



A Guide for Children
and Youth in Care



RIGHTS & RESPONSIBILITIES

Some children and young people who are living in care feel like everything is changing. They have to get used to living in a different place, with new rules, and with people they don't know very well yet. All these changes can be difficult and confusing. Most kids just want to know what's expected of them and what can they expect for themselves while living in care.

The Children's Aid Society is responsible for making sure that your rights are protected. This includes your right to a safe, healthy environment and respect from those around you. You also have the right to ask questions whenever you need to and the right to answers that you understand. This booklet explains what you can do if you have a disagreement, question or concern regarding your rights. These rights are guaranteed by law, you don't have to earn them, and no one can take them away from you.

Rights and Responsibilities are like rules that make it easier for us to live together. They help people to know what to expect and how to act. This booklet will tell you more about your rights and expectations people will have of you so that you can understand your responsibilities.

If you don't understand something, ask your Child Protection Worker. The people who work at the Children's Aid Society want to help you. This booklet is yours to keep.

What are my rights?

I have the right to be informed of my rights and responsibilities in words and a language I understand

If I have special needs, I can talk to my worker.

I have rights about communication and my personal belongings

This includes my right to:

- Visit in private with my family and extended family - unless a judge or my worker comes to an agreement that it's not a good idea.
- Speak in private with my worker, the Ombudsman, or resource person or lawyer (if I have one).
- Speak with an adult who is an elected representative in the province of Ontario (also called a Member of Provincial Parliament, MPP)
- I may send or receive written communication, unless my worker believes that the contents of the communication may be harmful to me. If this is the case, my worker will speak to me about these concerns.
- Have a place to keep my own things and time to be alone.
- Have my own personal belongings with me.

I have rights about my plan of care and the care I receive

I have the right to a plan about the care that I receive in the place I am living. My plan of care must be made within 30 days of moving into a new place to live. I have the right to take part in creating my plan of care and making changes to it.

I have the right to voice my opinion and talk about situations that affect me

I have my own feelings, thoughts and opinions about things or situations that affect me. I have the right to talk freely and safely about these feelings, thoughts and opinions.

I have rights about being heard when decisions are made about me

I have the right to have honest and respectful discussions when other people make

decisions that affect me. I have the right to share my feelings, thoughts and opinions, for them to be considered and for them to have an impact on how decisions are made about me and what happens.

This includes decisions about:

- my health, the doctors I see and my medication
- my schooling, training or work programs
- my culture, community, identity, religion and beliefs
- moving into a new place or out of my current place
- other things that may affect me

I have the right to good care. This means:

- Healthy meals
- Education appropriate for my abilities
- Regular dental, medical, and psychological care
- Age-appropriate clothing
- Participation in after-school activities, such as sports, drama club, etc.
- The right to practise my religion and to receive religious instruction
- The right to participate in activities that are important to my culture or heritage
- Respect for my individuality, including gender identification and sexual orientation



I have the right not to be physically disciplined

A service provider or foster parent can never discipline me by physically hurting me. A service provider or foster parent cannot allow anyone else to discipline me by physically hurting me.

I have rights about when I can be placed in a locked room or facility

No service provider or foster parent can lock me in a place where I can't get out, unless:

- I am in a secure treatment program
- I am a young person living in a secure youth justice facility
- I am receiving services in a place where a special locked room has been approved

These are the only situations when a service provider or foster parent can allow anyone else to lock me in a place where I can't get out. A locked room can never be used as a form of punishment.

I have rights about when I can be physically restrained

No service provider or foster parent can:

- use their strength to stop me from moving, except in very specific situations
- allow anyone else to use their strength to stop me from moving
- use their strength to stop me from moving as a form of punishment

I have rights about when restraints can be used to limit my movement

Mechanical restraints can never be used on me as a form of punishment or because it is convenient for my service provider to use them.

I have rights about understanding my rights and making complaints

The first time I go to a new place to live, and at regular times after that, I must be told about the following in words that I can understand:

- my rights as someone receiving services under the CYFSA
- my additional rights as someone living in a foster home, group home, secure treatment facility or youth justice facility

- what to do if I have a complaint
- if I don't agree with my placement and I am not living in a youth justice facility, I can ask the Residential Placement Advisory Committee to review my placement and make recommendations about it
- if the Residential Placement Advisory Committee recommends something that I don't agree with or that isn't followed, I can ask for a review by the Child and Family Services Review Board
- what my responsibilities are in the place I am living
- the specific day-to-day rules in the place I am living, including rules about discipline

I have rights about how my personal information is collected, used or shared

My personal information is information about me, and includes my name, date of birth and any notes my worker takes about me.

It is important that my personal information is correct and that I am told why it is being collected, who it will be shared with and when, how it will be used and how it is stored.

I can give permission for my information to be collected, used or shared. I can also change my mind at any time about giving my permission.

The service provider must ask for my permission before collecting, using or sharing my personal information, unless collecting, using or sharing my personal information without my permission is permitted or required by law (for example, if my personal information is needed to keep myself and others safe).

I have these rights if I am currently receiving service under the CYFSA or if I received services in the past.

I have rights about when a substitute decision-maker can decide how my personal information is collected, used or shared

If I can't make decisions for myself, someone will be asked to make that decision for me. That person must consider my wishes, values, beliefs and best interests related to my personal information.

If I am 16 or older and I can make decisions for myself, but I want help to make decisions, I can pick someone over 16 who is able to make decisions for me to be my substitute decision-maker.

