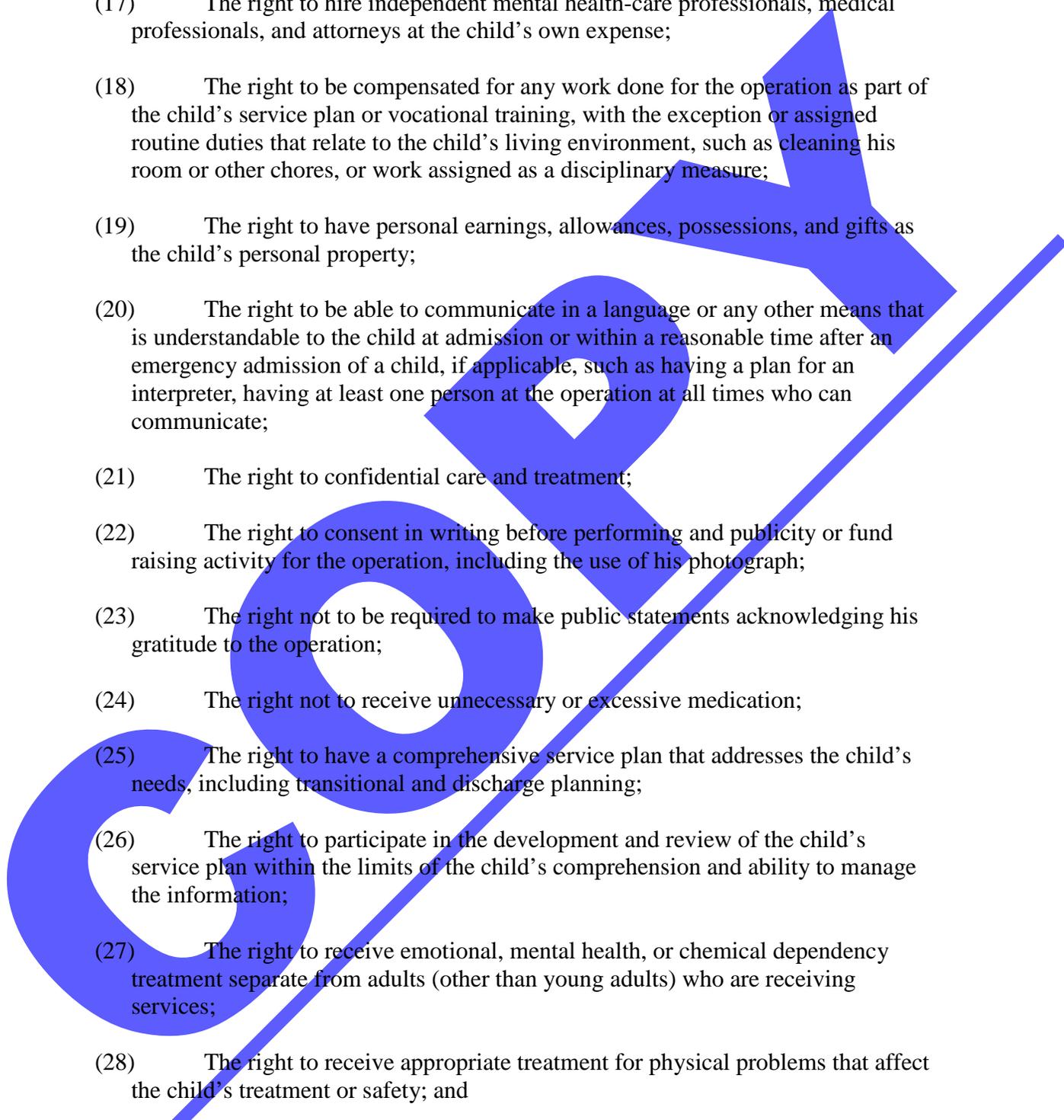
The Child's Rights include the following:

- (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, race, religion, national origin, or sexual orientation;
- (3) The right to have 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 back in;
 - (E) Denying a child food, sleep, toileting facilities, mail, or family visits as punishment;

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- (F) Subjecting the child to remarks that belittle or ridicule the child or the child's family;
 - (G) Threatening the child with the loss of placement or shelter as punishment;
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- (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 when the measures are imposed;
 - (8) The right to a humane environment, including any treatment environment that 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 training in personal care, hygiene, and grooming;
 - (11) The right to reasonable opportunities to participate in community functions, including recreational and social activities such as Little League teams, Girl Scouts and Boy Scouts, and extracurricular school activities outside of the operation, if appropriate;
 - (12) The right to have adequate personal clothing, which must be suitable to the child's age and size and comparable to the clothing of other children in the community;
 - (13) The right to have personal possessions at the child's placement 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 family members unless the child's best interest, appropriate professionals, or court necessitates restrictions;
 - (16) The right to send and receive uncensored mail, to have telephone conversations, and to have visitors, unless the child's best interest, appropriate professionals, or court order necessitates restrictions;

