



Learn Your Rights

a guide to Foster Care in Virginia

for children
teens and
young adults

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1 The ABC's of Foster Care

What is foster care?

Foster care is a program run by the state of Virginia that provides temporary care for children who cannot live with their parents or other relatives. Through this system, the local department of social services takes legal responsibility (called legal custody) for a child when that child's parent or parents need help taking care of him or her. Most children placed in foster care live with families (called foster families), but some children live in group homes or other "residential settings." Residential settings can be school-like and provide more intensive medical, behavioral or mental health treatment for children who need these kinds of services.

Why am I in foster care?

You are not in foster care because of anything that you did. You are in foster care because a group of people decided that it was not safe for you to live with your parents or any other relatives right now. This group included social workers and a judge, who heard from your parents and others before deciding that you needed to be placed in foster care.

You may be in foster care because your parents have certain problems that are keeping them from being able to care for you right now. While you are in foster care, your parents, or the caregivers you were living with, will get help from the community where they live to try to solve their problems.

If they can solve their problems, your parents (or other caregivers) can take you home. But your social worker and judge will not send you home unless they are convinced that you will be safe there.

How long will I be in foster care?

The amount of time spent in foster care is different for each child. It depends upon when your parents or other caregivers can provide a safe home for you. If your parents or other caregivers can't provide a safe home for you within a few years (usually two years), then the judge and your social worker will explore other ways for you to live permanently in a family. For example, some children are placed with relatives who may take legal custody of the child. Other children may be adopted by a relative, their foster family or another family who wants to adopt a child. You may also live permanently with your foster family, but not be adopted by them. This is called "permanent foster care." Although you remain in foster care, you can remain with the same foster parents until you are 21 years old.

If you are adopted, your adoptive parents become your parents for all purposes. If you are not adopted, you will remain in foster care at least until you turn 18. If you choose to continue to receive foster care services after turning 18, and your local department of social services provides services after age 18, you may receive financial assistance, such as full college tuition, help with living expenses, and help with job skills through your local department of social services.

Who decided that I should be in foster care?

Usually a judge decides whether a child should be placed in foster care after talking to the child's parent(s), other caregivers, and other people who know or have seen the child, such as doctors or teachers. A social worker talks to many of these people first, then decides whether to ask the judge to place the child in foster care. A social worker only

asks the judge to place a child in care if he or she cannot come up with any other way for the child to be safe. Often, a child is placed in foster care after the parent(s) or other caregivers have received help for their problems but haven't been able to solve them, even with the help. Sometimes, parents decide that they need to put their child in foster care while they get help to learn how to take better care of their child and keep their child safe.

Before the judge decided to put you in foster care, he or she assigned a lawyer to represent you. That lawyer is called a **guardian ad litem (GAL)**. Your GAL is responsible for telling the judge what he or she thinks is best for you. This may not be the same as what you want, however, you should always let your GAL know your wants and concerns.

What can I do to get out of foster care?

It is not up to you to do something to get out of foster care. Many people – the judge, your social worker, your parents and/or foster parents, your GAL and others – are working to get you out of care and into a permanent home as soon as possible. The best thing you can do is to tell people, such as your social worker, your GAL, and the judge, what you want and what is important to you while you are in foster care. For example, let people know how you feel about visiting your parents and whether you want to see more or less of them. If there is another adult in your community who is important to you and who you would like to have involved in making decisions about your life, let your social worker and GAL know. If you are still in foster care when you reach 18, you can choose to leave even if your local department of social services will let you stay and receive services until you turn 21.

What are the different types of foster care placements?

There are a number of different types of foster care placements. There are family foster homes. When you are in a

family foster home placement, you live with a family in their home. While you are living there, you can expect to be treated like any other member of the family. If your foster home is a “resource family home,” then your foster parents have agreed to adopt you if you cannot return to your parents or previous caretaker.

A group home placement is another type of foster care placement. Group homes are houses in which a small group of foster youth (normally adolescents) lives. There are counselors and other staff workers who live in the home or spend time in the home with the youth who live there.

Some older youth in foster care live in Independent Living arrangements, which may be an apartment, a group of apartments or a small home where older youth can live without constant adult supervision. An Independent Living arrangement is for a youth who is at least 16 years old and does not need daily adult supervision. Most youth in Independent Living arrangements are enrolled in college or vocational training or are employed, and they are eligible to receive an Independent Living stipend.

Finally, some youth who have special health needs and cannot be adequately cared for in a family home live in a residential facility where they can get proper treatment.

Can my foster care placement change if I am unhappy with it?

Although the local department of social services is in charge of your placement, the court reviews your placement. You should contact your GAL and let him or her know about any problems you are having in your placement. It is also a good idea to let your social worker know about any problems you are having. You have the right to contact your social worker and GAL anytime about anything. If everyone involved in your case (your social worker, your GAL, and your parents) all agree that your placement should be changed, the placement

may be changed without having to go to court. However, changing your placement usually requires a hearing in front of the judge. If a hearing is going to be held, make sure you talk to your social worker and your GAL about attending the hearing. It will be important for the judge to hear directly from you about why the placement needs to be changed. You have the right to attend all your court hearings unless your behavior prevents you from safely attending the hearing.

What are the roles of the people involved in helping me?