If I am under 16, a substitute decision-maker can also give permission for my personal information to be collected, used or shared, even if I can make those decisions for myself. There are some exceptions to this, for example: if the information is about a treatment that I made a decision about under the Health Care Consent Act. If I am under 16 and can make decisions for myself, my service provider has to follow my decision about my personal information when it conflicts with a decision made by my substitute-decision maker.

If I disagree with a decision that has been made for me, I can work with my service provider to find a solution or I can make a complaint to the Consent and Capacity Board on my own or with the help of my worker.

I have rights about when my personal information is lost, stolen or shared when it shouldn't be

If my personal information is stolen, lost or shared when it was not supposed to be, this is considered a privacy breach of my personal information.

I must be told as soon as possible that my personal information has been breached, how it happened, what is being done to address the privacy breach and to prevent this from happening in the future. I must also be given contact information in case I want to ask questions or to make a complaint to the Information and Privacy Commissioner.

I have rights about accessing my personal information

If I want to see the personal information my service provider has about me, I can speak to my service provider and make a written request to access the information. My worker can help me make the written request.

If I am not happy with the answer to my request, I can make a complaint to the Information and Privacy Commissioner at any time even if I choose to speak with my service provider first.

I have rights about correcting my personal information

If there's a mistake or something I don't agree with or missing information in my file, I can tell my service provider about it and about how I would like it changed. I should submit this request in writing. My service provider might ask me to fill out a form or send an email.

If my request is refused my service provider must explain why. If I am not happy with the decision, I can write a statement of disagreement for my service provider to include in my file. I can also make a complaint to the Information and Privacy Officer.

For more information about your rights, please visit: <https://www.ontario.ca/document/children-and-young-persons-rights-under-child-youth-and-family-services-act-2017/rights-children-and-youth-care>

What are my responsibilities?

While I am in care, people will count on me to:

- Talk with my foster parents about my plans for the day and where I will be when I am not at home
- Keep in touch with my worker
- Go to school and do homework
- Take good care of my body both physically and mentally
- Show up for my appointments
- Take responsibility for my actions
- Be helpful to others in the home and do my share of household chores that are appropriate to my age/ability
- Respect other people's differences in gender, ability, race, colour, culture, religion, gender identification and sexual orientation
- Respect other people and their property



How do I get help at my CAS?

- Talk to my foster parent, my worker, or a trusted adult.
- I can call my worker's supervisor or manager. I can get their phone number from my worker, foster parent, or by calling the Children's Aid Society directly.
- If I need help making a phone call or filling out our web form, I can speak with my worker, my foster parent or someone I trust, like a teacher or friend.
- A sample write up is in this guide. You can send your note through our website by filling out the complaints form on our website and you will receive a response within 7 days.

- If I still have worries and concerns after speaking with my worker or their supervisor, I can ask to speak with the Internal Complaints Review Panel. Your worker can provide more information about this.

How do I get help outside my CAS?

If I don't agree with my placement and I am not living in a youth justice facility, I can ask the Residential Placement Advisory Committee to review my placement and make recommendations about it. I can do this by asking my worker and/or calling 416-482-0081 ext. 233.

If the Residential Placement Advisory Committee recommends something I don't agree with or that isn't followed, and I am 12 years old or older, I can ask for a review by the Child and Family Services Review Board by calling 416-327-0111 or 1-888-777-3616.

I have the right to talk and visit in private with:

- my lawyer or another person representing me
- the Ombudsman or members of the Ombudsman's staff
- an adult who is an elected representative in the province of Ontario (also called a Member of Provincial Parliament or MPP)
- an adult who is an elected representative in Canada (also called a Member of Parliament or MP)

If I have worries and concerns about my care, how I am being treated, or services I am receiving, I can meet with my worker, resource person or my lawyer (if I have one) about speaking to the Child and Family Services Review Board.

I can also contact the Ontario Ombudsman's Office if I have a complaint about a service provided by a:

- children's aid society
- group home
- foster home
- secure treatment facility
- youth justice facility


Contact the Ontario Ombudsman by phone or email:

- Toll-free: 1-800-263-2841
- Email: cy-ej@ombudsman.on.ca

I can also contact the Ombudsman if I have questions about a service provided under the Child, Youth and Family Services Act, 2017.

I have the right to send and receive written communications, including:

- letters
- emails
- texts
- posts



I have the right to tell somebody if I have a concern or a complaint.

Sample write-up here:



Today's Date _____

Your Name _____

Your Address _____

Your Telephone _____

Agency name (Children's Aid Society) _____

Dear _____:

My name is _____

My child protection worker is _____

I am writing you because... (describe what's happening) _____

I would like to talk with you about this. I look forward to hearing from you soon.

Yours sincerely,

We want you to do your best, and we want to help you succeed in life.

Talk to your worker about the opportunities and supports that are available to you.

Get health and peer support by visiting: <https://www.ontario.ca/page/children-and-young-persons-rights-resource#section-6>

My worker's name is: _____

Phone: _____

Email: _____

My supervisor's name is: _____

Phone: _____

Email: _____

My manager's name is: _____

Phone: _____

Email: _____



**THIS BOOKLET WAS PREPARED BY THE
COMMUNICATIONS DEPARTMENT
CATHOLIC CHILDREN'S AID SOCIETY OF TORONTO**

2206 Eglinton Ave. E,
Toronto, ON M1L 4S7

Phone: 416-395-1500, Fax: 416-395-1617

Website: torontoccas.org

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