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- (17) The right to hire independent mental health-care professionals, medical professionals, and attorneys at the child's own expense;
 - (18) The right to be compensated for any work done for the operation 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, such as having a plan for an interpreter, having at least one person at the operation at all times who can communicate;
 - (21) The right to confidential care and treatment;
 - (22) The right to consent in writing before performing and publicity or fund raising activity for the operation, including the use of his photograph;
 - (23) The right not to be required to make public statements acknowledging his gratitude to the operation;
 - (24) The right not to receive 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 the child's 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 separate from adults (other than young adults) who are receiving services;
 - (28) The right to receive appropriate treatment for physical problems that affect the child's treatment or safety; and
 - (29) The right to report abuse, neglect, exploitation, or violation or personal rights without fear of punishment, interference, coercion, or retaliation.

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Emergency Behavior Intervention/Handle With Care

Foster's Home for Children uses the "Handle With Care" Program. This program trains house parents and staff regarding the proper use of Emergency Behavior Intervention techniques. The program focuses on preventing aggression from becoming physically harmful. The emphasis of the course is on using the Assisting Process in all interactions and is demonstrated in all four programs. The four programs are:

- (1) Tension reduction;
- (2) Use of preventative actions that result in a decrease in the need for the use of physical restraint;
- (3) The use of prompt, skillful and appropriate intervention when physical restraint is necessary, in order to minimize injuries to children and staff;
- (4) Creating a universal perception of physical and psychological safety.

§748.2463 Are there any purposes for which emergency behavior intervention cannot be used?

Emergency behavior intervention may never be used as:

- (1) Punishment;
- (2) Retribution or retaliation;
- (3) A means to get a child to comply;
- (4) A convenience for caregivers or other persons; or
- (5) A substitute for effective treatment or habilitation.

§748.2551. What responsibilities does a caregiver have when implementing a type of emergency behavior intervention?

- (a) The use of emergency behavior intervention must be an appropriate response to the behavior demonstrated, and de-escalation must have failed.
- (b) The caregiver must act to protect the child's safety and consider:
 - (1) The characteristics of the immediate physical environment;
 - (2) The permitted types of emergency behavior intervention; and
 - (3) The potential risk of harm in using emergency behavior intervention versus the risk of not using emergency behavior intervention.
- (c) The caregiver must:
 - (1) Initiate an emergency behavior intervention in a way that minimizes the risk of physical discomfort, harm, or pain to the child; and

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- (2) Use the minimal amount of reasonable and necessary physical force to implement the intervention.
- (d) The caregiver must make every effort to protect the child's:
 - (1) Privacy, including shielding the child from onlookers; and
 - (2) Personal dignity and well-being, including ensuring that the child's body is appropriately covered.
- (e) As soon as possible after starting any type of emergency behavior intervention, the caregiver must:
 - (1) Explain to the child the behaviors the child must exhibit to be released or have the intervention reduced, if applicable; and
 - (2) Permit the child to suggest actions the caregivers can take to help the child de-escalate.
- (f) If the child does not appear to understand what he must do to be released from the emergency behavior intervention, the caregiver must attempt to re-explain it every 15 minutes until the child understands or is released from the intervention.

The information regarding Child's Rights and EBI/Handle With Care has been read and explained to me and I understand its contents.

Placing Party

DATE

Youth

DATE

FHC Case Manager

DATE

Document: Youth's File
Copy to placing party
Copy to Youth

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YOUTH EMERGENCY BEHAVIOR INTERVENTION GRIEVANCE PROCEDURES

If a youth in care at Foster's Home for Children (FHC) feels that an injustice within our Emergency Behavior Intervention policy has been implemented upon him/her, he/she should appeal to the FHC Case Manager first. If a satisfactory solution is not reached, the following steps should be taken:

1. If a youth is dissatisfied with the FHC Case Manager's action, he/she may request a meeting with the Vice President of Children's Services within two days of the complaint.

The Vice President of Children's Services will prepare a written statement resulting from the above meeting with a decision regarding the youth's complaint within two days of the meeting. The youth will be informed of the decision and the written statement will be placed in the youth's record.

2. If a youth is dissatisfied with the decision after meeting with the Vice President of Children's Services, he/she may request a meeting with the Chief Operations Officer within two days of the last response.

The Chief Operations Officer will prepare a written statement resulting from the above meeting with a decision regarding the youth's complaint within two days of the meeting. The youth will be informed of the decision and the written statement will be placed in the youth's record.

3. The Chief Operations Officer's written decision, with the approval of the Board of Directors, will be the final decision within the Foster's Home for Children program.

I, _____, have read and been informed of the EBI Grievance Procedure of FHC and understand how to utilize the Policy.

Youth **Date**

Vice President of Children's Services **Date**

Chief Operating Officer **Date**