Your social worker is responsible for:

- Making contact with you at least every month
- Working with you, your foster parent/group home, community partners and the Independent Living Coordinator to develop and support your service plan
- Helping you enroll in programs designed to help youth transition to adulthood
- Arranging your service planning conferences

You are responsible for:

- Participating in planning and meetings about your service plan
- Taking an active role in developing your service plan
- Participating in Independent Living skills services and trainings
- Discussing with your social worker, Independent Living coordinator and/or other care provider any questions or concerns you have

Your foster parents and other care providers are responsible for:

- Working with you, your social worker, community partners and the Independent Living coordinator to develop your service plan and help you carry it out
- Helping you to develop life skills taught in skills training classes
- Transporting you to appointments, meetings and life skills trainings

Your Independent Living coordinator is responsible for:

- Working with you, your social worker, your foster parents or other care providers, along with community partners, to develop your service plan
- Assessing your readiness to enter the community or an Independent Living Arrangement
- Conducting life skills training and providing you with information about other life skills services

How often can I visit with my biological parents and siblings while I am in foster care?

You have the right to visit regularly with your parents and any siblings who aren't living with you while you are in foster care. How often you visit depends on what your social worker and GAL recommend and what the judge orders. Your visitation schedule is also outlined in your service plan, which gets approved by the judge. If you are 12 years old or older, you can participate in writing the service plan, and by law, you must receive a copy of the plan. Even if you are not yet 12, and you are interested in helping to write your service plan, you should ask your social worker or GAL about going to the meeting where the service plan is written. If you are not happy with the visits you are having with your parents or siblings, tell your social worker and GAL. They will tell the judge, who can change the visits.

How often does the judge talk to my parents, social worker and GAL about my case?

Hearings to review your case must be held at least once every six months. Your parents, social worker and GAL attend every hearing. You also have the right to go to the hearing if you are 12 years old or older. Even if you are not yet 12 years old, you should let your GAL and social worker know if you want to attend the hearing. Once you turn 18, your case will be reviewed by people at the local department of social services instead of the judge. For some youth in foster care who are

working towards a goal of independent living rather than being placed with a family, or whose goal is permanent foster care, there is only one court hearing each year. Between the court hearings, there is an administrative panel review (APR), which is like a court hearing, but the judge is not present. You also have the legal right to be at the APR and to have your concerns heard.

Can I have to talk to the judge?

Yes. At a hearing, the judge can talk to you in his or her private office (called “chambers”), away from everyone else involved in the case. You should let your GAL know if you want to speak to the judge in chambers.

When can I leave the foster care system and go out on my own?

When you turn 18, you are an adult and can leave the foster care system if you choose. However, you can choose to continue to receive foster care services until you turn 21 if your local department of social services provides these services to youth after age 18, and you agree to cooperate with the department’s rules.

There are many benefits to receiving services until you turn 21. If you choose to continue to receive foster care services until you turn 21, you will also continue to be eligible for Medicaid at least until you are 19 and an Independent Living stipend, along with other benefits. You will also be eligible for college grants and scholarships specifically created for youth who receive foster care services. (See pages 18 and 40 for more information on tuition assistance.) In addition, your local department of social services may provide additional benefits for youth who remain in the foster care system until age 21. For example, the local department may pay for your college or a job training program. BEFORE you turn 18, you should talk to your social worker and find out all the benefits your local agency provides to youth who remain in foster care until 21.

2 Your legal rights while in Foster Care

What can I expect from my guardian ad litem (GAL)?

Your GAL has a duty, first and foremost, to establish a relationship with you. Your GAL should conduct an interview with you face-to-face in a place where the GAL can determine your wishes, the safety and adequacy of your current placement, and the need for any testing/evaluation. Your GAL must review any and all records about your situation, including interviews with all of the people involved, such as your parents, current caretaker, your court-appointed special advocate (CASA), social worker, teachers and others. Your GAL should explain his or her role to all of the parties involved. It is the GAL's responsibility to participate fully to protect your best interests. Your GAL is also responsible for ensuring that the court has all of the relevant facts, and he or she should also address all important aspects of your case. Your GAL should attend every court hearing and should meet with you and talk to other people involved in your case before every court hearing to get updated information about your situation.

What if I disagree with my GAL's determination?

Your GAL must inform the court of your wishes even if your wishes are different from that of your GAL, but he or she is responsible for advocating what he/she feels is in your best interest.

What if the legal action I am involved in is confusing to me?

Your GAL has a duty to make every effort to ensure that you understand the proceedings, using language you understand. Your GAL has a duty to make sure that you understand all of the proceedings you are involved in, your rights, your GAL's duties, and any possible consequences and outcomes of the proceedings. The GAL must also provide you with his or her contact information so you can contact him or her if you have any questions or concerns.

When will my GAL be involved?

Your GAL should be at all conferences and court hearings involving your case. Your GAL is expected to act as your advocate, meaning that he or she should be at all hearings, including the Administrative Panel Review, advocating for whatever is in your best interest. As your advocate, your GAL is responsible for filing any necessary or appropriate "motions" with the court. This means that your GAL should file any necessary paperwork on your behalf with the court.

When will I be involved?

You are considered a party, so you should be involved in all phases of the proceedings, including court hearings. This will allow you to hear what happens and express your feelings and your hopes about the outcomes. If you are 12 or older, you are legally entitled to receive notice from your GAL of all court hearings and proceedings. There may be times, however, where your presence during court proceedings may not be possible, and your GAL will explain why.

Will I have to testify?

Your GAL will take into account your age, maturity, your desired outcome, the purpose of the particular hearing and the advice given by other specialists, such as social workers and

therapists, in determining whether or not you should testify. Your GAL should make the determination whether or not to call you as a witness based on your need or desire to testify and your individual abilities.

What if I don't want to testify?

If for some reason you don't feel comfortable testifying or your GAL feels that testifying may be harmful to you, your GAL may seek an agreement with the other parties and they might agree not to call you as a witness or they may try to use other methods like limiting what types of questions you will be asked. If you do testify, your GAL should try to make the process as easy as possible for you. For example, your GAL may be able to arrange for you to testify in front of a TV, or you may just have to talk to the judge in his or her "chambers."

What can I do if my GAL is not doing a good job for me?

If you feel that your GAL is not doing a good job for you, or you are unhappy with his or her performance, you must tell the judge why you are unhappy. The judge might replace your GAL if the judge agrees with you and feels that your GAL is not representing your best interests. You should also tell your social worker if you are unhappy with your GAL. If you are still unhappy after talking to your social worker and the judge, you can contact an attorney at the JustChildren program about your concerns.

(JustChildren is a legal aid office specializing in education law. You can get contact information for a JustChildren office at www.justice4all.org/programs/justchildren or by calling 1-800-578-8111.)

Keep in mind, however, that your GAL does not have to contact the court every time you express dissatisfaction or unhappiness with your GAL's performance.

3 Education during and after Foster Care

*Your rights in elementary,
middle and high school*

Will I have to go to a different school if my foster care placement puts me in a different school district?

You will not necessarily have to change schools if you move to a new foster care placement. Virginia law says that a foster child does not have to change schools when he or she moves to a new foster home, even if the new home is in a different school district. Your teacher, social worker and other people involved in your education (including you) should decide together what is best for you – staying in the same school or changing schools. If everyone agrees it's best for you to stay in the school you were attending before you changed foster homes, you will stay in that school.

If I have to go to a different school, how soon will I start going to my new school?

You should not miss school when your foster care placement changes or when you are first placed in foster care. The school must admit you immediately, even if your social worker can't provide your birth certificate or other documents right away.

How do I know the rules of my school?

All the rules are listed in the Code of Student Conduct, which applies to all children and youth attending the school, not just

to those in foster care. You should get a copy of this document at the beginning of each school year or, if you start a new school in the middle of a school year, as soon as you start. You can ask a teacher or the principal for a copy of the Code of Student Conduct.

Can the school search my belongings?

Yes. School administrators can search your belongings if they have a good reason to believe that you have a specific item you are not allowed to have at school. The search must be done to find a **specific item** – school personnel cannot go through your belongings just to see what’s there. Searches can include: your locker, your backpack, your purse, your car. The teacher can ask you to hand over anything he or she reasonably thinks breaks school laws.

What behavior can get me suspended or expelled?

It’s all in the Code of Student Conduct – READ IT! Some common reasons for suspension or expulsion include: too many unexcused absences or late arrivals, insulting teachers or other students, threatening teachers or other students, throwing things, fighting, possessing weapons, spitting or smoking.

What are my rights if I am suspended or expelled?

The principal must tell you that you are being suspended and why, and he or she must give you a chance to tell your side of the story. There are two types of suspensions – short term (10 days or less) and long term (more than 10 days). You can be **expelled** (kicked out of school) for serious offenses, such as bringing a weapon to school, purposely damaging school property, having alcohol or drugs on school property or purposely injuring another person. If you are suspended more than 10 days or expelled, the principal must send a letter home explaining what happened, when you can return to school and your appeal rights. Talk to your social worker or foster parent about who the letter will go to. If you get notice

of a long-term suspension or expulsion, you should call a lawyer to discuss an appeal. You can call your GAL or contact JustChildren (a legal aid office specializing in education law). You can get contact information for a JustChildren office at www.justice4all.org/programs/justchildren or by calling 1-800-578-8111. If you have trouble finding a lawyer, call the Virginia Poverty Law Center, Inc. at 1-800-868-8752.

What are my rights if a school resource officer wants to talk with me?

There are police officers in almost all public schools called “school resource officers.” If you are questioned by a school resource officer you have the right to say: “I have the right to talk with a lawyer. I will not talk with you until I talk with a lawyer.”

4 Education during and after Foster Care

*Opportunities after
high school*

What are my options for education after I graduate from high school or obtain my GED?

You can choose to go to a vocational school, a community college or a four-year college or university. Vocational schools teach a particular trade or skill, such as computer technology or mechanical skills. The length of a vocational school program depends on what the program teaches. Community colleges have programs that last for two years. When you complete a community college program you get an Associate's Degree. Examples of jobs you can get with an Associate's Degree are licensed practical nurse or teacher's assistant. When you complete a course of study at a four-year college or university, you get a Bachelor's Degree. There are many types of jobs you can get with a Bachelor's Degree, including jobs as a teacher, registered nurse, engineer or accountant. Earning a Bachelor's Degree also allows you to go to a graduate or professional school, such as law school or medical school.

How much does it cost to continue my education after high school? How will I pay for it?

The cost of college is different for each school. Community colleges usually cost less than four-year colleges and universities. Financial assistance is available to help you pay for community college or a four-year college or university. For example, the Community College Tuition Grant Program

provides money to pay for all tuition and fees for students who were in foster care when they graduated from high school or received their GED. It is also available to students who were adopted out of the foster care system if certain other circumstances exist. For more information about the Community College Tuition Grant Program, go to: <http://www.vccs.cc.va.us/vccsasr/tuitiongrant.htm> or contact the financial aid office of your local community college or your social worker.

In addition, as a foster youth, former foster youth or youth adopted from foster care after age 16, each year you can apply for an Education and Training Voucher (ETV), valued at \$5,000, regardless of whether you go to vocational school, community college or a four-year college or university. ETV money can be used for many things, including tuition, room and board, equipment, supplies, transportation and child care. You can get more information about the ETV program from your social worker. Finally, you can apply for grants, scholarships and other financial assistance from the federal government. You can get more information about the financial support available to you at the Virginia Department of Social Services' Independent Living website. (www.dss.virginia.gov/family/fc/independent.html)

How do I apply for financial aid?

You should start looking into financial aid for vocational school or college early — in your junior year of high school. It is a good idea to get a mentor (such as your social worker or school guidance counselor) to help you fill out the application for financial aid. To complete an application for federal financial aid:

- 1) Get a PIN (Personal Identification Number) at www.pin.ed.gov. You will need a PIN to submit your application for federal financial aid.
- 2) Have the necessary information and documents: social

security number, any W-2s and other records of money you have earned, recent tax returns, bank statements and a letter from your social worker stating that you were in foster care to show you have independent status.

- 3) Fill out the federal financial aid form. Go to www.fafsa.ed.gov, and click "filling out a FAFSA." Answer "YES" to the FAFSA in step three: "Are both your parents deceased or are you (or were you until age 18) a ward of the court?" Answering "YES" allows you to skip the section on family income.

For more information, see "It's My Life: Financial Aid" at www.casey.org/toolsandresources.

5 Your money while you are in Foster Care

What happens to money I earn or receive as a gift while I am in foster care?

There is no statewide rule about what happens to money earned or given to foster youth. However, local social services agencies generally allow foster youth to keep any money they get. Some local agencies help foster youth set up bank accounts for their money. A few agencies require older foster youth to put a certain portion of the money they earn into savings accounts.

Do I have any right to receive financial support from the local agency or my foster parents while I am in foster care?

Older foster youth are eligible for a monthly stipend through their local department of social services. These “Independent Living” stipends are available to all foster youth and are based on the needs of the individual youth, the availability of funds and the youth’s living arrangement. You can also apply for Independent Living grant money to pay for computers, other school related costs (including school rings and high school senior activities), costs related to transportation needs (such as bus tickets or drivers license/permit fees) and other things approved by the Independent Living coordinator or your social worker.

What will happen if I leave foster care when I'm 18 and don't have a job?

Some people who don't have jobs are able to apply for and receive public assistance (payments made to or on behalf of a person by the government). However, most people who are not disabled do not qualify for any type of public assistance except for food stamps. The monthly food stamp benefit amount for a single adult is \$155.

If my parent receives social security while I am in foster care, shouldn't I get some of that social security money?

If your parent is receiving social security benefits, you may be entitled to also receive benefits as a dependent child of your parent. If you receive benefits as a dependent, they will be placed in a "special welfare account" for you. The money in your special welfare account can be used for some of your personal needs if your social worker approves the request.

What happens to social security money I am entitled to because of my own disability? Will I continue to receive this money once I leave foster care?

Money you receive while you are in foster care because of your own disability is called Supplemental Security Income (SSI). Your SSI money also gets deposited into a special welfare account and used to pay for your care. When you leave foster care, any money remaining in your special welfare account is given to your parent, relative or guardian or to you if you are 18 or older when you leave care. You should continue to receive a monthly SSI check after you leave care as long as you continue to be disabled. Be certain that you or your social worker provides your new address to the Social Security Administration a few months before you leave foster care so that your checks will continue to reach you on time.

Can I open my own bank account while I am in foster care?

Yes. Under Virginia law, minors (youth under 18 years old) can open their own bank accounts. You should talk to your social worker or foster parent about opening your own bank account.

If I have a child while I am in foster care, can I get child support?

Yes. You can petition the Division of Child Support Enforcement or the local juvenile and domestic relations district court for child support as long as your child lives with you in the foster home. To petition for child support, you must have the name and address of the other parent of the child.

6 Health care rights during Foster Care

Do I have health insurance while I am in foster care?

Yes. Most children in foster care are covered by Medicaid, the federal/state health insurance program for people who cannot afford to pay for their own health insurance. As long as you are in foster care, your health care will be paid for by Medicaid until you turn 18. In fact, even after you turn 18, you may be covered by Medicaid until you turn 21 as long as you are continuing to receive Independent Living services and you meet certain income rules.

Do I have the right to refuse medical treatment when I am in foster care?

Yes. Regardless of your age, you have the right to decide whether to receive the following types of health treatment: treatment for venereal diseases or any other infectious/contagious disease that must be reported to the State Board of Health; medical or health services related to birth control, pregnancy or family planning; and treatment for substance abuse, mental illness or emotional disturbance. However, if the medical treatment does not fall under one of those categories, it is up to your biological parent, foster parent or the social services agency to decide what treatment you get.

If you are found to have a mental illness that makes you a danger to yourself or others, or that makes you incapable of caring for yourself in an age-appropriate manner, you could

be hospitalized for mental health treatment even if you don't consent to the treatment.

What can I expect in terms of doctors' visits while I am in foster care?

You should get a full medical examination no later than 60 days after you enter foster care. After that, you will go to the doctor for a full physical examination every year that you are in foster care.

What right do I have to get birth control pills or other contraceptives while I am in foster care?

You have an absolute right to obtain and use contraceptives. Most local departments of social services will provide information to foster youth on how to obtain birth control, so you should feel free to talk to your case worker about this. However, if you are not comfortable talking to your case worker or doctor about contraceptives and want more information about them, you can call or go to your local planned parenthood center. A list of these centers can be found at www.plannedparenthood.org. You can also obtain birth control at your local health department.

What happens if I get pregnant while I am in foster care? Will my baby get to live with me if I choose to have it? What if I don't want to have a baby yet but I get pregnant anyway?

If you become pregnant while you are in foster care, you have the right to get as much information as you can about your choices. You can do that by talking to your social worker, your guardian ad litem and/or going to your local planned parenthood clinic (see www.plannedparenthood.org). If you decide to have a child while you are in foster care, you have the right to keep and care for your child in your foster home. Your child cannot be removed from your custody unless a

judge determines that you cannot safely care for your child. If your caseworker or someone else at DSS tells you your child cannot stay with you, you should contact your GAL or your local legal aid office for advice and help. You can find a directory of legal aid offices at www.valegalaid.org.

If you get pregnant and are not ready to have a child, you have the choice to terminate a pregnancy in its early stages or give a child up for adoption. You should contact your local planned parenthood clinic for more information on these options.

How do I get health care after I leave the foster care system?

Medicaid or FAMIS health insurance may be available until you turn age 19. Medicaid should not be automatically terminated if you leave foster care at age 18. You may have a very difficult time finding health insurance if you do not find a job that offers you health insurance as a benefit. Some adults over age 19 are eligible for Medicaid, but to qualify for the programs you must fall into a certain category. For example, adults who are disabled or who are pregnant and have low income may qualify for Medicaid. If you choose to remain in the foster care system by continuing to receive foster care services until you turn 21, you will be eligible to continue to receive Medicaid if your income is very low.

7 Learning to drive a car when in Foster Care

When can I get my learner's permit?

You are eligible to apply for a learner's permit once you reach the age of 15 years and six months.

What do I have to do in order to get my learner's permit?

You must be able to prove that you are a Virginia resident and that you have regularly been attending school or you are "in good academic standing." If you are not "in good academic standing," you can still apply for a learner's permit if your social worker gives you written permission to get a learner's permit. This permission must be on a form that you get from the Department of Motor Vehicles.

Are there any limits on when and where I can drive with a learner's permit?

Yes. You cannot drive unless there is a licensed driver in the car with you. You cannot drive with more than one passenger in the car who is under the age of 18, unless the passengers are members of your family. You cannot drive between the hours of midnight and four a.m.

Can I get a driver's license while I am in foster care?

Yes. Any person who is at least 16 years and three months

old can be issued a driver's license under certain conditions. Most local departments of social services encourage and help their foster youth to get driver's licenses before they leave foster care. In fact, some local agencies pay for private driving lessons if driver's education classes are not available through the local schools.

What do I need to do to get a driver's license before I turn 18?

Before you can apply for your driver's license, you must successfully complete a driver's education course and have proof that you are regularly attending school and are in good academic standing. If you are not "in good academic standing," you must have a form signed by your social worker allowing you to obtain a driver's license. The form is available from the Department of Motor Vehicles. You are also required to pay a small fee. If you are under 18 when you apply for your driver's license, you must also have your foster parent or social worker certify that you have driven a car for at least 40 hours (at least 10 of which were after sunset) with a learner's permit and under the rules that apply to driving with a learner's permit.

Can I own a car while I am in foster care?

Yes, although you will have to use your own money to buy the car. The local department of social services does not have funds to pay for cars for their youth in foster care. Additionally, owning a car can be very expensive. Even after you pay for the car, there are other annual costs. These include registration fees, personal property taxes, inspection fees, maintenance costs and the cost of car insurance. You must also pay for gas, which can be very expensive.

Can I drive if I don't have automobile insurance?

Yes. However, every driver in Virginia who does not have automobile insurance is charged an annual fee of \$500 or

more. Also, it is very risky to drive without having insurance. If you cause an accident and don't have insurance, you could be required to pay thousands of dollars to anyone else involved in the accident.

If a court found me delinquent, does it affect my right to get a driver's license?

If you went to court because you were charged with an offense, and the court found you not innocent of the offense or "a child in need of supervision," you cannot get a driver's license without the written approval of the judge that heard your case.

What documents do I need to bring with me when I apply for my driver's license or learner's permit?

To apply for a driver's license or learner's permit, you must bring two identification documents, one proof of legal presence and one proof of Virginia residence. Your two forms of identification should include your birth certificate and either a certified copy of your school transcript/records, your Medicaid card, or an unexpired social services issued identification card with photograph. Your birth certificate will also provide proof of legal presence in the United States. To prove that you are a resident of Virginia, you must bring something showing your current address, such as a payroll stub no more than two months old; a bank statement no more than two months old; or a certified copy of school records/transcript from the school you are currently attending. You must also bring a copy of your social security card or some other document showing your social security number.

8 Employment while in Foster Care

How old do I have to be to start working?

You must be at least 14 years old to get a job. You can work as many hours as you want if you are at least 16 years old. However, if you are 14 or 15 years old, your work hours are limited to:

- 3 hours on a school day
- 18 hours during a school week
- 8 hours on a non-school day
- 40 hours on a non-school week

Additionally, if you are 14 or 15 years old, you can only work between the hours of 7 a.m. and 7 p.m. (except from June 1 through Labor Day, when you can work as late as 9 p.m.).

If you are under 16, you must get an employment certificate from your school to be able to work.

Are there any programs for people who want to get good jobs but aren't interested in going to college or haven't finished high school?

Absolutely. Two such programs are **YouthBuild** and **Job Corps**. Through YouthBuild, low-income youth between the ages of 16 and 24 learn job skills by building affordable housing for low-income and homeless people while at the same time

working toward their high school diploma or GED. Participants in YouthBuild spend 6 to 24 months in the program full-time, going to school and getting hands-on training at construction sites. There are YouthBuild programs in these Virginia cities and towns: Bristol, Danville, Montross, Big Stone Gap, Petersburg, Roanoke, Chesapeake and Waynesboro. More information about YouthBuild is available at www.youthbuild.org.

Job Corps provides youth ages 16 to 24 with specific job training and assistance completing their high school degree or GED. Most youth who participate in Job Corps take anywhere from eight months to two years to complete their training programs. These programs provide specialized training that prepares the youth to obtain and work at a specific job, such as one in the hospitality or auto mechanic field. While participating in Job Corps, youth are provided with dormitory style housing, food service, driver's education, health and dental care, a bi-weekly living allowance and a clothing allowance. There are four Job Corps centers in and near Virginia in the following places: Marion, Coeburn, Monroe and Washington, DC. For more information about the Job Corps program, go to www.jobcorps.dol.gov or call (800) 733-JOBS.

Is there any assistance available for people who want to get training or find a job without going through an intensive job training program?

There are places called "Virginia Workforce Centers" in most localities throughout Virginia. Many of these are located in local offices of the Virginia Employment Commission. These centers provide access to local, state and federal job listings; information about various training programs and careers; guidance on job preparation and resume writing; and other assistance for people looking for jobs. The centers are generally open weekdays from 8:30 a.m. until 4:30 p.m. For more information and to find a local center, visit www.vec.virginia.gov/vecportal/wia/index.cfm.

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Housing options once you leave Foster Care

What types of housing are available for me once I leave foster care?

Like most young people starting out on their own, you will probably be looking for a place that you can rent. There are requirements you will have to meet in order to be able to rent an apartment or a house, which will be discussed in the next answer. If you rent, you will sign a lease for a certain period of time. While most leases last for 12 months, there are leases that last for less time (most often one month or six months). If you rent something on a monthly basis, your lease may automatically renew for an additional 30 days at the end of the month unless you or the landlord has given notice to the other that you want the lease to end. Most monthly leases require 30 days' notice to end the lease. Any time you are renting a house or apartment, you should get a written lease that is signed by you and the landlord. It is a good idea to have someone else who has rented homes in the past read over the lease before you sign it. Make sure you read the entire lease before you sign it, and if you have any questions about the lease terms be sure to ask someone to explain them to you. Do not sign any lease unless you understand and agree with everything it says! If you have questions about your lease, you can contact a lawyer at your local legal aid office. You can find the telephone number of your local legal aid office at www.valegalaid.org.

At some point, you will probably want to buy a house or a condominium. It is a good idea to learn about what you need to do to buy a house and start preparing to buy a house years before you actually are ready to buy one. For information about buying a home, see “100 Questions and Answers About Buying a New Home” at www.hud.gov/offices/hsq/sfh/buying/buyhm.cfm.

What do I need to have to rent an apartment?

Most landlords will have you fill out a rental application before they agree to rent to you. This application will ask you to list your employer, how much money you make and a number of references (i.e. people who know you and can state that you will be a good tenant). The landlord may also ask you to allow him or her to run a credit check on you. If you do not have enough income or you have bad credit, the landlord may refuse to rent to you unless you can get someone to co-sign the lease for you. When a co-signer signs the lease he or she becomes responsible for paying the rent if you don't pay it.

How much can I be charged before I move into an apartment or house I am renting?

A landlord can charge you the following before you move in: an application fee, the first month's rent and a security deposit. The security deposit is normally equal to either one or two months' rent. The security deposit cannot be more than two months' rent. Of course, the landlord should not charge you the security deposit and rent until he has approved your application and given you the lease to review and sign. In addition to the money you pay the landlord before you move in, you will also have to pay to connect all the utilities before moving into the apartment or house, except for those utilities that are included in the rent payment. Most of the time, the rent payment does not cover any of the utilities, and you have to pay for the utilities in separate payments for each utility.

What if I don't have enough income to qualify to rent an apartment?

There are some programs that provide assistance to people who can't afford to rent or buy a home on their own. These programs are normally run through local agencies called Public Housing Authorities. One of these programs (called the Section 8 Housing Choice Voucher Program) provides tenants with vouchers that they can use to pay part of their rent. The tenants take these vouchers to local landlords and the landlords use the vouchers to pay part or all of the tenants' rent. If the vouchers don't cover the total rent amount, the tenants have to pay the difference. To find out more about the Housing Choice Voucher Program and other programs for tenants, go to your local Housing Authority office. You can find a local Public Housing authority by going to www.phada.org and scrolling down to Virginia.

If I rent an apartment, how easy is it for my landlord to make me leave?

A landlord can terminate your lease and make you leave if you don't pay your rent or don't follow the rules. The landlord's rules will either be listed in the written lease or on a separate piece of paper you will get when you get your copy of the lease. Make sure you get both a copy of the signed lease and a copy of the rules before you move in.

Even if the landlord terminates your lease, he can't force you to move out until a court orders that you move out. This means the landlord cannot make you move by changing your locks or cutting off your utilities; he has to take you to court. Before the landlord can take you to court, he has to send you a written notice explaining why he is terminating your lease (i.e. what rule he thinks you have broken) or demanding that you pay the rent that is due within 5 days (called a "5 Day Pay or Quit" notice). If you don't move out by the time the

landlord says you must (5 days after the pay or quit notice or 30 days after the notice saying you broke the rules), you will get a notice to go to court (called a “Summons for Unlawful Detainer”). You should always go to court, even if you haven’t paid the rent or did in fact break a rule. If you go to court, you will have approximately 13 days after court before you will be evicted. If you do not go to court, you can be evicted three days after the court date.

Any time you receive a notice saying that your lease is being terminated, you should talk to a lawyer. You can find a free lawyer through your local legal aid office by going to www.valegalaid.org.

Consumer rights 10 in and after Foster Care

When can I apply for and receive a credit card account?

A credit card account is a form of a contract and you cannot enter into a legal contract until you reach 18. However, once you reach 18 you may receive one or more applications for a credit card in the mail. You should review these very carefully and have another adult that you trust review them with you. Interest rates on credit cards can vary, and some can be “fixed” (i.e. the interest rate is always the same) or “variable” (i.e. the interest rate changes based on certain changes in the economy). Even credit cards with fixed interest rates often have interest rates that increase significantly if you make a late payment.

How will a company determine whether I am eligible for a credit card account?

The credit card application will ask you to list your income, and the credit card company will get and review a copy of your credit report, if you have one. You will have a credit report if you have ever applied for a credit card, a personal loan or insurance (including car insurance). The credit report will contain information about where you live, how you pay your bills, and whether you have (as an adult) been sued, arrested or filed for bankruptcy. You have the right to request and receive a copy of your credit report. Each of the three

nationwide consumer reporting agencies must give you a free copy of your credit report once every 12 months.

You can order your free copy of the report by going to www.annualcreditreport.com, calling 1-877-322-8228 or sending in a written request to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281. You will need to include your name, address, Social Security number and date of birth.

How do I know if a company is a good company or a scam?

Before you do business with a company you know little about, check the company out with the Better Business Bureau in the company's location. To find the Better Business Bureau office you need, go to <http://lookup.bbb.org>.

Also, you can protect yourself from consumer scams by never giving your credit card number, bank account information or Social Security number out over the telephone unless you're familiar with the company and know why the information is necessary.

I want to buy a car but can't afford to buy a new car. Is there anything special I should look out for when I'm buying a used car?

There are special rules for the sale of used cars by car dealers or companies. Dealers and companies must post a "Buyer's Guide" on the used cars they sell. The Buyer's Guide must contain certain information, including the terms and condition of any warranty and whether the car is being sold "As Is."

What does it mean if a used car is sold "As Is"?

If you buy a car "As Is," the car comes with no warranties. This means that if something about the car does not work properly, the dealer you bought the car from is NOT responsible for fixing it. In Virginia, if a dealer sells a car "As

Is,” the dealer must give you a statement about an “As Is” sale on the front of your buyer’s order. In an “As Is” sale, if you do not get the “As Is” statement on the front of your buyer’s order, and do not get the Buyer’s Guide, you have 30 days to cancel the sale. If you cancel the sale under these conditions, you may return the car and get most of the payments that you made back.

What must a dealer do if the sale is not “As Is”?

If you do not get the “As Is” statement on the front of your buyer’s order, and do not get the Buyer’s Guide, the dealer has given you an “implied warranty.” This is generally an unspoken and unwritten promise that the product (i.e. the car) will do what it is supposed to do (a “warranty of merchantability.”) It may also be something called a “warranty of fitness for a particular purpose.” This occurs when you buy a product based on the seller’s advice that it is suitable for a particular use. You may also get a written warranty, which may be limited (meaning the dealer will cover some of the costs of repairs for a limited number of miles or period of time) or a full warranty (meaning the dealer will repair the car for free.)

What are my rights if I buy a used car from a private person rather than from a dealer?

Private sellers usually don’t have to use the Buyer’s Guide. Most private sales do not come with implied warranties. They are usually “As is.”

How can I pay for a used car?

You can either pay in full when you buy the car or you can finance your purchase of the car over time. If you finance the cost of the car over time, the total cost of the car increases. This is because you are also paying for the cost of credit. This includes interest and other loan costs. If you finance over time, be sure you read, understand and agree with everything on all of the papers, before you sign anything.

What is a contract and what does it mean when you sign a contract?

You cannot enter into a legally enforceable contract until you turn 18. A contract is an agreement between two or more persons, or between persons and companies, to do a particular thing. When you sign a contract, it means that you read it, understood it and agreed with it. If you want to change a contract, you must make the change or changes before you sign the contract. You should not rely on the explanation of the seller (or whoever the other party to the contract is) about what the contract means. It always a good idea to have someone you trust look over a contract before you sign it.

What are some contract “do’s” and “don’ts”?

- You should never sign a contract with blank spaces.
- You should never depend on an oral promise. Always ask for things to be put into writing and signed.
- You should always get a signed copy of the contract and save it.
- You should always get a signed and dated receipt for any payment, and save it.

What is “co-signing” a contract?

When someone co-signs a contract, that person is responsible for paying the money owed under the contract if the borrower does not pay. In fact, the creditor can try to collect the money from the co-signer without trying to get the money from the borrower first. Creditors ask a borrower to get a co-signer when the borrower is not a good business risk. For example, if you have not had a job for at least the past 12 months, or if you do not make a lot of money, the creditor may require you to get someone to co-sign a loan.

Can a contract be cancelled after it is signed?

Once you sign a contract, it is valid and enforceable right away. Usually, there is no right to cancel. Two exceptions to this are: a contract that is signed as the result of a door-to-door sale and a home mortgage not used to buy a house (i.e. a second mortgage.) These contracts must include a statement telling you about your right to cancel within 3 business days and a “notice of cancellation” form which you can use to cancel the contract.

What is payday lending?

A payday loan is a small, short term, high interest rate loan. These loans go by many names: payday loans, cash advance loans, check advance loans, post dated check loans, or deferred deposit check loans. When you get a payday loan, you write a personal check to the lender for the amount you are borrowing plus a fee. The lender gives you the amount of the check minus the fee and holds your check until your next payday.

Why is payday lending a bad idea?

Payday lending is a very expensive way to borrow money. Although the lender’s fee is no more than \$15 for each \$100 you borrow, for a two-week loan the rate of interest is 391% per year. For a one-week loan, the rate of interest is 782% per year. This interest rate is 40 to 80 times higher than the interest rates charged by credit cards, banks and other lenders.

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Resource List

Education Issues

Legal Assistance:

JustChildren
Legal Aid Justice Center
Offices in Charlottesville, Petersburg and Richmond
Toll-free: 1-800-578-8111
www.justice4all.org/programs/justchildren

Financial aid for college:

Community College Tuition Grant Program
<http://www.vccs.cc.va.us/vccsasr/tuitiongrant.htm>
Financial Aid for 2 year and 4 year college
“It’s My Life: Financial Aid” – www.casey.org/toolsandresources

Family Planning

Planned Parenthood clinics in Virginia, 1-800-230-PLAN
www.plannedparenthood.org

Locations:

New River Valley Clinic
700 J N Main Street
Blacksburg, VA 24060

Falls Church Center
370 S Washington Street, #300
Falls Church, VA 22046

Charlottesville Clinic
2964 Hydraulic Road
Charlottesville, VA 22901

Hampton Clinic
910 Mercury Way Blvd.
Hampton, VA 23666

Lynchburg Clinic
2138 Langhorne Road
Lynchburg, VA 22501

Norfolk Clinic
425 W 20th Street #6
Norfolk, VA 22501

Richmond Clinic
3415 Floyd Avenue
Richmond, VA 23221

Roanoke Clinic
2207 Peters Creek Road
Roanoke, VA 24017

Virginia Beach Clinic
5441 Virginia Beach Blvd. #102
Virginia Beach, VA 23462

Job Training Programs

YouthBuild
www.youthbuild.org
Virginia has YouthBuild programs in Bristol, Danville, Montross, Big Stone Gap, Petersburg, Roanoke, Chesapeake and Waynesboro.

Job Corps
www.jobcorps.dol.gov
(800) 733-JOBS
There are Job Corps centers located in Marion, Coeburn, Monroe and Washington, DC.

Virginia Workforce Centers
www.vec.virginia.gov/vecportal/wia/index.cfm

Housing

“100 Questions and Answers About Buying a New Home”
www.hud.gov/offices/hsq/shf/buying/buyhm.cfm

Local Public Housing Authorities
www.phada.org

Consumer Rights

To request free copy of your credit report:
www.annualcreditreport.com
1-877-322-8228
Annual Credit Report Request Service
P.O. Box 105281
Atlanta, GA 30348-5281

Better Business Bureau listings:
<http://lookup.bbb.org>

Legal Assistance on Civil Law Issues

(including housing, consumer, public assistance and family issues)

www.valegalaid.org

(written legal information and contact information for your local legal aid office)

Virginia Poverty Law Center

www.vplc.org

Notes

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